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Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

Table of Contents

Page

Acts 2005

Coming into force of Acts

Regulations and other acts

Draft Regulations

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 225
(Private)

An Act to amend the Act to incorporate the town of Lake St. Joseph

Introduced 26 April 2005
Passage in principle 16 June 2005
Passage 16 June 2005
Assented to 17 June 2005

Québec Official Publisher
2005

Bill 225

(Private)

AN ACT TO AMEND THE ACT TO INCORPORATE THE TOWN OF LAKE ST. JOSEPH

AS it is in the interest of Ville de Lac-Saint-Joseph and necessary for the proper administration of its affairs that its charter, chapter 13 of the statutes of 1936, amended by section 2 of chapter 86 of the statutes of 1973, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 18 of the Act to incorporate the town of Lake St. Joseph (1936, 1st session, chapter 13), amended by section 2 of chapter 86 of the statutes of 1973, is replaced by the following section:

"**18.** The second paragraph of article 145 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) applies to the town."

2. This Act comes into force on 17 June 2005.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 227
(Private)

An Act respecting Ville de Magog

Introduced 10 May 2005
Passage in principle 16 June 2005
Passage 16 June 2005
Assented to 17 June 2005

Québec Official Publisher
2005

Bill 227

(Private)

AN ACT RESPECTING VILLE DE MAGOG

AS it is expedient to again amend Order in Council 1156-2002 dated 2 October 2002 concerning the amalgamation of Ville de Magog, Canton de Magog and Village d'Omerville, amended by Order in Council 615-2003 dated 28 May 2003;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 17 of Order in Council 1156-2002 dated 2 October 2002 concerning the amalgamation of Ville de Magog, Canton de Magog and Village d'Omerville is amended

(1) by striking out "on 1 January 2003" at the end of the second paragraph;

(2) by striking out the third, fourth and fifth paragraphs.

2. Section 18 of the Order in Council is amended by inserting ", equipment or vehicles" after "infrastructures" in the second paragraph.

3. This Act and the regulations under section 18 of the Order in Council, as amended by section 2 of this Act, have effect from 1 January 2005.

4. This Act comes into force on 17 June 2005.

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SEVENTH LEGISLATURE

Bill 229
(Private)

An Act respecting Pipeline Saint-Laurent

Introduced 10 May 2005
Passage in principle 16 June 2005
Passage 16 June 2005
Assented to 17 June 2005

Québec Official Publisher
2005

Bill 229

(Private)

AN ACT RESPECTING PIPELINE SAINT-LAURENT

AS Ultramar Ltd. is a business corporation duly constituted on 1 January 1983 under the Canada Business Corporations Act (Revised Statutes of Canada, 1985, chapter C-44) and has a place of business in Montréal;

As Ultramar Ltd. intends, as part of the Pipeline Saint-Laurent project, to construct, operate and maintain a pipeline for transporting petroleum and petroleum products from the Ville de Lévis region to the borough of Rivière-des-Prairies – Pointe-aux-Trembles – Montréal-Est in the Ville de Montréal region;

As this project is in the public interest and its realization requires that Ultramar Ltd. be granted expropriation powers and the right of access to certain immovables;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ultramar Ltd., in the absence of an agreement, may acquire an immovable or real right by expropriation with a view to the construction, operation or maintenance of a pipeline for transporting petroleum and petroleum products from the Ville de Lévis region to the corporation's existing facilities in Ville de Longueuil, borough of Boucherville.

Such an expropriation is governed by the Expropriation Act (R.S.Q., chapter E-24).

2. A duly authorized representative of the corporation may enter the premises of any immovable at any reasonable time to do surveys, examinations or other preparatory work with a view to the construction of the pipeline, subject to the corporation's granting compensation for any prejudice caused by the representative.

The representative must, on request, state who he or she is and provide proof of his or her authority to act.

3. If construction of the pipeline has not begun by 31 December 2010, this Act ceases to have effect.

4. This Act comes into force on 17 June 2005.

Coming into force of Acts

Gouvernement du Québec

O.C. 746-2005, 17 August 2005

An Act to amend the Securities Act and other legislative provisions (2004, c. 37)
— Coming into force of certain sections

COMING INTO FORCE of certain sections of the Act to amend the Securities Act and other legislative provisions

WHEREAS, under section 96 of the Act to amend the Securities Act and other legislative provisions (2004, c. 37), the provisions of the Act come into force on 17 December 2004, except paragraphs 2 to 4 of section 1, paragraphs 1 to 4 and 6 of section 3, paragraph 2 of section 4, sections 7 and 8, paragraph 1 of section 9, paragraph 3 of section 10, sections 11 to 13, 15 and 22, paragraph 2 of section 23, sections 25, 26, 29 and 30, paragraph 2 of section 31, section 32, paragraphs 2 and 3 of section 37, paragraph 4 of section 38, paragraph 3 of section 43 and sections 46, 56, 58, 61 and 86, which come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 193-2005 dated 16 March 2005, section 46 of the Act came into force on 16 March 2005;

WHEREAS it is expedient to set 14 September 2005 as the date of coming into force of paragraphs 2 to 4 of section 1, paragraphs 1 to 4 and 6 of section 3, paragraph 2 of section 4, sections 7 and 8, paragraph 1 of section 9, paragraph 3 of section 10, sections 11 to 13, section 22, paragraph 2 of section 23, paragraph 2 of section 31, paragraphs 2 and 3 of section 37 and paragraph 4 of section 38 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT 14 September 2005 be set as the date of coming into force of paragraphs 2 to 4 of section 1, paragraphs 1 to 4 and 6 of section 3, paragraph 2 of section 4, sections 7 and 8, paragraph 1 of section 9, paragraph 3 of section 10, sections 11 to 13, section 22, paragraph 2 of section 23, paragraph 2 of section 31, paragraphs 2 and 3 of section 37 and paragraph 4 of section 38 of the Act to amend the Securities Act and other legislative provisions (2004, c. 37).

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7048

Gouvernement du Québec

O.C. 749-2005, 17 August 2005

An Act respecting bargaining units in the social affairs sector (R.S.Q., c. U-0.1)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting bargaining units in the social affairs sector (R.S.Q., c. U-0.1)

WHEREAS the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) was assented to on 18 December 2003 and has since been consolidated under the alphanumerical designation U-0.1;

WHEREAS section 96 of the Act provides that it comes into force on 18 December 2003, except sections 12 to 51, which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of sections 12 to 51 of the Act respecting bargaining units in the social affairs sector (R.S.Q., c. U-0.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT sections 12 to 51 of the Act respecting bargaining units in the social affairs sector (R.S.Q., c. U-0.1) come into force on 24 August 2005.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7049

Regulations and other acts

Gouvernement du Québec

O.C. 731-2005, 9 August 2005

An Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs
(R.S.Q., c. M-25.2)

Ministère des Ressources naturelles, de la Faune et des Parcs
— Signing of certain deeds, documents and writings
— Amendments

Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles, de la Faune et des Parcs

WHEREAS, under the first paragraph of section 8 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., c. M-25.2), the Government may determine, by regulation published in the *Gazette officielle du Québec*, the deeds, documents and writings that may be signed by certain members of the personnel of the Ministère des Ressources naturelles et de la Faune designated by the Government and that may bind the department or be attributed to the Minister;

WHEREAS, under the second paragraph of section 8 of the Act, the Government may, however, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines;

WHEREAS, under the third paragraph of section 8 of the Act, the Government may also allow a facsimile of the required signature to be lithographed or printed on such documents as it determines;

WHEREAS, by Order in Council 1455-95 dated 8 November 1995, the Government made the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles;

WHEREAS it is expedient to amend the Regulation in order to rectify certain authorizations of signature and to grant new ones and in order to allow a facsimile of the signature of the Minister and that of the associate deputy minister of the Faune Québec sector to be used or their signatures to be affixed by means of an automatic device;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles, de la Faune et des Parcs, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles, de la Faune et des Parcs*

An Act respecting the Ministère des Ressources Naturelles, de la Faune et des Parcs
(R.S.Q., c. M-25.2, s. 8)

1. The Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles, de la Faune et des Parcs is amended in section 34.5

(1) by striking out "22", "56.1" and "58";

(2) by adding the following paragraph:

"The associate deputy minister of the Faune Québec sector, the director general of wildlife protection or a regional wildlife protection director is authorized to sign the authorizations provided for in sections 22, 56.1 and 58 of the Act.".

2. Section 34.7 is amended by inserting the following before the first paragraph:

* The Regulation respecting the signing of certain deeds, documents and writings of the Ministère des Ressources naturelles, de la Faune et des Parcs, made by Order in Council 1455-95 dated 8 November 1995 (1995, *G.O.* 2, 3135), was last amended by the regulation made by Order in Council 960-2004 dated 15 October 2004 (2004, *G.O.* 2, 2975). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

"The associate deputy minister of the Faune Québec sector is authorized to sign any licence issued under the Act.".

3. The following is added after section 34.17:

"**34.18.** The associate deputy minister of the Faune Québec sector, the director general of wildlife development and management or a regional wildlife management director is authorized to sign the act of recognition provided for in the second paragraph of section 37 of the Act.

34.19. A facsimile of the signature of the Minister may be lithographed or printed on the licences issued under the Act and the Fisheries Act (R.S.C., 1985, c. F-14) provided that the licences are countersigned by a person authorized by the Minister. The signature of the Minister may also be affixed to those licences by means of an automatic device.

A facsimile of the signature of the associate deputy minister of the Faune Québec sector may be lithographed or printed on the licences issued under the Act provided that the licences are countersigned by a person authorized by the Minister. The signature of the associate deputy minister of the Faune Québec sector may also be affixed to those licences by means of an automatic device.".

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

7034

Gouvernement du Québec

O.C. 732-2005, 9 August 2005

An Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, c. 29)

Amendment of the Schedule to the Act respecting the Ministère du Développement économique et régional et de la Recherche

WHEREAS, under section 97 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (2003, c. 29), a regional conference of elected officers was established for the Bas-Saint-Laurent administrative region;

WHEREAS, in accordance with the first paragraph of section 100 of the Act, the board of directors of that regional conference of elected officers is composed of the wardens of the regional county municipalities, the mayors of local municipalities with a population of 5,000 or more and the mayors of four of the municipalities listed in the Schedule to the Act;

WHEREAS, under the tenth paragraph of that section, on the request of a regional conference of elected officers, the Government may, by order, amend the schedule to add one or more rural local municipalities;

WHEREAS the regional conference of elected officers for the Bas-Saint-Laurent administrative region requested that the composition of its board of directors be modified by adding the mayor of Ville de Dégelis;

WHEREAS it is expedient to grant the request and consequently amend the Schedule to the Act respecting the Ministère du Développement économique et régional et de la Recherche;

WHEREAS, under Décret 125-2005 dated 18 February 2005, amended by Décret 174-2005 dated 9 March 2005, the Minister of Municipal Affairs and Regions is responsible for the administration of the Act respecting the Ministère du Développement économique et régional et de la Recherche relating to the regional conferences of elected officers;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Regions:

THAT the Schedule to the Act respecting the Ministère du Développement économique et régional et de la Recherche be amended by inserting "Ville de Dégelis" after "Ville de Carleton-Saint-Omer".

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

7035

Gouvernement du Québec

O.C. 735-2005, 9 August 2005

An Act respecting the funding of certain pension plans (2005, c. 25)

Regulation

IN THE MATTER OF the Regulation respecting the application of the Act respecting the funding of certain pension plans

WHEREAS, in accordance with section 14 of the Act respecting the funding of certain pension plans (2005, c. 25), the Government may make any regulation necessary for the purposes of this Act, in particular as regards:

— the form and content of any document therein prescribed;

— the information that a report on the actuarial valuation of a pension plan must contain if instructions provided for in section 3, 4 or 5 of the Act under subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) at the time of the valuation referred to in section 2 of the Act, and with respect to the amortization of such an amount or its balance;

— the nature, form and amount, and the terms and conditions of a guarantee provided for in paragraph 2 of section 5 of the Act respecting the funding of certain pension plans;

— the time limits and procedures applicable to the execution of any obligation or formality under this Act;

WHEREAS the first paragraph of section 18 of the Act respecting the funding of certain pension plans provides that the first regulation made under this Act is not subject to the publication requirements of section 8 of the Regulations Act (c. R-18.1);

WHEREAS the second paragraph of section 18 of the Act respecting the funding of certain pension plans provides that the first regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation, despite section 17 of the Regulations and that such regulation may if it so provides, apply from any date not earlier than 5 May 2005;

WHEREAS it is expedient to make the Regulation respecting the application of the Act respecting the funding of certain pension plans;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation respecting the application of the Act respecting the funding of certain pension plans, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the application of the Act respecting the funding of certain pension plans

An Act respecting the funding of certain pension plans (2005, c. 25, s. 14)

DIVISION I
REQUIRED CONTENT AND DEADLINE FOR SENDING CERTAIN DOCUMENTS

1. The instructions provided for in section 5 of the Act respecting the funding of certain pension plans (2005, c. 25), hereinafter called the "Act", shall be given at the same time as the document referred to in section 3 or section 4 of the Act, as the case may be, is sent to the pension committee.

2. The notice under the first paragraph of section 7 of the Act must indicate, in addition to the information prescribed in that paragraph, the following information:

(1) the name of the plan and the number assigned to it by the Régie des rentes du Québec;

(2) the name of the employer concerned;

(3) a description of the amortization procedures provided for in section 8 of the Act as well as the mention that the employer wishes to take advantage of those procedures;

(4) an estimate of the plan's degree of solvency at the date of the plan's first complete actuarial valuation undertaken after 30 December 2004;

(5) the effect of the application of the procedures referred to in paragraph 3 on the plan's degree of solvency at the date that falls five years after the date of the valuation referred to in paragraph 4;

(6) an explanation of the limitations on payment of the benefits of the members and beneficiaries in the event of insufficient assets in a pension plan upon plan termination or withdrawal of an employer;

(7) a mention of the rule set out in the first paragraph of section 11 of the Act with respect to a plan amendment;

(8) a mention of the rule set out in the third paragraph of section 7 of the Act with respect to the consent of the members and beneficiaries;

(9) the address of the pension committee;

(10) the name, address and telephone number of the person to be contacted for any information concerning the notice;

(11) the name of the signatory, the attestation that he is duly authorized by the pension committee to give the notice and the date of signing.

3. The notice provided for in the second paragraph of section 7 of the Act must contain, in addition to the information prescribed in that paragraph and the information provided for in paragraphs 1 to 3, 8 and 9 of section 2, a mention that additional information concerning the plan's degree of solvency, the limitations on payment of the benefits of the members and beneficiaries in the event of insufficient assets in the pension plan upon plan termination or withdrawal of an employer as well as the specific rules that section 11 of the Act prescribes with respect to an amendment to the pension plan may be obtained from the person whose name, address and telephone number is indicated in the notice.

4. Where an employer has given to the pension committee the instructions provided for in section 5 of the Act, the report on the actuarial valuation referred to in section 2 of the Act or on a complete actuarial valuation of the plan carried out at a date prior to the end of the period of application of the procedures provided for in section 8 of the Act must include the following information:

(1) the date of the actuarial valuation referred to in section 2 of the Act and the date of the end of the period of application of the procedure provided for in section 8 of the Act;

(2) the amortization amounts relating to the sum referred to in the instructions that must be paid monthly until the end of that period, taking into the account the rule provided for in paragraph 2 of section 8 of the Act as well as the commuted value of those amounts;

(3) with respect to an employer who has provided the guarantee provided for in paragraph 2 of section 5 of the Act, the amount of the guarantee to be provided for each fiscal year of the pension plan, in whole or in part, for the remainder of the period of application of the procedures provided for in section 8 of the Act.

In the case of a report concerning a pension plan referred to in section 6 of the Act, the information provided for in subparagraph 2 of the first paragraph must be provided separately for each share of the plan's assets and liabilities constituted in accordance with the second paragraph of section 16.

The interest rate used to determine the commuted value referred to in subparagraph 2 of the first paragraph shall be identical to the rate used to determine the liabilities of the plan for the purpose of determining the plan's solvency.

5. The pension committee that sends the report referred to in section 4 to the Régie shall also send to each employer concerned, without delay, a notice indicating the information provided for in subparagraph 3 of the first paragraph of that section relative to such employer.

DIVISION II
GUARANTEE

§1. Form, terms and conditions of the guarantee

6. A guarantee under paragraph 2 of section 5 of the Act must be provided in the form of an irrevocable standby letter of credit.

7. The letter of credit must be issued by a financial institution that meets the following conditions:

(1) it is authorized to issue a letter of credit in Québec or in another place in Canada to which the agreement referred to in section 249 of the Supplement Pension Plans Act (R.S.Q., c. R-15.1) applies;

(2) one or the other of the following rating agencies assigns to it the rating shown opposite its name in the following table or a higher rating:

Rating agency	Rating
Dominion Bond Rating Service	A
Fitch Ratings	A
Moody's Investors Service	A2
Standard & Poor's	A.

8. The letter of credit must include the following information:

(1) the name and address of the financial institution that issues it and the name and address of the employer who is the originator;

(2) the name of the beneficiary pension fund and the address of the pension committee that administers it;

(3) the amount, in Canadian dollars, for which it is issued;

(4) the date of its issue and of its expiry;

(5) a mention that it is governed by the laws of Québec and that the standards provided for in the Rules on International Standby Practices, 1998 (publication number 590 of the International Chamber of Commerce) apply to it insofar as those standards are compatible with the provisions of this Regulation;

(6) the rules provided for in section 10 with respect to automatic renewal and payment in the event of non-renewal;

(7) a stipulation that the amount payable under the letter of credit will be paid to the pension fund upon presentation, before expiry of the letter, of a written payment demand signed by the person authorized by the pension committee to make the demand.

(8) the address, in Québec, where the payment demand can be made.

9. The employer must hand over the letter of credit to the pension committee at least 30 days before the beginning of the pension plan's fiscal year, or portion thereof, to which the letter is related.

However, in the case of the first letter of credit to be provided by the employer following the actuarial valuation referred to in section 2 of the Act and in the case where an actuarial valuation or a new determination made under sections 19 to 21 shows that the amount of the letter of credit provided for the current fiscal year, or portion thereof, must be increased, the employer must hand over the required letter of credit to the pension committee within 30 days following the date on which the committee sent the employer, as the case may be, the notice under section 5 or the update of that notice under section 22.

10. The date of expiry of the letter of credit must coincide with the date on which the pension plan's fiscal year ends.

The letter must stipulate that it will be automatically renewed for successive periods of one year, at the anniversary of its expiry, unless the issuer notifies the pension committee and the employer, by certified mail or registered letter, not less than 90 days before such anniversary that the letter will not be renewed.

In the event of non-renewal of the letter of credit, a demand for payment shall be deemed to have been made prior to the expiry on the date of expiry of the letter, in accordance with the letter's terms and conditions, unless the pension committee has sent the issuer and the Régie a written notice certifying that no payment is required. The notice must be sent no less than 30 days prior to the date of expiry of the letter. It takes effect on the date of expiry.

§2. Amount of the letter of credit

11. For the purposes of this subdivision, the expression "valuation date" means the date of the most recent complete actuarial valuation of the plan or the date of a new valuation carried out under sections 19 to 21; whichever is later.

The values referred to in sections 13 and 14 are determined by using the interest rate that must be used at the valuation date to determine the pension plan's liabilities for the purpose of determining solvency.

12. The amount of the letter of credit shall, for any pension plan fiscal year, or portion thereof, to which the letter is related be equal to:

(1) the greatest monthly difference determined in accordance with section 13 at the valuation date for the months included in that fiscal year, or portion thereof;

(2) in the case of a letter of credit provided by an employer party to a pension plan referred to in section 6 of the Act, the product of the difference referred to in subparagraph 1 multiplied by the indicial fraction of that employer as determined by applying one or the other of sections 17 to 21.

13. For each month ending before the end of the five-year period following the date of the actuarial valuation referred to in section 2 of the Act and which falls, in whole or in part, between the valuation date and the date of the end of that five-year period, the monthly difference is determined, at the end of the month, by linear interpolation between the difference at the valuation date referred to in section 14 and the balance referred to in paragraph 2 of section 8 of the Act.

For each month falling, in whole or in part, between, on the one hand, the later of the valuation date or the date of the end of the five-year period following the date of the actuarial valuation referred to in section 2 of the Act, and on the other hand, the end of the period of application of the procedures provided for in section 8 of the Act, the monthly difference is equal to the value of the amortization amounts to be paid until the end of the said period of application.

14. The difference at the valuation date is equal to the difference between the following values determined at that date:

(1) the value of the amortization amounts relating to the sum referred to in the instructions provided in section 5 of the Act to be paid until the end of the period of application provided for in section 8 of the Act.

(2) the value of the amortization amounts relating to the same sum which would, were it not for the instructions provided for in section 5 of the Act, have been determined at the date of the actuarial valuation referred to in section 2 of the Act and would have remained to be paid until the end of the five-year period following the date of that valuation.

However, where the amortization amounts relating to such sum and determined by the actuarial valuation referred to in section 2 of the Act have been changed, the difference at the valuation date is the greater of the amount calculated in accordance with the first paragraph and the amount of the letter of credit in effect at the valuation date. Moreover, where the amortization amounts have been eliminated, the difference at the valuation date is equal to zero.

15. Where the amount of the letter of credit provided by the employer is greater than the minimum guarantee amount for the plan's last fiscal year, or portion thereof, to which the letter is related, as determined by the last complete actuarial valuation of the plan or by a new valuation carried out under sections 19 to 21, the pension committee shall consent to the reduction in the amount of the letter of credit determined by the valuation.

§3. Indicial fraction of the employer party to a pension plan referred to in section 6 of the Act

16. Unless all the employers party to a pension plan referred to in section 6 of the Act are authorized under the same paragraph of section 5 of the Act to give the instructions provided for in the said section 5, the assets and liabilities of the plan are divided at the date of the actuarial valuation referred to in section 2 of the Act by supposing that a plan division had occurred.

The division is carried out prior to the valuation in such a way that a share of the assets and liabilities of the plan relates to the employers referred to in paragraph 1 of section 5 of the Act, another share relates to the employers referred to in paragraph 2 of that section and another share relates to employers acting under paragraph 3 of the said section.

The allocation of a share constituted, in accordance with the second paragraph, of a share of an initial unfunded actuarial liability, an improvement unfunded actuarial liability or a technical actuarial deficiency, determined prior to the date of the division does not have the effect of changing the type of such unfunded liability or deficiency.

Once such division has been carried out, each share is deemed to be a distinct multi-employer pension plan for the application of the Act and chapters X, XII and XIII of the Supplemental Pension Plans Act. The division ceases no later than the end of the period for applying the procedures provided for in section 8 of the Act.

17. The assets included in the share relating to the employers referred to in paragraph 2 of section 5 of the Act are distributed among those employers. The provisions of sections 220 to 227 of the Supplemental Pension Plans Act relating to the withdrawal of an employer party to a multi-employer pension plan apply to such distribution, adapted as required.

A debt is likewise determined for each of the employers in accordance with the provisions of section 228 of the Supplemental Pension Plans Act, adapted as required. The quotient obtained by dividing the debt determined for an employer by the total of such debts represents the indicial fraction relating to such employer.

18. Where an employer joins a pension plan at a date following the date on which the plan's assets and liabilities were the object of the division provided for in section 16, the assets and liabilities relating to that employer shall, unless the employer's participation in the plan is the result of a merger referred to in section 194 of the Supplemental Pension Plans Act, be added to the share of plan assets and liabilities relating to the employers referred to in paragraph 2 of section 5 of the Act. In this case, the concerned employer's indicial fraction is considered to be zero.

DIVISION III
RULES APPLICABLE TO THE CASES PROVIDED FOR IN SECTION 10 OF THE ACT

19. For the application of section 10 of the Act in the event that the guarantee provided by the employer ceases to be in conformity with the standards set out in this Regulation, the balance referred to in paragraph 2 of section 8 of the Act is once more determined so as to be equal to the amount of the guarantee at the date of the day before the day on which it ceased to be in conformity with the standards or, where being part of the balance relating to a share allocated by applying section 16 to the employers referred to in paragraph 2 of section 5 of the Act, is equal to the sum of the following amounts:

(1) the amount of the guarantee on the date mentioned above;

(2) the total of the guarantees required of the other employers for the plan fiscal year during which the five-year period referred to in paragraph 1 of section 8 of the Act ended.

The amortization amounts to be paid until the end of the period referred to in paragraph 1 of section 8 of the Act are fixed so as to amortize a sum equal to the difference between the following values, commuted to the date referred to in the first paragraph:

(1) the value of the amortization amounts fixed at the time of the valuation referred to in section 2 of the Act and which at that time remained to be paid, by applying the procedures referred to in paragraphs 1 and 2 of section 8 of the Act, taking into account any changes in such amounts;

(2) the value of the balance fixed in accordance with the first paragraph.

The indicial fraction of each employer referred to in paragraph 2 of section 5 of the Act is likewise fixed again so as to be equal to the quotient obtained by dividing the amount of the guarantee required of the employer for the plan fiscal year in which the guarantee referred to in the first paragraph cessed to be in conformity with the standards of the Regulation by the total of the guarantees required of all the employers for that fiscal year.

20. For the application of section 10 of the Act in the case where the guarantee provided by an employer is realized during the five-year period referred to in paragraph 1 of section 8 of the Act, the balance referred to in paragraph 2 of section 8 of the Act is eliminated or, where that share of the balance relates to a share allocated by applying section 16 to the employers referred to in paragraph 2 of section 5 of the Act, fixed again so as to be equal to the total of the guarantees required of the other employers for the plan fiscal year in which the five-year period referred to in paragraph 1 of section 8 of the Act ends.

The amortization amounts to be paid until the end of the period referred to in paragraph 1 of section 8 of the Act must be fixed so as to amortize a sum equal to the difference between the following values, commuted to the date of the realization of the guarantee:

1° the value of the amortization amounts fixed at the time of the valuation referred to in section 2 of the Act and which at that time remained to be paid, by applying the procedures referred to in section 8 of the Act, taking into account any changes in such amounts, that value however being reduced by the sum paid into the pension fund as a result of the realization of the letter of credit after applying subparagraph 3 of the second paragraph of section 12 of the Act;

2° the value of the balance fixed in accordance with the first paragraph.

The indicial fraction of each employer referred to in paragraph 2 of section 5 of the Act whose guarantee has not been realized is likewise fixed again so as to be equal to the quotient obtained by dividing the amount of the guarantee required of the employer for the plan fiscal year in which the guarantee referred to in the first paragraph is realized by the total of the guarantees required of all the employers concerned for that fiscal year. The indicial fraction of the employer whose guarantee is realized is equal to zero.

21. For the application of section 10 of the Act in the case where the guarantee provided by an employer is realized after the five-year period referred to in paragraph 1 of section 8 of the Act ends, the balance referred to in paragraph 2 of section 8 of the Act is eliminated or, where a share of the balance relates to a share allocated by applying section 16 to the employers referred to in paragraph 2 of section 5 of the Act, is fixed again so as to be equal to the toltal of the guarantees required of the other employers for the plan fiscal year following the one in which the guarantee is realized.

If the balance is eliminated by applying the first paragraph, the amortization amounts remaining to be paid are cancelled. If the balance remains, the amortization amounts shall be fixed so as to amortize a sum equal to the difference between the following values, commuted to the date of realization of the guarantee:

1° the value of the amortization amounts fixed at the time of the valuation referred to in section 2 of the Act and which at that time remained to be paid, by applying the procedures referred to in section 8 of the Act, taking into account any changes in such amounts, that value however being reduced by the sum paid into the pension fund as a result of the realization of the letter of credit after applying subparagraph 3 of the second paragraph of section 12 of the Act;

2° the value of the balance fixed in accordance with the first paragraph.

The indicial fraction of each employer referred to in paragraph 2 of section 5 of the Act and whose guarantee has not been realized is likewise fixed again so as to be equal to the quotient obtained by dividing the amount of the guarantee required of the employer for the plan fiscal year in which the guarantee referred to in the first

paragraph has been realized by the total of the guarantees required of all the employers concerned for that fiscal year. The indicial fraction of the employer whose guarantee has been realized is equal to zero.

22. The pension committee shall, without delay, send to the Régie a report setting out the changes made to the report relating to the most recent complete actuarial valuation of the plan as a result of any new determination provided for in this division. It shall also send without delay to each employer concerned an update to the notice that it sent pursuant to section 5.

DIVISION IV
FINAL PROVISION

23. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

7036

Gouvernement du Québec

O.C. 736-2005, 9 August 2005

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Certain collective agreement decrees — Amendments

CONCERNING amendments to certain collective agreement decrees

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS the contracting parties specifically enumerated in the following decrees petitioned the Minister of Labour to have amendments made to their respective collective agreement decree;

— Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7);

— Decree respecting hairdressers in the Outaouais region (R.R.Q., 1981, c. D-2, r.15);

— Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r.29);

— Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r.33);

— Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34);

— Decree respecting non-structural metalwork in the Montréal region (R.R.Q., 1981, c. D-2, r.35);

— Decree respecting public building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39);

— Decree respecting public building service employees in the Québec region (R.R.Q., 1981, c. D-2, r.40);

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, the draft of the amendment Decree was published in Part 2 of the *Gazette officielle du Québec* of 13 October 2004 and, on the same date, in three French language newspapers and one English language newspaper, with a notice that it could be made by the Government on the expiry of the 45-day period following that publication;

WHEREAS no comment was put forward concerning following that publication;

WHEREAS it is expedient to make those amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the amendments to certain collective agreement decrees, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Québec region *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting the cartage industry in the Québec region is amended by replacing subsection 21 of section 1.01 by the following:

"21. "spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

* The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) was last amended by the Regulation made by Order in Council No. 105-2005 dated 17 February 2005 (2005, *G.O.* 2, 842). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;".

2. Section 4.01 is amended by replacing the first paragraph by the following:

"**4.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours scheduled over five days from Monday to Friday. The standard workday is 8 hours.".

3. Section 4.07 is amended by substituting the number "32" for the number "24".

4. Section 6.01 is replaced by the following:

"**6.01.** The employee is deemed to be at work in the following cases:

1. while available to the employer at the place of work and required to wait for work to be assigned;

2. subject to section 4.04, during the break periods granted by the employer;

3. when travel is required by the employer;

4. during any trial or training period required by the employer.".

5. Section 7.07 is amended by adding at the end of the first paragraph, after the words "by a document signed by the employee", the words "and for a specific purpose mentioned in the document".

6. Section 7.08 is amended by replacing the words "on 30 May 1996" by "as read at the time when it applies".

7. Section 8.06 is replaced by the following:

"**8.06.** The employer is required to reimburse the reasonable expenses of the employee when the employee is required to travel or participate in a training session at the employer's request.".

8. Section 9.02 is amended by substituting "the Monday preceding 25 May" for the words "the Queen's Birthday".

9. Section 9.04 is replaced by the following:

"**9.04.** For each general holiday provided for in section 9.02, the employer shall pay the employee an indemnity equal to $^{1}/_{20}$ of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours, provided that the employee was available to work on the working day preceding and following the holiday, unless his absence was authorized by the employer or justified by a valid reason, notably sickness or an accident preventing him from doing his work, or a fortuitous event; in cases of sickness, the employee advises the employer at the time of his absence.".

10. Section 9.08 is replaced by the following:

"**9.08.** The employee who is paid by the kilometre travelled shall receive as compensation for any general holiday mentioned in section 9.02, pay equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, provided that he is available to work the working day preceding and following the holiday, unless his absence was authorized by the employer or is justified by a valid reason, notably sickness or an accident preventing him from working or a fortuitous event; in the case of sickness, the employee must advise the employer at the time of his absence.".

11. Section 10.11 is amended by adding the following after the first paragraph:

"The employee whose annual vacation is less than 2 weeks is entitled to that amount in proportion to the vacation days that he has accumulated.".

12. Section 11.02 is amended in the first paragraph:

1. by inserting in subsection 2 after the words "his child;", the words "he may be absent for an extra day on this occasion but without pay;";

2. by substituting in subsection 3, the words "two extra days" for the words "an extra day";

3. by substituting in subsection 5, the number "4" for the number "3".

13. Section 11.03 is amended:

1. by inserting in the first paragraph, after the words "wedding day", the words "or day of his civil union";

2. by inserting in the second paragraph, after the words "wedding day", the words "or day of the civil union".

14. Section 11.04 is amended:

1. by substituting in the first paragraph, the words ", the adoption of a child or the termination of pregnancy in or after the twentieth week of pregnancy" for the words "or the adoption of a child";

2. by adding in the second paragraph, after the words "or mother", the words "or, if such is the case, the termination of pregnancy".

15. Section11.05 is replaced by the following:

"**11.05.** An employee may be absent from work, without pay, for 10 days a year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration.".

16. Section 13.01 is amended by replacing subsection 9 by the following:

"9. "spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;".

17. Section15.01 is replaced by the following:

"**15.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours, scheduled over not more than six days from Monday to Saturday. The standard workday must not exceed 10 hours.".

18. Section 17.01 is replaced by the following:

"**17.01.** The employee is deemed to be at work in the following cases:

1. while available to the employer at the place of work and required to wait for work to be assigned;

2. subject to section 15.03, during the break periods granted by the employer;

3. during travel time required by the employer;

4. during any trial or training period required by the employer.".

19. Section 19.02 is amended by substituting "the Monday that precedes 25 May" for the words "Dollard's Day or the Queen's Birthday".

20. Section 19.04 is replaced by the following:

"**19.04.** For each general holiday provided for in section 9.02, the employer shall pay the employee an indemnity equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours, provided that the employee was available to work on the working day preceding and following the holiday, unless his absence was authorized by the employer or was justified by a valid reason, notably sickness or an accident preventing him from doing his work, or a fortuitous event; in cases of sickness, the employee advises the employer at the time of his absence.".

21. Section 21.01 is amended in the first paragraph:

1. by substituting in subsection 2, the words "his child. He may also be absent for an extra day on that occasion but without pay" for the words "his child";

2. by substituting in subsection 3, the words "two extra days" for the words "another day";

3. by substituting in subsection 5, the number "4" for the number "3".

22. Section 21.02 is amended:

1. by inserting in the first paragraph, after the words "wedding day", the words "or day of his civil union";

2. by inserting in the second paragraph, after the words "wedding day", the words "or day of the civil union".

23. Section 21.03 is amended:

1. by substituting in the first sentence, the words ", the adoption of a child, or when there is a termination of pregnancy in or after the twentieth week of pregnancy", for the words "or the adoption of a child";

2. by adding at the end of the fourth sentence, after the word "mother", the words "or, if such is the case, the termination of pregnancy".

24. Section 21.04 is replaced by the following:

"**21.04.** The employee may be absent from work, without pay, for 10 days a year to fulfil obligations related to the custody, health or education of his child or the child of his spouse, or the state of health of his spouse, father, mother, brother, sister or one of the employee's grandparents.

This leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration. ".

25. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

Decree to amend the Decree respecting hairdressers in the Outaouais region *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting hairdressers in the Outaouais region is amended in section 0.02 by inserting the following after the definition of the word "hairdresser":

""spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more.".

2. Section 2.02 is amended by adding the following paragraph at the end:

"This period must be paid if the employee is not authorized to leave his work station.".

3. Section 3.01 is amended:

1. by substituting in the first paragraph, the word "The" for the words "When they fall on a working day for the employee, the";

2. by replacing the second and third paragraphs by the following:

"The employer pays the employee the indemnity provided for in section 3.06 or grants him a compensatory leave of one day. This leave shall be taken within the three weeks preceding or following such holiday.

To be entitled to a general holiday provided for in the first paragraph, an employee shall not be absent from work without the authorization of the employer or without a valid reason on the working day before or after such day.".

4. Section 4.04 is amended by substituting in the second paragraph, "section 4.02.1" for "the second paragraph of section 4.02".

5. Section 4.07 is amended by adding the following paragraph at the end:

"At the request of the employee, the third week of leave may be replaced by a compensatory indemnity if the establishment closes for two weeks on the occasion of the annual leave.".

6. The Decree is amended by inserting the following after section 5.09:

"**5.10.** An employee is entitled to a weekly rest of 32 consecutive hours.".

7. Section 8.07 is amended by inserting at the end of the first paragraph, after the words "in writing by the employee", the words "for the specific purpose mentioned in the writing".

8. The Decree is amended by adding the following after section 8.10:

"**8.11.** For the purpose of calculating overtime hours, annual vacations and paid general holidays are considered to be working days.

8.12. An employee who reports for work at his place of employment at the express demand of his employer or in the regular course of his employment and who works fewer than three consecutive hours, except in the case of a superior force, is entitled to an indemnity equal to three hours' wages at his prevailing hourly rate.".

* The Decree respecting hairdressers in the Outaouais region (R.R.Q., 1981, c.D-2, r.15) was last amended by the Regulation made by Order in Council No. 435-2005 dated 4 May 2005 (2005, *G.O.* 2, 1809). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

9. Section 12.02 is amended by substituting the number "four" for the number "three".

10. Section 12.04 is amended:

1. by inserting in the first paragraph, after the words "on his wedding day", the words "or the day of his civil union";

2. by inserting in the second paragraph, after the words "on the wedding day", the words "or the civil union".

11. Section 12.05 is amended:

1. by inserting in the first paragraph, after the words "of a child", the words "or the termination of pregnancy in or after the twentieth week of pregnancy";

2. by inserting in the third paragraph, after the words "or mother", the words "or, if such is the case, the termination of pregnancy."

12. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

Decree to amend the Decree respecting solid waste removal in the Montréal region *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting solid waste removal in the Montréal region is amended in section 1.01 by replacing subsection 11 by the following:

"11. "spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;".

2. Section 3.01 is replaced by the following:

"**3.01.** The standard workweek is 40 hours scheduled over not more than six days, from Monday through Saturday.".

3. Section 5.01 is amended by adding the following paragraph at the end:

"The employee is also remunerated during the entire trial or training period required by the employer.".

4. Section 8.02 is replaced by the following:

"**8.02.** The full-time employee is entitled to the following paid general holidays: 1 and 2 January, Good Friday or Easter Monday, at the option of the employer, the Monday preceding 25 May, 1 July, Labour Day, Thanksgiving, 25 and 26 December.

The part-time employee is entitled to the following paid general holidays: 1 and 2 January, Good Friday or Easter Monday, at the option of the employer, 1 July, Thanksgiving, 25 and 26 December.".

5. Section 8.05 is replaced by the following:

"**8.05.** The indemnity paid to the full-time employee for a paid general holiday is equal to 9 times his regular hourly rate or to 8 times the hourly rate of this employee if the holiday falls on a Sunday.

For the part-time employee, the employer must pay an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.

To benefit from a paid general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday.".

6. Section 9.03 is amended by inserting after the number "2", the word "continuous".

7. Section 9.04 is amended by inserting after the number "3", the word "continuous".

8. Section 10.01 is amended by substituting in the second sentence, "for 2 additional days" for the words "for one other day".

9. Section 10.04 is amended by substituting in the second sentence, "for 4 additional days" for "for 3 additional days".

* The Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r.29) was last amended by the Regulations made by Order in council No. 800-2003 dated 16 July 2003 (2003, *G.O.* 2, 2236). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

10. Section 10.05 is amended by substituting in the second sentence, "for 4 additional days" for "for 3 additional days".

11. Section 10.09 is amended:

1. by replacing the first paragraph by the following:

"**10.09.** The employee may be absent from work for one day without reduction of wages, on the day of his wedding or civil union.";

2. by inserting in the second paragraph, after the words "on the wedding day", the words "or civil union".

12. Section 10.10 is amended:

1. by replacing the first paragraph by the following:

"**10.10.** The employee may be absent from work for five days on the occasion of the birth of his child, the adoption of a child or the termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence are paid if the employee has 60 days of continuous service.";

2. by adding at the end of the second paragraph, after the word "mother", the words "or if such is the case, the termination of pregnancy".

13. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec.*

Decree to amend the Decree respecting the installation of petroleum equipment *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting the installation of petroleum equipment is amended in section 5.02 by replacing the words "Dollard Day" by the words "National Patriots' Day".

2. Section 8.02 is amended:

1. by substituting in subsection 4, "3 additional days" for "2 more days";

2. by replacing subsections 7 and 8 by the following:

"**7.** on the occasion of the birth of his child, the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy: 5 days, including 2 days with pay and 3 days without pay if the employee is credited with 60 days of uninterrupted service. This leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of its father or mother or, if such is the case, the termination of pregnancy. The employee must advise his employer of his absence as soon as possible. However, an employee who adopts the child of his spouse may be absent from work for only two days, without pay;

8. on the occasion of his wedding or civil union: one day with pay, the day of the wedding or of his civil union;

9. the employee may also be absent from work without pay on the day of the wedding or civil union of one of his children, his father, mother, brother, sister or a child of his spouse.".

3. Section 10.04 is replaced by the following:

"**10.04.** The hours during which the employee is at the employer's disposal and required to be present on the work premises or job site, as well as any trial or training period required by the employer, are considered to be hours worked and shall be paid.".

4. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*

Decree respecting the building materials industry *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting the building materials industry is amended in section 0.01 by replacing subsection 1 by the following:

"1. "spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

* The Decree respecting the installation of petroleum equipment (R.S.Q., 1981, c. D-2, r.33) was last amended by the Regulation made by Order in Council No. 708-2004 dated 30 June 2004 (2004, *G.O.* 2, 2297). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

* The Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34) was last amended by the Regulation made by Order in council No. 440-2001 dated 11 April 2001 (2001, *G.O.* 2, 1951). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;".

2. Section 16.11 is amended by replacing the first paragraph by the following:

"**16.11.** Deduction from wages: An employer may make deductions from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, a decree or a mandatory supplemental pension plan.

The employer may make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.".

3. Section 20.02 is amended by substituting the words "National Patriots' Day" for the words "Dollard's Day".

4. Section 20.04.1 is replaced by the following:

"**20.04.1.** Indemnity: For each general holiday provided for in section 20.02, the employer shall pay the employee an indemnity equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.".

5. Section 23.01 is amended:

1. by adding at the end of the first sentence of the first paragraph, after the words "wedding day", the words "or day of his civil union";

2. by inserting in the second sentence of the first paragraph, after the words "wedding day", the words "or day of the civil union";

3. by adding at the end of the first sentence of the second paragraph, after the word "wedding", the words "or of his civil union";

4. by inserting in the second sentence of the second paragraph, after the words "wedding day", the words "or day of the civil union".

6. Section 23.02 is amended by substituting in the second sentence of the first paragraph, the number "4" for the number "3".

7. Section 23.04 is amended by substituting in the first sentence of the first paragraph, the words ", the adoption of a child or if there is a termination of the pregnancy in or after the twentieth week of pregnancy" for the words "or the adoption of a child".

8. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting the non-structural metalwork industry in the Montréal region is amended in section 1.01 by replacing paragraph *m* by the following:

"(m) "spouse" means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;".

2. Section 6.01 is amended by substituting in subsection 2, the words "National Patriots' Day" for the words "Dollard's Day or the Queen's Birthday".

3. Section 10.01 is amended:

1. by adding at the end of the first paragraph, after the words "the day of his marriage", the words "or of his civil union".

2. by inserting in the second paragraph, after the word "marriage", the words "or of the civil union".

4. Section 10.01.1 is amended by substituting in the first sentence of the first paragraph ", the adoption of a child, or the termination of pregnancy in or after the twentieth week of pregnancy" for the words "or the adoption of a child".

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* The Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35) was last amended by the Regulation made by Order in Council No. 801-2003 dated 16 July 2003 (2003, *G.O.* 2, 2237). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

5. Section 11.01 is amended by substituting in paragraph *b*, the words "two other days" for the words "another day".

6. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

Decree to amend the Decree respecting building service employees in the Montréal region *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting building service employees in the Montréal region is amended in section 1.01 by adding, after paragraph *j,* the following:

"(*k*) "spouse" means either of two persons who:

i. are married or in a civil union and cohabiting;

ii. being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

iii. are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more.".

2. Section 3.06 is amended by adding the following paragraph at the end:

"The employee is considered to be at work during any trial or training period required by the employer.".

3. Section 4.01 is amended:

1. by substituting in the first paragraph the word "exceed" for the words "not exceed";

2. by replacing the second paragraph by the following:

"Such meal period is paid at the effective hourly wage rate for the performance of maintenance work where the employee is not authorized to leave his work position or where the employer assigns the employee to work for a period of 12 hours or more.".

4. Section 7.01 is amended:

1. by inserting, in the part preceding subsection 1 of the first paragraph and after the word "holidays", the words "for regular employees";

2. by substituting in subsection 4 of the first paragraph, "the Monday preceding 25 May" for the words "Dollard's Day".

5. Section 7.02 is amended:

1. by substituting in the first paragraph, the words "a regular employee" for the words "an employee";

2. by inserting in the second paragraph, the word "regular" before the word "employee".

6. Section 7.04 is amended:

1. by substituting in the first paragraph, the words "a regular employee" for the words "an employee";

2. by inserting in the second paragraph, the word "regular" before the word "employee".

7. Section 7.05 is amended by inserting the words "for the regular employee" after the words "When a holiday".

8. Section 7.06 is amended by inserting in the text preceding paragraph 1, after the word "employee", the words "or the employee who is not a regular employee".

9. The Decree is amended by adding the following after section 7.07:

"**7.07.1.** The following are general holidays for employees who are not regular employees:

1. 1 January;

2. Good Friday or Easter Monday, at the option of the employer;

3. the Monday preceding 25 May;

4. 24 June;

5. 1 July;

6. Labour Day;

7. Thanksgiving;

8. 25 December.

* The Decree respecting building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39) was last amended by the Regulation made by Order in Council No. 1436-2001 dated 28 November 2001 (2001, *G.O.* 2, 6184). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

The compensatory holiday for the fixed 24 June holiday is governed by the provisions of the National Holiday Act (R.S.Q., c. F-1.1).

7.07.2. For each general holiday, the employer must pay the employee who is not a regular employee an indemnity equal to $^{1}/_{20}$ of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.

7.07.3. Where the employee, who is not a regular employee, is obliged to work on one of the days mentioned in section 7.07.1, the employer, in addition to paying the employee the wage corresponding to the work performed on the holiday, is obliged to pay him the indemnity provided in section 7.07.2 or grant him a compensatory holiday of one day. In this case, the holiday must be taken within three weeks before or after that day, unless a collective agreement provides for a longer period.".

10. Section 7.08 is amended:

1. by substituting "Sections 7.01 and 7.07.1 do not apply" for "Section 7.01 does not apply";

2. by substituting the words "prescribed in those sections" for the words "prescribed in that section".

11. Section 8.11 is amended by adding the following after the first paragraph:

"Notwithstanding the first paragraph, the employer may, at the request of the employee, allow the annual vacation to be taken, in whole or in part, during the reference year.

In addition, if, at the end of the 12 months following the end of a reference year, the employee is absent owing to sickness or accident or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual vacation to the following year. If the annual vacation is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.".

12. Section 9.01 is amended:

1. by deleting in subsection 1, the word "paid";

2. by inserting in paragraph *a* of subsection 1, before the word "consecutive", the word "paid";

3. by substituting in paragraph *b* of subsection 1, "3 paid consecutive days and 2 additional days without pay" for "3 consecutive days";

4. by inserting in paragraph *c* of subsection 1, after the word "day", the words "with pay".

13. Section 9.03 is amended by substituting in subsection 1, the number "4" for the number "3".

14. Section 9.04 is replaced by the following:

"**9.04**. The employee is entitled to one day's leave with pay on his wedding day or day of his civil union. He may also be absent from work without pay on the wedding day or day of the civil union of his child, the child of his spouse, his father, mother, brother or sister.".

15. Section 9.05 is amended:

1. by replacing the first paragraph by the following:

"**9.05.** The employee may be absent from work for 5 days on the birth of his child, the adoption of a child, or for a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence are paid if the employee has 60 days of uninterrupted service.";

2. by inserting at the end of the second paragraph, after the word "mother", the words "or, if such is the case, the termination of the pregnancy".

16. Section 9.06 is amended by replacing the first paragraph by the following:

"**9.06.** An employee may be absent from work, without pay, for 10 days a year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents. The employee must have taken the reasonable steps within his power to assume his obligations otherwise and to limit the duration of the leave. ".

17. Section 10.01 is amended by inserting, after the word "cash", the words "in a sealed envelope".

18. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec.*

Decree to amend the Decree respecting building service employees in the Québec region*

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 2 and 6.1)

1. The Decree respecting building service employees in the Québec region is amended in section 1.01 by replacing paragraph *b* by the following:

"*(b)* "spouse" means either of two persons who:

i. are married or in a civil union and cohabiting;

ii. being of opposite sex or the same sex, are living together in a *de facto* union and are the father and mother of the same child;

iii. are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;".

2. Section 3.03 is replaced by the following:

"**3.03.** The employer schedules the standard workweek of the employee so as to provide two periods of rest totalling 48 hours, one of the periods being at least 32 consecutive hours.".

3. Section 3.04 is amended by adding, after subsection 4, the following:

"5. during any trial or training period required by the employer.".

4. Sections 4.04 and 4.05 are replaced by the following:

"**4.04.** The employee who reports to work at the beginning of the workday and who works less than three consecutive hours, receives at least an amount equal to three times his hourly wage, unless notified the previous day not to report to work.

The employee who reports to work at the express request of the employer and who works less than three consecutive hours, is entitled, except in the case of a superior force, to an indemnity equal to three times his regular hourly wage, except where section 4.01 ensures him of a higher amount.

The employee, who after leaving the work site, is called to return for overtime shall not receive less than wages equal to 4 1/2 times his hourly wage.

The first two paragraphs do not apply when the nature of the work or the performance conditions are such that the work is usually done entirely within a period of three hours.".

5. Section 5.09 is amended by inserting at the end of the first paragraph and after the words "in writing by an employee", the words "for a specific purpose mentioned in the document".

6. Section 6.02 is amended:

1. by inserting, after the word "Employees", "having completed 60 days of continuous service in the enterprise";

2. by substituting, in the French version, the words « Vendredi saint » for the words "vendredi Saint";

3. by substituting "the Monday preceding 25 May" for "Dollard's Day".

7. Section 6.05 is replaced by the following:

"**6.05.** The indemnity for each general holiday provided for in sections 6.02 and 6.03 is equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.".

8. Section 6.06 is amended by deleting, in paragraph *c*, "with pay for a period of less than 5 days".

9. Section 6.07 is deleted.

10. The Decree is amended by inserting after section 6.09, the following:

"**6.10.** The employee who has not completed 60 days of continuous service in the enterprise is entitled to the following paid general holidays: New Year's Day, Good Friday or Easter Monday, at the option of the employer, the Monday preceding 25 May, 1 July, or if that date falls on a Sunday, 2 July, Labour Day, Thanksgiving and Christmas Day.

* The Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r.40) was last amended by the Regulation made by Order in Council No. 1381-99 dated 8 December 1999 (1999, *G.O.* 2, 4597). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

6.11. For each general holiday provided in section 6.10, the employer shall pay the employee an indemnity equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.

6.12. Where an employee, who has not completed 60 days of continuous service in the enterprise, is obliged to work one of the days mentioned in section 6.10, the employer, in addition to paying the employee the wage corresponding to the work performed on the holiday, shall pay the indemnity provided in section 6.11 or grant him a compensatory holiday of one day. In this case, the holiday must be taken in the 30 civil days before or after that day.

6.13. Where an employee, who has not completed 60 days of continuous service in the enterprise, is on annual leave on one of the general holidays provided in section 6.10, the employer shall pay him the indemnity provided in section 6.11 or grant him a compensatory holiday on a date agreed upon by the employer and the employee concerned or fixed by a collective agreement.

6.14. To benefit from a general holiday, an employee who has not completed 60 days of continuous service in the enterprise must not be absent from work without the authorization of the employer or for valid cause, the working day preceding or the working day following the holiday.".

11. Section 7.09 is amended by adding the following paragraphs at the end:

"Notwithstanding the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year.

In addition, if at the end of the 12 months following the end of a reference year, the employee is absent owing to sickness or accident or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.

Notwithstanding any contrary clause of a collective agreement or a contract, any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.".

12. Section 9.01 is amended:

1. by deleting subsection 2;

2. by substituting in subsection 3, the words "The employer" for "As of 1 January 2001, the employer".

13. Section 9.02 is amended by inserting, after the words "In the event of the death", the words "or the funeral".

14. Section 9.03 is amended by inserting, after the words "In the event of the death", the words "or the funeral".

15. Section 9.04 is amended by inserting, after the words "In the event of the death", the words "or the funeral".

16. Section 9.07 is amended by inserting, after the words "on his wedding day", the words "or day of his civil union".

17. Section 9.08 is amended by inserting in the first paragraph, after the words "on the wedding day", the words "or day of the civil union".

18. Section 9.09 is amended by substituting in the first paragraph, the words ", the adoption of a child or the termination of the pregnancy in or after the twentieth week of pregnancy" for the words "or the adoption of a child".

19. Section 9.11 is replaced by the following:

"**9.11.** The employee may be absent from work 10 days a year, without pay, to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration.".

20. Section 11.01 is amended by substituting in the third paragraph, the words "absolutely null" for "not valid".

21. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

7037

Gouvernement du Québec

O.C. 737-2005, 9 August 2005

An Act respecting the Ministère du Travail
(R.S.Q., c. M-32.2)

Terms and conditions respecting the signing of certain deeds, documents and writing — Amendments

Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail

WHEREAS, under the second paragraph of section 7 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2), no deed, document or writing binds the Minister or may be attributed to the Minister unless it is signed by the Minister, by the Deputy Minister, by a member of the personnel of the department or by the holder of a position, and in the last two cases, only so far as determined by the Government;

WHEREAS, under section 9 of the Act, every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic;

WHEREAS by Order in Council 475-2001 dated 25 April 2001, the Government made the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail;

WHEREAS, in order to address the new administrative realities of the department, it is expedient to amend those Terms and conditions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Amendments to the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail, attached to this Order in Council, be made;

THAT the Amendments come into force on the date of their publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

SCHEDULE

AMENDMENTS TO THE TERMS AND CONDITIONS RESPECTING THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DU TRAVAIL[1]

1. Section 2 of the Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail is amended by replacing the part preceding paragraph 1 by the following:

"2. An assistant deputy minister is authorized to sign, in respect of the sector of activity for which he is responsible:".

2. Section 3 is amended by striking out "or the Labour Commissioner General" in the part preceding paragraph 1.

3. Section 4 is amended by replacing the part preceding paragraph 1 by the following:

"4. A director or the Secretary of the department is authorized to sign, in respect of the unit for which he is responsible:".

4. Section 5 is replaced by the following:

"5. A service head, in respect of the units for which he is responsible, an administrative advisor to the Deputy Minister or to an assistant deputy minister, in respect of the units for which he is responsible or in respect of the units for which his superior is responsible, as the case may be, is authorized to sign:

(1) supply contracts less than $2,500;

(2) auxiliary services contracts less than $5,000; and

(3) professional services contracts less than $12,500.".

5. Section 6 is amended by replacing "planning" in the part preceding paragraph 1 by "policies".

6. Section 7 is amended by inserting "or a service head of that branch" in the part preceding paragraph 1 after "informationnelles".

7. Section 11 is amended by striking out "and construction" in the part preceding paragraph 1.

[1] The Terms and conditions respecting the signing of certain deeds, documents and writings of the Ministère du Travail were made by Order in Council 475-2001 dated 25 April 2001 (2001, *G.O.* 2, 2174).

8. Section 12 is amended

(1) by replacing the part preceding paragraph 1 by the following:

"12. The Assistant Deputy Minister for labour relations, the Director General of the Direction générale des relations du travail or a director of that directorate is authorized to sign:";

(2) by inserting the following after paragraph 9:

"(9.1) a writing designating a person to act as a mediator under the second paragraph of section 81.20 or section 123.10 of the Act respecting labour standards (R.S.Q., c. N-1.1);

(9.2) a writing designating a person to act as a mediator under section 176.15 of the Act respecting municipal territorial organization (R.S.Q., c. O-9);";

(3) by adding the following after paragraph 11:

"(12) a writing designating a person to act as a mediator-arbitrator under section 128 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, c. 14);

(13) a writing designating a person to act as a mediator-arbitrator under the second paragraph of section 39 or the second paragraph of section 91 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25).".

9. Section 13 is amended by striking out "and construction, the Labour Commissioner General or the Assistant Labour Commissioner General" in the part preceding paragraph 1.

10. Section 14 is amended by replacing the part preceding paragraph 1 by the following:

"14. The Director General of the Direction générale des relations du travail or a director of that directorate is authorized to sign:".

11. Section 15 is amended by striking out "and construction".

12. Section 16 is amended by replacing "The Assistant Deputy Minister for labour relations and construction, the Director General of the Direction générale des relations du travail or the Director of the Direction de l'arbitrage et de la médiation" by "The Assistant Deputy Minister for labour relations, the Director General of the Direction générale des relations du travail or a director of that directorate".

13. Section 17 is amended by replacing the part preceding paragraph 1 by the following:

"17. The Assistant Deputy Minister for policies, research and administration or the Director of the Direction des politiques, de la construction et des décrets is authorized to sign:".

14. Section 18 is amended by replacing the part preceding paragraph 1 by the following:

"18. The Assistant Deputy Minister for policies, research and administration is authorized to sign:".

7038

Gouvernement du Québec

O.C. 747-2005, 17 August 2005

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2; 2004, c. 37)

Securities sectors
— Exemptions applicable

Regulation respecting exemptions applicable to securities sectors

WHEREAS, under section 217.1 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), amended by chapter 37 of the Statutes of 2004, the Autorité des marchés financiers may, by regulation, conditionally or unconditionally exempt a group of persons from some or all of the requirements of the Act or of the regulations applicable to a securities sector;

WHEREAS, under the first paragraph of section 217 of the Act, a regulation made pursuant to the Act shall be submitted to the Government for approval with or without amendment;

WHEREAS the Autorité des marchés financiers made the Regulation respecting exemptions applicable to securities sectors on 12 April 2005;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 25 May 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation respecting exemptions applicable to securities sectors, attached to this Order in Council, be approved with amendments.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting exemptions applicable to securities sectors

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 217.1; 2004, c. 37, s. 60)

1. A person that acts as a firm or representative in a securities sector and limits its activities to those referred to in Regulation 45-106 respecting Prospectus and Registration Exemptions approved by Minister's Order 2005-20 dated 12 August 2005 is, as the case may be, exempted from registration with the Autorité des marchés financiers or from holding a certificate.

2. A firm or a legal person that applies for registration in such capacity and a representative or a natural person who applies for a certificate, in the group savings plan brokerage sector, benefit, with the necessary modifications, from the exemptions granted to an investment dealer under Regulation 31-101 respecting National Registration System approved by Minister's Order 2005-13 dated 2 August 2005, if the other provisions of the Regulation are complied with.

Those persons continue to be subject to the requirements relating to the payment of annual fees and other fees payable for registration or the issuance of a certificate including the contribution payable to the Fonds d'indemnisation des services financiers, as well as to the requirements relating to the purchase of professional liability insurance.

3. This Regulation comes into force on 14 September 2005.

7050

Gouvernement du Québec

O.C. 748-2005, 17 August 2005

Securities Act
(R.S.Q., c. V-1.1; 2004, c. 37)

Securities
— Amendments

Regulation to amend the Securities Regulation

WHEREAS, under subparagraphs 1.1 and 9 of the first paragraph of section 331 of the Securities Act (R.S.Q., c. V-1.1), amended by chapter 37 of the Statutes of 2004, the Autorité des marchés financiers may, by regulation, determine the conditions to be met by a company for the purposes of the definition of "closed company" set out in section 5 of the Act and prescribe the fees payable for any formality provided for in the Act or the regulations and for services rendered by the Authority, and the terms and conditions of payment;

WHEREAS, under the second paragraph of section 331 of the Act, a regulation made under that section shall be submitted to the Government for approval, with or without amendment;

WHEREAS the Government made the Securities Regulation by Order in Council 660-83 dated 30 March 1983;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Autorité des marchés financiers made the Regulation to amend the Securities Regulation on 12 April 2005;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 25 May 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT the Regulation to amend the Securities Regulation, attached to this Order in Council, be approved with amendments.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Securities Regulation *

Securities Act
(R.S.Q., c. V-1.1, s. 331, 1st par., subpars. 1.1 and 9; 2004, c. 37)

1. The Securities Regulation is amended by inserting the following after section 14:

"**14.01.** In order to be considered as a "closed company" within the meaning of section 5 of the Act, a company must satisfy the conditions to be met by an issuer to be considered as a "private issuer" within the meaning of Regulation 45-106 respecting Prospectus and Registration Exemptions approved by Minister's Order 2005-20 dated 12 August 2005.".

2. Section 103 is revoked.

3. Section 267 is amended

(1) in the first paragraph

(a) by replacing subparagraph 4 by the following:

"(4) at the time of filing a report of exempt distribution, in the case of a distribution exempt from a prospectus by regulation, 0.025% of the gross value of the securities distributed in Québec, subject to a minimum of $250; in the case of a money market fund, the calculation of the fees is made on the basis of the net distribution, that is, the purchases less the redemptions;";

(b) by deleting subparagraphs 5 to 7;

(c) by striking out "or an offering memorandum" in subparagraph 8;

(2) by deleting the second paragraph;

(3) by striking out ", the offering memorandum" and "or the offering memorandum" in the third paragraph.

4. Section 269 is revoked.

5. Section 270 is amended by striking out ", 6".

6. Section 271.1 is amended by striking out ", 5".

7. Section 271.2 is amended by replacing "annual report" in paragraphs 1 to 4 by "annual financial statements".

8. Section 271.6 is amended

(1) by replacing "under section 106.1 or 183" in paragraph 1 by "by regulation";

(2) by inserting the following after paragraph 1:

"(1.1) at the time of an application for an exemption from a requirement prescribed by the Act or a regulation in respect of a distribution, $500, and within 10 days of the exempt distribution, 0.025% of the gross value of the securities distributed in Québec, subject to an additional minimum of $250; in the case of a money market fund, the calculation of the fees is made on the basis of the net distribution, that is, the purchases less the redemptions;

(1.2) at the time of an application to designate an accredited investor, $500;";

(3) by replacing "under section 106.1 or 183" in paragraph 5 by "by regulation".

9. This Regulation comes into force on 14 September 2005.

7051

* The Securities Regulation, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269), was last amended by the regulation approved by Minister's Order 2005-17 dated 2 August 2005 (2005, *G.O.* 2, 3523). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING "ACCU-VOTE ES 2000" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-LAMBERT-DE-LAUZON, a legal person established in the public interest, having its head office at 1200, rue du Pont, Saint-Lambert-

de-Lauzon, Province de Québec, represented by the mayor, Mr. Jacques Pelletier, and the clerk or secretary-treasurer, Mrs. Magdalen Blanchet, under resolution number 139-05, hereinafter called

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 139-05, passed at its meeting of 2005-06-06, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities and to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of 2005-11-06 in the MUNICIPALITY;

WHEREAS under sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2):

"**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.";

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions to hold a general election on 2005-11-06 and, could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of 2005-06-06, resolution No. 139-05 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 "Electronic ballot box" means an apparatus containing a vote tabulator, a memory card, a printer, a cardboard or, where necessary, plastic recipient for ballot papers and a modem, where necessary.

2.2 "Vote tabulator" means a device that uses an optical scanner to detect a mark made in a circle on a ballot paper by an elector.

2.3 "Memory card" means a memory device that computes and records the marks made by an elector for each of the candidates whose names are printed on the ballot paper and the number of rejected ballot papers according to the subdivisions of the vote tabulator program.

2.4 "Recipient for ballot papers" means a box into which the ballot paper cards fall.

2.5 Where applicable, "transfer box" means the box in which the ballot paper cards are placed when a plastic recipient is used for the electronic ballot box.

2.6 "Ballot paper card" means the card on which the ballot paper or papers are printed.

2.7 "Refused card" means a ballot paper card the insertion of which into the tabulator is refused.

2.8 "Confidentiality sleeve" means a sleeve designed to receive the ballot paper card.

3. ELECTION

3.1 For the purposes of the general election of 2005-11-06 in the municipality, a sufficient number of Accu-Vote ES 2000 model electronic ballot boxes will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

The electronic ballot boxes used must include the following security mechanisms:

(1) a report displaying a total of "zero" must be automatically produced by an electronic ballot box upon being turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card, and must record each procedural operation;

(3) the electronic ballot box must not be placed in "end of election" mode while the poll is still under way;

(4) the compilation of results must not be affected by any type of interference once the electronic ballot box has been placed in "election" mode;

(5) each electronic ballot box must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the electronic ballot boxes are connected to a generator;

(6) if a ballot box is defective, the memory card may be removed and transferred immediately into another electronic ballot box in order to allow the procedure to continue.

5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 **Election officers**

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words "senior deputy returning officer, assistant to the senior deputy returning officer" after the word "assistant".

6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**

The following is substituted for section 76 of the Act:

"**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.".

6.3 **Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer**

The following is substituted for section 80 of the Act:

"**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic ballot box;

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the electronic ballot box;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic ballot box functions correctly;

(5) print out the results compiled by the electronic ballot box at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;

(8) when a ballot paper card has been refused by the tabulator, ask the elector to return to the polling booth, mark all the circles and go to the polling station in order to obtain another ballot paper card;

(9) advise the returning officer immediately of any defect in the memory card or the electronic ballot box.

80.1. The assistant to the senior deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter's duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place;

(4) get the pencils and confidentiality sleeves back from the senior deputy returning officer and redistribute them to each deputy returning officer.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) ensure that the polling is properly conducted and maintain order in the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors' identity;

(5) give the electors a ballot paper card, a confidentiality sleeve and a pencil to exercise their right to vote;

(6) receive from electors any ballot paper cards that are refused by the tabulator and give them another ballot paper card, and record the occurrence in the poll book.".

6.4 **Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

"**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Regions of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.".

6.5 **Notice of election**

The following is added after paragraph 7 of section 99 of the Act:

"(8) the fact that the method of voting is voting by means of electronic ballot boxes.".

6.6 **Polling subdivisions**

The following is substituted for section 104 of the Act:

"**104.** The returning officer shall divide the list of electors into polling subdivisions.

The polling subdivisions shall have a number of electors determined by the returning officer. That number shall not be greater than 750 electors.".

6.7 **Verification of electronic ballot box**

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

"***§1.1** – Verification of electronic ballot box*

173.1. The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Technologies Nexxlink inc. and the representatives of the candidates.

173.2. During the testing of the electronic ballot box, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the electronic ballot box, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall mark the memory card with the returning officer's initials and insert it into the electronic ballot box;

(2) he shall insert into the electronic ballot box a predetermined number of ballot paper cards, previously marked and tallied manually. The ballot paper cards shall include

(a) a sufficient and pre-determined number of ballot papers correctly marked to indicate a vote for each of the candidates;

(b) a sufficient and pre-determined number of ballot papers that are not correctly marked;

(c) a sufficient and pre-determined number of ballot papers marked to indicate a vote for more than one candidate for the same office;

(d) a sufficient and pre-determined number of blank ballot papers;

(3) he shall place the electronic ballot box in "end of election" mode and ensure that the results compiled by the electronic ballot box are consistent with the manually-compiled results;

(4) once the test has been successfully completed, he shall reset the memory card to zero and seal it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(5) he shall place the tabulator in the travel case and place a seal on it; the returning officer and the representatives who wish to do so shall note the number entered on the seal;

(6) where an error is detected, the returning officer shall determine with certitude the cause of the error, make the necessary corrections and proceed with a further test, and shall repeat the operation until the optical scanner of the vote tabulator accurately detects the mark made on a ballot paper and until a perfect compilation of results is obtained. Any error or discrepancy observed shall be noted in the test report;

(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.".

6.8 **Mobile polling station**

The said Act is amended by inserting the following sections after section 175:

"**175.1.** The electors shall indicate their vote on the same type of ballot paper as that used in an advance polling station. After marking the ballot paper, each elector shall insert it in the confidentiality sleeve and place it in the ballot box provided for that purpose. At the close of the mobile poll, the deputy returning officer and the mobile poll clerk shall seal the ballot box and affix their initials to it.

175.2. The deputy returning officer shall, before the opening of the advance polling station, give the senior deputy returning officer the ballot box containing the ballot papers from the mobile polling station.

The senior deputy returning officer shall, in the presence of the assistant to the senior deputy returning officer, remove from the ballot box the confidentiality sleeves containing the ballot papers and insert the ballot papers, one by one, in the electronic ballot box.".

6.9 **Advance polling**

The following is substituted for sections 182, 183 and 185 of the Act:

"**182.** After the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors who were given a ballot paper card;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the spoiled, refused or cancelled ballot paper cards, the unused ballot paper cards, the forms, the poll book and the list of electors. The deputy returning officer shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except those containing the list of electors, shall be given to the senior deputy returning officer for deposit in a box reserved for that purpose.

182.1. The senior deputy returning officer, in the presence of the candidates or of their representative who wish to be present, shall seal the recipient for ballot papers, and then place the electronic ballot box in its travel case and place a seal the case. The senior deputy returning officer and the representatives who wish to do so shall note the number entered on the seal.

The senior deputy returning officer shall then give the recipient or recipients for ballot papers, the transfer box and the envelopes containing the list of electors to the returning officer or to the person designated by the returning officer.

The returning officer shall have custody of the recipient or recipients for ballot papers until the results of the advance poll have been compiled and then for the time prescribed for the conservation of electoral documents.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the transfer box and give each deputy returning officer the poll books, the envelopes containing unused ballot paper cards and the forms. Each deputy returning officer shall open the envelopes and take possession of their contents. The spoiled, refused or cancelled ballot paper cards shall remain in the transfer boxes, which the senior deputy returning officer shall seal.

The senior deputy returning officer, before the persons present, shall remove the seal from the travel case of the tabulator.

The returning officer, or the person designated by the returning officer, shall give each deputy returning officer the list of electors of the grouped polling station or stations, where applicable.

At the close of the second day of advance polling, where applicable, the senior deputy returning officer, the deputy returning officer and the poll clerk shall perform the same actions as at the close of the first day of advance polling. In addition, the senior deputy returning officer shall withdraw the memory card from the electronic ballot box, place it in an envelope, seal the envelope, place the envelope in the recipient for ballot papers, and seal the recipient.

The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall print out the results compiled by the electronic ballot box at an advance polling station, in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.".

6.10 **Booths**

The following is substituted for section 191 of the Act:

"**191.** Where electronic ballot boxes are used in an election, the polling station shall have the number of polling booths determined by the returning officer.".

6.11 **Ballot papers**

The following is substituted for section 193 of the Act:

"**193.** With the exception of the entry stating the office to be filled, the ballot papers shall be printed by reversing process so that, on the obverse, the indications appear in white on a black background and the circles provided to receive the elector's mark appear in white on an orange vertical strip.".

Section 195 of the Act is revoked.

6.12 **Identification of the candidates**

Section 196 of the Act is amended by substituting the following for the first and second paragraphs:

"**196.** The ballot paper card shall contain a ballot paper for the office of mayor and the ballot papers for the office or offices of councillor. Each ballot paper shall allow each candidate to be identified.

The ballot papers must contain, on the obverse,

(1) the name of each candidate, his given name preceding his surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs where such is the case;

(3) a circle for the elector's mark opposite the particulars pertaining to each candidate;

(4) the offices in question and, where applicable, the number of the seat to be filled. The indications of the offices in question shall correspond to those contained in the nomination papers.".

6.13 **Ballot paper cards**

The following is substituted for section 197of the Act:

"**197.** The ballot paper cards shall contain on the obverse, as shown in the Schedule,

(1) the name of the municipality;

(2) the indication "municipal election" and the date of the poll;

(3) the ballot papers;

(4) the bar code.

The ballot paper cards shall contain, on the reverse, as shown in the Schedule,

(1) a space intended to receive the initials of the deputy returning officer;

(2) a space intended to receive the number of the polling subdivision;

(3) the name and address of the printer;

(4) the bar code.".

6.14 **Confidentiality sleeve**

The Act is amended by inserting the following after section 197:

"**197.1.** The returning officer shall ensure that a sufficient number of confidentiality sleeves are available. Confidentiality sleeves shall be sufficiently opaque to ensure that no mark affixed on the ballot paper may be seen through them.".

6.15 **Withdrawal of a candidate**

Section 198 of the Act is amended by adding the following paragraphs at the end:

"Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.".

6.16 **Withdrawal of authorization or recognition**

Section 199 of the Act is amended by adding the following paragraph at the end:

"Where electronic ballot boxes are used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the party or the ticket from which recognition has been withdrawn.".

6.17 **Number of electronic ballot boxes**

The following is substituted for section 200 of the Act:

"**200.** The returning officer must ensure that there are as many electronic ballot boxes as polling places available and that a sufficient number of replacement electronic ballot boxes are available in the event of a breakdown or technical deficiency.

The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.".

6.18 **Provision of polling materials**

Section 204 of the Act is amended by substituting the word "recipient" for the words "ballot box" in the second line of the first paragraph.

6.19 **Examination of the electronic ballot box and polling materials**

The following is substituted for section 207 of the Act:

"**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic ballot box for the polling place. The senior deputy returning officer shall ensure that the electronic ballot box displays a total of zero recorded ballot papers by verifying the printed report of the electronic ballot box.

The senior deputy returning officer shall keep the report and show it to any person present who wishes to examine it.

The senior deputy returning officer shall examine the documents and materials provided by the returning officer.

207.1. In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.".

The following is substituted for section 209 of the Act:

"**209.** Immediately before the hour fixed for the opening of the polling stations, the senior deputy returning officer, before the deputy returning officers, the poll clerks and the representatives of the candidates present, shall ensure that the recipient of the electronic ballot box is empty.

The recipient shall then be sealed by the senior deputy returning officer. The senior deputy returning officer and the representatives present who wish to do so shall affix their initials to the seal. The electronic ballot box shall be placed in such a way that it is in full view of the polling officers and the electors.".

POLLING PROCEDURE

6.20 **Presence at the polling station**

The following is substituted for the third paragraph of section 214 of the Act:

"In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.".

6.21 **Initialling of ballot papers**

The following is substituted for section 221 of the Act:

"**221.** The deputy returning officer shall give the ballot paper card to which the elector is entitled to each elector admitted to vote, after initialling the ballot paper card in the space reserved for that purpose and entering the number of the polling subdivision. The deputy returning officer shall also give the elector a confidentiality sleeve and a pencil.

The deputy returning officer shall instruct the elector how to insert the ballot paper card in the confidentiality sleeve after having voted.".

6.22 **Voting**

The following is substituted for section 222 of the Act:

"**222.** The elector shall enter the polling booth and, using the pencil given by the deputy returning officer, mark one of the circles on the ballot paper or papers opposite the indications pertaining to the candidates whom the elector wishes to elect to the offices of mayor, councillor or councillors.

The elector shall insert the ballot paper card, without folding it, into the confidentiality sleeve in such a way that the deputy returning officer's initials can be seen.".

6.23 **Following the vote**

The following is substituted for section 223 of the Act:

"**223.** After marking the ballot paper or papers and inserting the ballot paper card in the confidentiality sleeve, the elector shall leave the polling booth and go to the electronic ballot box.

The elector shall allow the senior deputy returning officer to examine the initials of the deputy returning officer.

The elector or, at the elector's request, the senior deputy returning officer shall insert the ballot paper card on the reverse side into the electronic ballot box without removing it from the confidentiality sleeve.".

6.24 **Automatic acceptance**

The Act is amended by inserting the following after section 223:

"**223.1.** The electronic ballot box shall be programmed to accept automatically every ballot paper card that is inserted on the reverse side and that was given by the deputy returning officer to an elector.

223.2. If a ballot paper card becomes blocked in the recipient for ballot paper cards, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall open the recipient, restart the electronic ballot box, close it and seal the recipient again in their presence, before authorizing voting to resume.

The senior deputy returning officer must report to the returning officer the time during which voting was stopped. Mention of that fact shall be made in the poll book.

If a ballot paper card becomes blocked in the tabulator, the senior deputy returning officer, in the presence of the representatives of the candidates who wish to be present, shall unblock the tabulator and restart the electronic ballot box.".

6.25 **Cancelled ballots**

The following is substituted for section 224 of the Act:

"**224.** The senior deputy returning officer shall prevent the insertion into the electronic ballot box of any ballot paper card that is not initialled or that is initialled by a person other than the deputy returning officer of a polling station. The elector must return to the polling station.

The deputy returning officer of the polling station in question shall, if his initials are not on the ballot paper card, initial it before the persons present, provided that the ballot paper card is *prima facie* a ballot paper card given to the elector by the deputy returning officer that was not initialled by oversight or inadvertence. The elector shall return to insert the ballot paper card into the electronic ballot box.

If the ballot paper card has been initialled by a person other than the deputy returning officer, or if the ballot paper card is not a ballot paper card given to the elector by the deputy returning officer, the deputy returning officer of the polling station in question shall cancel the ballot paper card.

The occurrence shall be recorded in the poll book.".

6.26 **Visually impaired person**

Section 227 of the Act is amended:

(1) by substituting the following for the second and third paragraphs:

"The assistant to the senior deputy returning officer shall set up the template and the ballot paper card, give them to the elector, and indicate to the elector the order in which the candidates' names appear on the ballot papers and the particulars entered under their names, where such is the case.

The senior deputy returning officer shall help the elector insert the ballot paper card into the electronic ballot box."; and

(2) by striking out the fourth paragraph.

COMPILATION OF RESULTS AND ADDITION OF VOTES

6.27 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

"**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in "end of election" mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors admitted to vote;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.".

The Act is amended by inserting the following after section 230:

"**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.".

6.28 **Compiling sheet**

Section 231 of the Act is revoked.

6.29 **Counting of the votes**

Section 232 of the Act is revoked.

6.30 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

"**233.** The electronic ballot box shall be programmed in such a way as to reject any ballot paper that

(1) has not been marked;

(2) has been marked in favour of more than one candidate;

(3) has been marked in favour of a person who is not a candidate.

For the purposes of the poll, the memory card shall be programmed in such a way as to ensure that the electronic ballot box processes and conserves all the ballot paper cards inserted, in other words both the cards containing valid ballot papers and those containing rejected ballot papers, except any ballot paper cards that have been refused.".

6.31 **Rejected ballot papers, procedural omission, valid ballot papers**

Sections 233 to 236 of the Act, adapted as required, shall apply only in the case of a judicial recount.

6.32 **Contested validity**

The following is substituted for section 237 of the Act:

"**237.** The poll clerk, at the request of the senior deputy returning officer, shall enter in the poll book every objection raised by a representative present at the printing out of the results compiled by an electronic ballot box in respect of the validity of the results.".

6.33 **Partial statement of votes, overall statement of votes and copy given to representatives of candidates**

The following is substituted for section 238 of the Act:

"**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.".

Section 240 of the Act is revoked.

6.34 **Separate, sealed and initialled envelopes given to the returning officer**

The following is substituted for sections 241, 242 and 243 of the Act:

"**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes and place them in a recipient, seal it and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

242. After the results compiled by the electronic ballot box have been printed, in the presence of the candidates or representatives who wish to be present, the senior deputy returning officer:

— if the plastic recipient has been used for the electronic ballot box, place the ballot paper cards from the recipient of the electronic ballot box in a transfer box. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the transfer box. He shall seal and initial the transfer box and allow the representatives who wish to do so to initial it;

— if the cardboard recipient is used for the electronic ballot box, remove the cardboard recipient containing the ballot papers. Next, he shall remove the memory card from the electronic ballot box and insert it in an envelope with a copy of the report on the results compiled by the electronic ballot box. He shall seal the envelope, initial it, allow the representatives who wish to do so to initial it and place it in the cardboard recipient. He shall seal and initial the cardboard recipient and allow the representatives who wish to do so to initial it.

The senior deputy returning officer give the transfer boxes or the cardboard recipients to the returning officer or to the person designated by the returning officer.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.".

Section 244 of the Act is revoked.

6.35 **Addition of votes**

The following is substituted for section 247 of the Act:

"**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.".

6.36 **Adjournment of the addition of votes**

The following is substituted for section 248 of the Act:

"**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.".

6.37 **Placing in envelope**

The following is substituted for section 249 of the Act:

"**249.** After printing and examining the results, the returning officer shall place them in an envelope together with the memory card.

The returning officer shall seal the envelope, put the envelope in the transfer box and then seal the box.

The returning officer, the candidates and the representatives present may initial the seals.".

6.38 **New counting of the votes**

The following is substituted for section 250 of the Act :

"**250.** Where it is not possible to print a new report on the results compiled using the memory card, the returning officer, on the date, at the time and at the place that he determines, in the presence of the candidates or their representatives who wish to be present, shall recover the ballot paper cards used for the office or offices concerned and shall insert them, one by one, in the opening of the electronic ballot box equipped with a new programmed memory card. He shall then print out the results compiled by the electronic ballot box.".

6.39 **Notice to the Minister**

Section 251 of the Act is amended by substituting the words "overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards" for the words "statement of votes and the ballot papers" in the first line of the first paragraph.

6.40 **Access to ballot papers**

The following is substituted for section 261 of the Act :

"**261.** Except for the purposes of an examination of rejected ballot papers pursuant to this agreement, the returning officer or the person responsible for providing access to the documents held by the municipality may not issue copies of the ballot papers used, or allow any person to examine the ballot papers, without being required to do so by an order issued by a court or judge.".

6.41 **Application for a recount**

Section 262 of the Act is amended by substituting the words "an electronic ballot box" for the words "a deputy returning officer, a poll clerk or the returning officer" in the first and second lines of the first paragraph.

7. EXAMINATION OF REJECTED BALLOT PAPERS

Within 120 days from the date on which an election is declared or contested, the returning officer must, at the request of the Chief Electoral Officer or the Minister, examine the rejected ballot papers to ascertain the grounds for rejection. The returning officer must verify the ballot paper cards contained in the recipients for ballot papers.

The returning officer must notify the candidates or their representatives that they may be present at the examination. The Chief Electoral Officer and the Minister shall be notified and they may delegate their representatives. The representative of the company that sold or rented out the electronic ballot boxes must attend the examination to explain the operation of the mechanism for rejecting ballot papers and to answer questions from the participants.

The programming parameters for rejecting ballot papers must be disclosed to the participants.

The examination of the rejected ballot papers shall in no way change the results of the poll or be used in a court to attempt to change the results of the poll.

A report on the examination must be drawn up by the returning officer and include, in particular, the assessment sheet for the grounds for rejection and a copy of the related ballot paper. Any other relevant comment concerning the conduct of the poll must also be included.

Prior to the examination of the rejected ballot papers, the rejected ballot papers must be separated from the other ballot papers, using the electronic ballot box duly programmed by the representative of the firm, and a sufficient number of photocopies must be made for the participants present. The candidates or their representatives may be present during this operation.

8. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before 2013-12-31.

9. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general elections or subsequent by-elections provided for in the agreement.

Mention of that fact shall be made in the assessment report.

10. ASSESSMENT REPORT

Within 120 days following the general election held on 2005-11-06, the returning officer of the municipality shall forward, in accordance with section 659.3 of the

Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister setting out relevant ways to improve the trial and addressing, in particular, the following points:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general election on 2005-11-06 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of ballot paper cards issued to the deputy returning officers and the number of ballot paper cards returned used and unused;

— the examination of rejected ballot papers, if it has been completed.

11. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) shall apply to the general election held on 2005-11-06 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

12. EFFECT OF THE AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES

In Saint-Lambert-de-Lauzon, on this 8th day of the month of June of the year 2005

THE MUNICIPALITY OF SAINT-LAMBERT-DE-LAUZON

By: _____
JACQUES PELLETIER, *Mayor*

_____
MAGDALEN BLANCHET, *Clerk or Secretary-Treasurer*

In Québec, on this 13th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

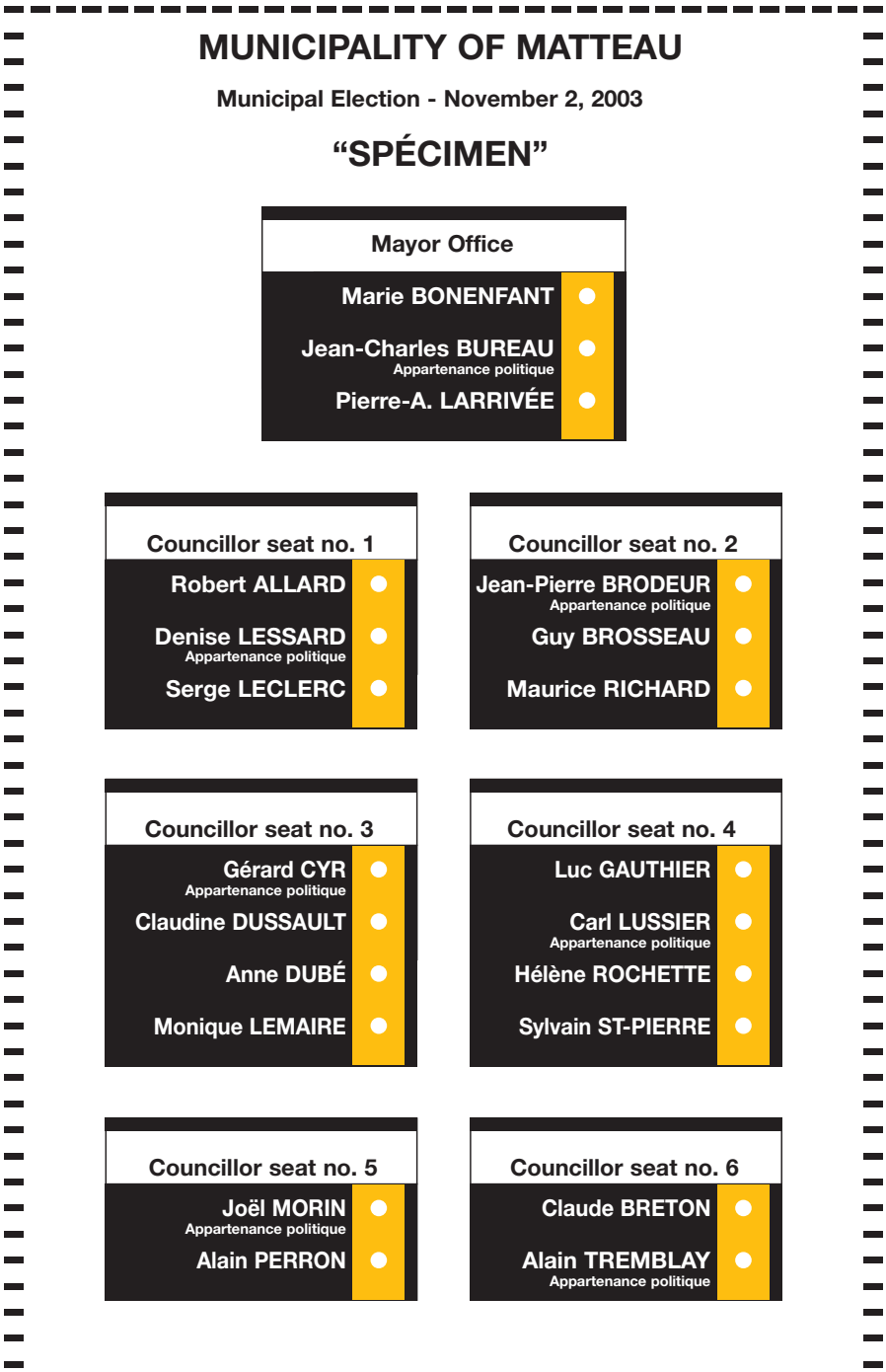
In Québec, on this 22nd day of the month of June of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

_____
DENYS JEAN, *Deputy Minister*

SCHEDULE

MODEL BALLOT PAPER HOLDER



Initials of the deputy returning officer

Polling subdivion

Printer name
Adress
City
Postal code

7025

Gouvernement du Québec

Addendum

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

ADDENDUM TO THE AGREEMENT CONCERNING NEW METHODS OF VOTING FOR AN ELECTION USING COMPUTERIZED POLLING STATIONS AND "ACCU-VOTE ES 2000" BALLOT BOXES

MADE IN 2002

BETWEEN

THE MUNICIPALITY OF VILLE DE SAINTE-CATHERINE

AND

THE CHIEF ELECTORAL OFFICER

AND

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER MONTREAL

WHEREAS the parties signed an agreement in 2002 pursuant to section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) in order to allow for the use of electronic ballot boxes for the general elections and by-elections held in the municipality until December 31 of the year 2006;

WHEREAS the said agreement amends the provisions of the Act respecting elections and referendums in municipalities;

WHEREAS the Act respecting elections and referendums in municipalities has been amended since the parties signed the agreement;

WHEREAS it is necessary to amend the agreement made by the parties in order to follow up on the amendments made to the Act respecting elections and referendums in municipalities;

WHEREAS it is also pertinent to make certain technical amendments to the agreement;

WHEREAS the intention of the municipality to modify the disposition of the period covered so as to extend the term of the agreement to December 31, 2009;

WHEREAS the municipal council, during the meeting on June 14th , 2005, adopted a resolution number 201-06-05 approving the text of the addendum and authorizing the Mayor and the Municipal Clerk to sign the addendum;

THEREFORE, the parties agree to the following:

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. AMENDMENTS TO THE AGREEMENT MADE IN 2002

2.1 The following is substituted for section 4.1 of the agreement:

"4.1 **Computerized polling stations**

The list of electors for a polling place must correspond to the list of electors for that polling place as drawn up and revised by the returning officer. Access to the computers at a polling place must be secured by a password.".

2.2 The following is substituted for section 5 of the agreement:

"5. PROGRAMMING

Each memory card used is specially programmed either by the firm Technologies Nexxlink inc., or by the returning officer under the supervision of the firm Technologies Nexxlink inc., to recognize and tally ballot papers in accordance with this agreement.".

2.3 Section 6.2 of the agreement is amended by substituting the following for the title of the section:

"6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**".

2.4 Section 6.3 of the agreement is amended

(1) by substituting the following for paragraphs 6 and 7 of section 80:

"(6) complete an overall statement of votes from the partial statements and the results compiled by the electronic ballot box;

(7) give the returning officer, at the closing of the poll, the results compiled by the electronic ballot box, the overall statement and the partial statement or statements of votes;";

(2) by substituting the following for paragraph 4 of section 80.2:

"(4) make sure of electors' identity;";

(3) by the withdrawal of paragraph 7 of section 80.2.

2.5 Section 6.4 of the agreement is amended by substituting the following for paragraph 2 of section 81:

"(2) note on the screen and on the paper list of electors "has voted" next to the names of electors to whom the deputy returning officer has given ballot paper cards;".

2.6 Section 6.8 of the agreement is amended:

(1) by substituting the following for section 173.2:

"**173.2.** The returning officer shall, at least five days before the first day fixed for the advance poll and at least three days before the day fixed for the polling, test the electronic ballot box to ensure that the vote tabulator accurately detects the mark made on a ballot paper and that it tallies the number of votes cast accurately and precisely, in the presence of a representative of the firm Technologies Nexxlink inc. and the representatives of the candidates.";

(2) by substituting the following for paragraph 7 of section 173.4:

"(7) he may not change the programming for the scanning of the mark in a circle without supervision from the firm Technologies Nexxlink inc.".

2.7 Section 6.9 of the agreement is amended by the withdrawal of the words "The representatives of the candidates may be present." in the second paragraph of section 175.2.

2.8 Section 6.10 of the agreement is amended by substituting the following for the fifth and sixth paragraphs of section 183:

"The spoiled, refused or cancelled ballot paper cards from the second day shall be placed in separate sealed envelope by the deputy returning officer. They shall also be placed in a sealed transfer box.

The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seal.".

2.9 Section 6.18 of the agreement is amended by substituting the following for the second paragraph of section 200:

"The returning officer shall ensure that a sufficient number of recipients for ballot paper cards and, where applicable, of transfer boxes are available for each electronic ballot box.".

2.10 Section 6.20 of the agreement is amended by substituting the following for section 207.1:

"**207.1.** In the hour preceding the opening of the polling stations, the deputy returning officer and poll clerk shall examine the documents and polling materials provided by the returning officer.".

2.11 The following is substituted for section 6.28 of the agreement:

"6.28 **Compilation of results**

The following is substituted for sections 229 and 230 of the Act:

"**229.** After the closing of the poll, the senior deputy returning officer shall place the electronic ballot box in "end of election" mode and print out the results compiled by the electronic ballot box. The representatives assigned to the polling stations at the polling place may be present.

The report on the compiled results shall indicate the total number of ballot paper cards, the number of rejected ballot papers and the number of valid votes for each office.

230. After the closing of the poll, the deputy returning officer of each polling station in the polling place shall complete the partial statement of votes according to section 238 and shall give a copy of it to the senior deputy returning officer.

The poll clerk of the polling station shall enter the following particulars in the poll book:

(1) the number of ballot paper cards received from the returning officer;

(2) the number of electors admitted to vote;

(3) the number of spoiled, refused or cancelled ballot paper cards and the number of unused ballot paper cards;

(4) the names of the persons who have performed duties as election officers or representatives assigned to that station.".

The Act is amended by inserting the following after section 230:

"**230.1.** The senior deputy returning officer shall ensure, before the persons present, that the results entered on the printed report of the electronic ballot box and the total number of unused, spoiled, refused and cancelled ballot paper cards entered on the partial statement of votes of each deputy returning officer correspond to the total number of ballot paper cards issued by the returning officer.

230.2. Using the partial statement or statements of votes, the senior deputy returning officer shall complete an overall statement of votes in a sufficient number so that each representative assigned to a polling station or each candidate can have a copy of it.".".

2.12 Section 6.31 of the agreement is amended by substituting the following for paragraph 3 of the second paragraph of section 233:

"(3) has been marked in favour of a person who is not a candidate.".

2.13 The following is substituted for section 6.34 of the agreement:

"6.34 **Partial statement of votes, overall statement of votes and copy given to representatives of candidates**

The following is substituted for section 238 of the Act:

"**238.** The deputy returning officer shall draw up the partial statement of votes, setting out

(1) the number of ballot paper cards received from the returning officer;

(2) the number of spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box;

(3) the number of unused ballot paper cards.

The deputy returning officer shall make two copies of the partial statement of votes, one of which must be given to the senior deputy returning officer.

Using the partial statements of votes and the results compiled by the electronic ballot box, the senior deputy returning officer shall draw up an overall statement of votes.

The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.".

Section 240 of the Act is revoked.".

2.14 Section 6.35 of the agreement is amended by substituting the following for sections 241 and 243:

"**241.** After the closing of the poll, each deputy returning officer shall place in separate envelopes the list of electors, the poll book, the forms, the spoiled, refused or cancelled ballot paper cards that were not inserted into the electronic ballot box, the unused ballot paper cards and the partial statement of votes. Each deputy returning officer shall seal the envelopes, place them in a recipient, seal it, and give it to the senior deputy returning officer. The deputy returning officer, the poll clerk and the representatives assigned to the polling station who wish to do so shall initial the seals.

243. The senior deputy returning officer shall place in an envelope a copy of the overall statement of votes stating the results of the election and the partial statements of votes. The senior deputy returning officer shall then seal and initial the envelope and give it to the returning officer.

The representatives assigned to the polling stations may initial the seal.".

2.15 Section 6.36 of the agreement is amended by substituting the following for section 247:

"**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.".

2.16 Section 6.37 of the agreement is amended by substituting the following for section 248:

"**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement has been obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results compiled by an electronic ballot box, the returning officer shall, in the presence of the senior deputy returning officer and the candidates concerned or their representatives if they

so wish, print out the results using the memory card taken from the transfer box opened in the presence of the persons listed above.".

2.17 The following is substituted for section 6.40 of the agreement:

"6.40 **Notice to the Minister**

Section 251 of the Act is amended by substituting the words "overall statement of votes, the report on the results compiled by the electronic ballot box and the ballot paper cards" for the words "statement of votes and the ballot papers" in the first line of the first paragraph.".

2.18 The date included in section 8 of the agreement, December 31, 2006 is modified to December 31, 2009.

ADDENDUM SIGNED IN THREE COPIES

In Ville de Sainte-Catherine, on the 15th day of the month of June of the year 2005

THE MUNICIPALITY OF VILLE DE SAINTE-CATHERINE

By: _____
JOCELYNE BATES, *Mayor*

_____
CAROLE COUSINEAU, *Municipal Clerk*

In Québec, on this 27th day of the month of June of the year 2005

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

In Québec, on this 19th day of the month of July of the year 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

_____
DENYS JEAN, *Deputy Minister*

7013

Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING IN CONNECTION WITH A POSTAL BALLOT FOR NON RESIDENT ELECTORS

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF Saint-Faustin–Lac-Carré, a legal person established in the public interest, having its head office at 100, place de la Mairie, Saint-Faustin–Lac-Carré, Province de Québec, here represented by the mayor, Mr. Pierre Poirier, and the town manager and secretary-treasurer, Mr. Richard Daveluy, in accordance with resolution number 3597-05-2005

AND

The MUNICIPALITY OF Nominingue, a legal person established in the public interest, having its head office at 2110, chemin du Tour-du-Lac, Nominingue, Province de Québec, here represented by the acting mayor, Louise Péclet-Rochon, and the town manager and secretary-treasurer, Mr. Robert Charette, in accordance with resolution number 2005.06.086

AND

The MUNICIPALITY OF Saint-Alphonse-Rodriguez, a legal person established in the public interest, having its head office at 101, rue de la Plage, Saint-Alphonse-Rodriguez, Province de Québec, here represented by the mayor, Mr. Michel Bélec, and the town manager and secretary-treasurer, Mr. François Dauphin, in accordance with resolution number 05-06-675, hereinafter referred to as

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office pursuant to the Election Act (R.S.Q., c. E-3.3), acting for the purposes of this agreement in that capacity and having his head office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as the MINISTER OF MUNICIPAL AND REGIONAL AFFAIRS, having her head office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter referred to as

THE MINISTER

WHEREAS the council of the MUNICIPALITY OF SAINT-FAUSTIN–LAC-CARRÉ, pursuant to resolution number 3463-02-2005, adopted at the meeting held on January 11th, 2005,

the council of the MUNICIPALITY OF NONIMINGUE, pursuant to resolution number 2005.02.019 adopted at the meeting held on February 14th, 2005,

the council of the MUNICIPALITY OF SAINT-ALPHONSE-RODRIGUEZ, pursuant to resolution number 04-12-494 adopted at the meeting held on December 20th, 2005,

intend to avail themselves of the provisions of the Act respecting elections and referendums in municipalities in order to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER for the holding of a postal ballot for the non resident electors of the Municipality, for the general election to be held on November 6th of the year 2005 in the MUNICIPALITY ;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide as follows :

"**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal and Regional Affairs and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into ; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal and Regional Affairs and the Chief Electoral Officer." ;

WHEREAS the MUNICIPALITY intends to avail itself of those provisions with respect to the vote of non resident electors, to hold a general election on November 6th, of the year 2005 and, with the necessary adaptations, could avail itself of those provisions for the elections provided for in the agreement to be held at a later date. The adaptations must be made in an addendum to this agreement ;

WHEREAS it is expedient to prescribe the procedure that will apply in the territory of the MUNICIPALITY during the said general election ;

WHEREAS an agreement must be entered into by the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER ;

WHEREAS the MUNICIPALITY has sole responsibility for selecting the new method of voting ;

WHEREAS the council of the MUNICIPALITY OF SAINT-FAUSTIN–LAC-CARRÉ adopted, at the meeting held on June 7th, of the year 2005 resolution No. 3597-06-2005 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign the agreement ;

WHEREAS the council of the MUNICIPALITY OF NOMININGUE adopted, at the meeting held on June 13th of the year 2005, resolution No. 2005.06.086 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign the agreement ;

WHEREAS the council of the MUNICIPALITY OF SAINT-ALPHONSE-RODRIGUEZ adopted, at the meeting held on June 6th of the year 2005, resolution No. 05-06-675 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign the agreement ;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and for the methods used to implement it ;

CONSEQUENTLY, the parties agree as follows :

1. PREAMBLE

The preamble to this agreement forms an integral part of the agreement.

2. INTERPRETATION

Unless a contrary meaning is indicated expressly or by the context of a provision, the following expressions, terms and words have the meaning and application, for the purposes of this agreement, stated in this section.

2.1 "ENV-1 Envelope"

A non-transparent envelope of sufficient size to contain the ballot paper or papers, which does not identify the elector in any way and is marked on the reverse as follows: "Insert the ballot papers in this envelope.".

2.2 "ENV-2 Envelope "

An envelope marked with the name and address of the returning officer, in which is placed ENV-1 Envelope, a photocopy of proof of identity prescribed in section 213.5 of the Act respecting elections and referendums in municipalities, as added by section 4.25 of this agreement, and the statement by the elector or the person assisting the elector.

2.3 "Form containing the statement by the elector or the person assisting the elector"

A document marked as follows:

"The elector must sign the following statement: "I qualify as an elector and I have not voted in the current election."

"A person assisting an elector must sign a statement to the effect that the person is the elector's spouse or relative within the meaning of section 131 of the Act respecting elections and referendums in municipalities, or that the person is not the elector's spouse or relative and has not already lent assistance to another elector during the election, and that the person will not reveal the name of the candidate for whom the elector has asked to vote.".

2.4 "Instructions to the elector"

The information given to the elector concerning the manner of voting.

2.5 "Non resident elector"

An elector as described in article 47(2°) of the Act respecting elections and referendums in municipalities (L.R.Q., c. E-2.2).

3. ELECTION

3.1 A postal ballot shall be used for the purposes of the general election held on November 6th, of the year 2005 in the municipality, only for the non resident electors.

3.2 The municipality shall take the necessary steps to inform the non resident electors adequately concerning the testing of a new voting method.

4. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES WITH RESPECT TO THE POSTAL VOTE OF NON RESIDENT ELECTORS

4.1 **Election officers**

Section 68 of the Act respecting elections and referendums in municipalities, (R.S.Q., c. E-2.2) is replaced by the following section:

"**68.** The electoral staff of the municipality includes all deputy returning officers and the clerk of the ballot paper reception office, the deputy returning officer and clerk of the counting office, and all other persons whose services are required by the returning officer on a temporary basis in respect of the postal vote by non resident electors.".

4.2 **Deputy returning officer and clerk of a ballot paper reception office and deputy returning officer and clerk of a counting office**

The said Act is amended by inserting the following section after section 76:

"**76.1.** The returning officer shall appoint a deputy returning officer and a clerk for each ballot paper reception office.

Where there is only one ballot paper reception office, the returning officer may perform the duties of deputy returning officer and the election clerk may perform the duties of clerk of the reception office.

The returning officer shall appoint a deputy returning officer and a clerk for each counting office.".

4.3 **Duties of the deputy returning officer of a ballot paper reception office and the deputy returning officer of a counting office**

The said Act is amended by inserting the following section after section 80:

"**80.1.** The deputy returning officer of a ballot paper reception office shall, in particular,

(1) receive envelopes from electors;

(2) verify if the elector is entered on the list of electors;

(3) verify if the photocopy of the elector's proof of identity prescribed by section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is included and signed;

(4) verify if the statement by the elector is signed and if the signature matches the signature appearing on the photocopy of the elector's proof of identity;

(5) if the statement by the elector is not signed or if the photocopy of the elector's proof of identity is missing, contact the elector to obtain it or them;

(6) if the signature of the elector on the elector's proof of identity matches the signature on the statement by the elector, place the ENV-1 Envelope containing the ballot paper or papers in the ballot box for the elector's polling subdivision.

80.2. The deputy returning officer of the counting office shall, in particular,

(1) see to the arrangement of the counting office;

(2) ensure that the counting is properly conducted and maintain order in the counting office;

(3) proceed with the counting of the votes;

(4) ensure the secrecy of the ballot;

(5) transmit the results of the vote and all election materials to the returning officer.".

4.4 **Duties of the clerk of a ballot paper reception office and clerk of a counting office**

The said Act is amended by inserting the following sections after section 81:

"**81.0.1.** The clerk of a ballot paper reception office shall, in particular,

(1) assist the deputy returning officer of the ballot paper reception office;

(2) mark on the list of electors the electors who have voted;

(3) make entries in the poll book.

81.0.2. The clerk of a counting office shall, in particular, assist the deputy returning officer of the counting office.".

4.5 **Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

Section 90.5 of the said Act is replaced by the following section:

"**90.5.** If, during the election period within the meaning of section 364, it comes to the attention of the chief electoral officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the chief electoral officer may adapt the provision in order to achieve its object.

The chief electoral officer shall first inform the Minister of Municipal and Regional Affairs of the decision he intends to make.

Within 30 days following polling day, the day fixed for the polling station ballot, the chief electoral officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.".

4.6 **Representatives of candidates**

Sections 92 and 93 of the said Act are replaced by the following sections:

"**92.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI may designate a person with a power of attorney to represent the candidates of the party or ticket before the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.

93. An independent candidate may designate a person with a power of attorney to represent the candidate before the deputy returning officer of a ballot paper reception office or the deputy returning officer of a counting office.".

4.7 **Poll runner**

Section 96 of the said Act is replaced by the following section:

"**96.** A party authorized under Chapter XIII or a ticket recognized under Division III of Chapter VI, or an independent candidate, may designate a poll runner with a

power of attorney to periodically collect, from the representative, a list of the persons who have already exercised their right to vote.".

4.8 **Power of attorney of a representative or poll runner**

Section 98 of the said Act is amended

(1) by replacing the second paragraph by the following paragraph:

"The power of attorney shall be presented to the deputy returning officer of the ballot paper reception office or the deputy returning officer of the counting office.";

(2) by replacing the words "polling station" in the third paragraph by the words "counting office".

4.9 **Notice of election**

Article 99 of this act is modified by the addition, at the end of the first indentation, of the following paragraphs:

"8° the fact that non resident electors may vote by mail;

9° the day of mailing of the voting ballots as well as the date and time by which they must be returned to the returning officer;

10° the fact that non resident electors who have not received the mailing by at the latest the sixth day prior to the day fixed for the polling station ballot may communicate with the returning officer.".

4.10 **Notice of poll**

Article 171 of this Act is modified by the addition, at the end of the first indentation, of the following paragraphs:

"9° the date and time by which the voting ballots must be received by the deputy returning officer of the ballot paper returning office;

10° the address of the office of the returning officer and, where appropriate, that of the offices of the deputy returning officers, the days and hours of opening of the office where the non resident elector may obtain the ballot or ballots if he or she did not receive them by mail.".

4.11 **Mailing of ballot papers by the returning officer**

The said Act is amended by inserting the following sections after section 172:

"**172.1.** After having completed the revision of the electoral list and given notice of the ballot, and at the latest the tenth day prior to the day fixed for the polling station ballot, the returning officer will send a mailing to non resident electors listed on the electoral list. The package shall include:

(1) a ballot paper for the office of mayor and one ballot paper for the office or offices of councillor. The ballots papers for the office of mayor and for the office of councillor may be of different colours. The ballot papers shall bear the initials of the returning officer. A facsimile of the initials may be engraved, lithographed or printed if the returning officer so allows;

(2) the envelopes provided for in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities;

(3) the form containing the statement by the elector or the person assisting the elector;

(4) the instructions for voting prescribed in section 2 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

172.2. At the latest, the sixth day prior to that fixed for the polling station ballot, the returning officer shall take the necessary steps to inform any non resident electors who have not received the ballot paper or papers that they can obtain them from the deputy returning officer of the ballot paper reception office.

The non resident electors concerned may then obtain a ballot paper after declaring under oath that they have not previously received the ballot paper or papers.".

4.12 **Establishment of the ballot paper reception office and counting office**

Section 186 of the said Act is replaced by the following sections:

"**186.** The returning officer shall establish a ballot paper reception office at the place where the envelopes containing the ballot paper or papers are received.

He shall establish whatever counting offices he may deem necessary.

186.1. The returning officer shall advise each party authorized under Chapter XIII or ticket recognized under Division III of Chapter VI and each independent candidate of the decision made pursuant to section 186 as replaced by article 4.12 of the agreement concluded by virtue of article 659.2 of the Act respecting elections and referendums in municipalities.".

4.13 **Free use of premises**

Section 189 of the said Act is amended by inserting the words "and counting offices" after the word "stations".

4.14 **Arrangement of ballot paper reception offices and counting offices**

Section 190 of the said Act is replaced by the following section:

"**190.** The returning officer shall be responsible for the arrangement and identification of any places where the ballot paper reception office and the counting office or offices are situated.".

4.15 **Ballot paper for the postal vote by non resident electors**

Section 192 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"**192.** The returning officer shall cause ballot papers for the postal vote by non resident electors to be printed in the form prescribed in the Schedule to the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

Schedules I to VIII of the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums made under the first paragraph of section 582 of the Act respecting elections and referendums in municipalities are struck out.".

4.16 **Repeal – Counterfoil and stub**

Section 195 of the said Act is struck out.

4.17 **Reverse side of ballot paper**

Section 197 of the said Act is replaced by the following section:

"**197.** The ballot papers shall contain, on the reverse, as shown in the specimen in the Schedule,

(1) a space reserved for the initials of the returning officer, that may be printed, lithographed or engraved;

(2) the name of the municipality;

(3) the office concerned;

(4) the date of the poll;

(5) the name and address of the printer.

The indication of the office concerned shall correspond to that contained in the nomination papers.".

4.18 **Withdrawal of candidate – Withdrawal of authorization or recognition**

Sections 198 et 199 of the said Act are replaced by the following sections:

"**198.** Where the withdrawal of a candidate occurs too late to have the ballot papers reprinted before they are sent to the non resident electors, the returning officer shall cause the particulars relating to that candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer shall inform every non resident elector to whom such as ballot paper is sent of the candidate's withdrawal.

If the withdrawal occurs after the ballot papers are sent, the returning officer must inform the non resident electors of the candidate's withdrawal.

Any vote cast in favour of the candidate, before or after the withdrawal, is absolutely null.

199. Where the authorization of a party or the recognition of a ticket is withdrawn too late to have the ballot papers reprinted before they are sent to the non resident electors , the returning officer shall cause the reference to the party or ticket to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

If a co-candidate ceases to be such too late to have the ballot papers reprinted before they are sent to the non resident electors, the returning officer shall cause the indication "co-candidate" and the particulars pertaining to the candidate associated with the co-candidate to be uniformly crossed off the ballot papers by means of a line in ink or any other indelible substance.

The returning officer must inform all non resident electors to whom ballot papers are sent if a co-candidate withdraws or ceases to be such.

If the authorization of a party or the recognition of a ticket is withdrawn, or if a co-candidate ceases to be such after the ballot papers have been sent, the returning officer must inform the non resident electors of the situation.".

4.19 **Polling materials**

Section 200 of the said Act is replaced by the following section:

"**200.** The returning officer shall ensure that a sufficient number of ballot papers, envelopes, forms for the statement by the elector and by the person assisting an elector and instructions to the elector on voting are available, and a ballot box for each polling subdivision.".

4.20 **Ballot box**

Section 201 of the said Act is replaced by the following section:

"**201.** Each ballot box must be made of durable material with an opening on the top so constructed that the envelope containing the ballot paper or papers may be introduced therein through the opening but cannot be withdrawn therefrom unless the box is opened.".

4.21 **Delivery of materials to the deputy returning officer of a ballot paper reception office and the deputy returning officer of a polling station**

Section 204 of the said Act is replaced by the following section:

"**204.** The tenth day prior to the day fixed for the polling station ballot, the returning officer shall deliver to the deputy returning officer of the ballot paper reception office:

(1) a ballot box for each polling subdivision;

(2) a copy of the list of electors;

(3) a poll book.

The returning officer shall also deliver to the deputy returning officer all the materials required by the latter's duties.".

4.22 **Formalities prior to the opening of the ballot paper reception office**

The said Act is amended by inserting the following sections after section 209:

"**209.1.** The deputy returning officer and the clerk of the ballot paper reception office must be present on the days and at the times fixed by the returning officer as the opening hours of the office.

209.2. The representatives assigned to the office where the ballot papers are received may be present on the same days and at the same times as the deputy returning officer of the ballot paper reception office.".

POLLING PROCEEDINGS

4.23 **Polling period in respect of the postal vote of non resident electors**

Section 210 of the said Act is replaced by the following section:

"**210.** The polling period in respect of the postal vote of non resident electors shall begin on the tenth day prior to that fixed for the polling station ballot and shall end at 7 p.m. on the second day prior to the day fixed for the polling station ballot.".

4.24 **Repeal – voting leave**

Section 213 of the said Act is struck out.

4.25 **Identification of non resident electors who vote in a postal vote**

The said Act is amended by inserting the following sections after section 213.4:

"**213.5.** A non resident elector who votes in a postal ballot must transmit, with the ballot paper or papers, a photocopy of one of the following documents bearing the elector's signature: a Québec health insurance card issued by the Régie de l'assurance maladie, a driver's licence or probationary licence issued as a plastic card by the Société de l'assurance automobile du Québec, or a Canadian passport.

Where the non resident elector's signature does not appear on one of the documents listed in the first paragraph, the elector must transmit, with the document, other proof of the elector's identity bearing the elector's signature.

213.6. A non resident elector who fails to transmit, with the ballot paper or papers, a photocopy of one of the documents listed in section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, or fails to sign the statement by the elector, the deputy returning officer of the ballot paper reception office must take the necessary steps to communicate with the elector and ask the elector to transmit the missing documents before 7 p.m. on the second day prior to that fixed for the polling station ballot, failing which the elector's ballot paper or papers will be cancelled.

213.7. No person may make a note of or otherwise collect any information contained in a document transmitted by an elector in accordance with section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.".

4.26 **Postal ballot of non resident electors**

The said Act is amended by inserting the following sections after section 228 :

"**228.0.1.** A non resident elector voting in a postal ballot shall mark the ballot paper in one of the circles using a pen, maker or pencil.

After marking the ballot paper or papers, the non resident elector shall insert them in the envelope marked "ENV-1 Envelope", seal the envelope and insert it in the envelope marked "Envelope ENV-2". The elector must also place in the envelope ENV-2 a document proving the elector's identity listed in section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, and the statement by the elector or statement by the person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, duly signed. The elector's name and telephone number must also be printed in block letters on the statement.

228.0.2. If the non resident elector is unable to complete the steps required to vote, they may be completed by the person assisting the elector in accordance with section 228.06, as added by section 4.26 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

That person must complete the statement of a person assisting an elector prescribed in section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

228.0.3. The non resident elector may forward the ENV-2 envelope by mail, or leave it at the ballot paper reception office.

Every ballot paper received after 7 p.m. on the second day prior to that fixed for the polling station ballot will be cancelled.

228.0.4. Where the name or address of the non resident elector that appears on the statement by the elector differs slightly from those entered on the list of electors, the deputy returning officer of the ballot paper reception office is required to place the envelope containing the elector's ballot paper or papers in the ballot box for the elector's polling subdivision. The particulars shall be entered in the poll book.

228.0.5. A non resident elector who has not received a ballot paper may apply to the returning officer or the deputy returning officer of the ballot paper reception office to obtain it.

In this event, the deputy returning officer of the ballot paper reception office must verify on the list of electors if the elector has already voted. The deputy returning officer shall then give the non resident elector an envelope containing the ballot paper or papers bearing the initials of the returning officer.

If the deputy returning officer of the ballot paper reception office has already received an envelope from the non resident elector, the deputy returning officer shall not permit the elector to vote and shall not give the elector another envelope.

A non resident elector may only benefit from the provisions of the first two paragraphs beginning six days before the day fixed for the polling station ballot.

The clerk of a ballot paper reception office shall enter the particulars in the poll book.

228.0.6. A non resident elector who is unable to mark the ballot paper alone may receive assistance from

(1) a person who is the elector's spouse or relative within the meaning of section 131 ; or

(2) another person who declares, in accordance with section 2.3 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, that he or she has not already assisted another elector in the same poll.

228.0.7. The returning officer may authorize a non resident elector whose name does not appear on the revised list of electors but has been entered or corrected by a board of revisors to take part in a postal ballot. The particulars shall be entered in the poll book.

228.0.8. A non resident elector who inadvertently marks or spoils a ballot paper may ask the deputy returning officer of the ballot paper reception office for another ballot paper. The particulars shall be entered in the poll book.

228.0.9. The deputy returning officer of the ballot paper reception office shall place the ENV-1 Envelope containing the ballot paper or papers, without opening it, in the ballot box for the elector's polling subdivision after verifying that the non resident elector's signature on the statement by the elector matches the photocopy on the proof of identity. If the signatures do not match, the deputy returning officer shall cancel the ENV-1 Envelope and place it in the envelope provided for that purpose.

228.0.10. As soon as a non resident elector has voted, the clerk of the ballot paper reception office shall indicate that fact on the list of electors in the space reserved for that purpose.

228.0.11. After processing all the envelopes received from non resident electors on the last day determined by the returning officer for the return of envelopes to the ballot paper reception office, the deputy returning officer of the ballot paper reception office shall give the list of electors used to the returning officer along with the materials prescribed in section 204 as amended by section 4.21 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities.

The clerk of a ballot paper reception office shall enter the following particulars in the poll book:

(1) the date of the poll and the name of the municipality;

(2) the number of non resident electors who sent an ENV-1 Envelope;

(3) the number of cancelled ENV-1 Envelopes for each polling subdivision.

The deputy returning officer of the ballot paper reception office shall return all polling materials to the returning officer.".

COUNTING AND ADDITION OF VOTES

4.27 **Counting of votes**

Section 229 of the said Act is replaced by the following section:

"**229.** After the closing of the poll, the deputy returning officer of the counting office, assisted by the clerk of the counting office, shall proceed to the counting of the votes received by mail from non resident electors.

The representatives assigned to the counting office may attend.".

4.28 **Entries in poll book**

Section 230 of the said Act is replaced by the following section:

"**230.** Before the ballot box is opened, the clerk of the counting office shall enter the following particulars in the poll book:

(1) the date of the poll, the name of the municipality and the number of the counting office;

(2) the names of the persons designated by the returning officer to count the votes;

(3) the names of the representatives present during the counting of the votes.".

4.29 **Compiling sheet**

Section 231 of the said Act is amended by replacing the words "poll clerk" by "clerk of the counting office".

4.30 **Opening of ballot box and ENV-1 envelopes and counting of votes**

Section 232 of the said Act is replaced by the following sections:

"**232.** The deputy returning officer of the counting office shall open the ballot box and remove the ENV-1 envelopes one by one, open them and place the ballot paper or papers in piles depending on the office for which the election is held.

232.1. The deputy returning officer of the counting office shall count the votes by taking the ballot papers one by one, by office. The deputy returning officer shall allow each person present to examine the ballot papers without touching them.".

4.31 **Rejected ballot papers**

Sections 233 and 234 of the said Act are replaced by the following sections:

"**233.** Every ballot paper marked in the way prescribed in section 228.0.1, as added by section 4.26 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, is valid. However, a ballot paper must be rejected if it

(1) has not been furnished by the returning officer;

(2) has not been marked;

(3) has been marked in favour of more than one candidate;

(4) has been marked in favour of a person who is not a candidate;

(5) has been marked elsewhere than in one of the circles;

(6) bears a mark by which the elector can be identified;

(7) bears fanciful or injurious entries;

(8) has been spoiled.

234. Every ballot paper that does not bear the initials of the returning officer must be rejected.".

4.32 **Repeal – Failure to detach the stub of a ballot paper**

Section 235 of the said Act is struck out.

4.33 **Objections as to the validity of a ballot paper**

Section 237 of the said Act is replaced by the following section:

"**237.** The deputy returning officer of the counting office shall consider every objection raised by a representative in respect of the validity of a ballot paper and make a decision immediately.

The objection and the decision of the deputy returning officer of the counting office shall be entered in the poll book.".

4.34 **Statement of poll**

Section 238 of the said Act is replaced by the following section:

"**238.** After examining all the ballot papers received, the deputy returning officer of the counting office shall draw up a statement of votes indicating

(1) the total number of non resident electors who have voted, which must match the number of envelopes placed in the ballot box;

(2) the number of ballot papers given in favour of each candidate;

(3) the number of ballot papers rejected in the counting of votes.

The statement must be drawn up separately for each office for which a poll was held.

The deputy returning officer of the counting office shall draw up a sufficient number of copies of the statement of votes to provide, in addition to the deputy returning officer's copy, a copy for the returning officer and for each representative assigned to the counting office.".

4.35 **Copy for representatives**

Section 240 of the said Act is amended by replacing the words "polling station" in the first paragraph by the words "counting office".

4.36 **Separate envelopes**

Sections 241 and 242 of the said Act are replaced by the following section:

"**241.** After drawing up the statement of votes, the deputy returning officer of the counting office shall place the ballot papers marked in favour of each candidate, the ballot papers rejected in the counting of votes and the statement of votes in separate envelopes.

The deputy returning officer shall then seal the envelopes. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.

The envelopes and the poll book shall be placed in the ballot box. Before closing the ballot boxes, the returning officer shall give the deputy returning officer of the counting office an envelope for his polling subdivision concerned containing the ballot papers cancelled upon reception by the deputy returning officer of the ballot paper reception office.

The envelope shall be placed in the ballot box without being opened.

A copy of the statement of votes shall be placed in the ballot box.".

4.37 **Closing of ballot box**

Section 243 of the said Act is replaced by the following section:

"**243.** The deputy returning officer of the counting office shall close and seal the ballot box. The deputy returning officer and the clerk of the counting office and the representatives assigned to the counting office who wish to do so shall affix their initials to the seals.".

4.38 **Adjournment**

Section 248 of the said Act is amended by inserting the words "of the counting office" after the words "deputy returning officer" in the second paragraph.

4.39 **New summary counting of votes**

Section 250 of the said Act is amended by replacing the words "poll clerk" in the first paragraph by the words "clerk of the counting office".

RECOUNT OR RE-ADDITION OF VOTES

4.40 **Application for recount**

Section 262 of the said Act is amended by replacing the words "a poll clerk" in the first paragraph by the words "the clerk of a counting office".

4.41 **Applicable provisions**

Section 269 of the said Act is amended by inserting the words "as amended by the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities" after the words "Division V".

ELECTORAL CONDUCT

4.42 **Assistance to an elector**

Section 281 of the said Act is replaced by the following section:

"**281.** A person who has given assistance to a non resident elector may not disclose for which candidate the elector has voted.".

4.43 **Partisan publicity and partisan work**

Section 283 of the said Act is replaced by the following section:

"**283.** No person may, on the premises of a ballot paper reception office, use a sign to indicate his political affiliation or support for or opposition to a party, ticket or candidate or ideas promoted or opposed by the latter, or engage in any other form of partisan publicity.

The building in which the ballot paper reception office is located and any neighbouring place where the sign or partisan publicity may be seen or heard by the electors are deemed to be the premises of a ballot paper reception office.".

PENAL PROVISIONS

4.44 **Offences**

Section 586 of the said Act is amended by adding the following paragraph:

"13° every person who falsely claims to be the spouse or relative of an elector or a person cohabiting with a non resident elector.".

4.45 **Alteration of imitation of initials**

Section 633 of the said Act is amended by adding the words "or the returning officer" after the words "deputy returning officer" in paragraph 2.

4.46 **Leave**

Section 635 of the said Act is amended by striking out paragraph 1.

4.47 **Retention of documents**

Section 658.1 of the said Act is amended by adding the following paragraph:

"However, the photocopies of the proof of identity referred to in section 213.5, as added by section 4.25 of the agreement entered into under section 659.2 of the Act respecting elections and referendums in municipalities, must be destroyed once the deadline for presenting a motion to contest an election has expired, or once the decision made concerning such an application has become final.".

4.48 **Other modifications**

The words "day preceding that fixed for the ballot", "day following that of the ballot", "day fixed for the ballot", and "ballot day" are replaced in the clauses of the Act respecting elections and referendums in the municipalities that are not modified by the present agreement by the words "day preceding that fixed for the polling station ballot", "day following that fixed for the polling station ballot", "day fixed for the polling station ballot", and "polling station ballot day".

5. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the testing of the new method of voting in the general election held on November 6th, of the year 2005 and for any subsequent polls held before January 1st, 2020.

6. AMENDMENT

The parties agree that this agreement may be amended as needed to ensure the proper conduct of the general election held on November 6th, of the year 2005.

All amendments must be noted in the assessment report.

7. ASSESSMENT REPORT

Within 120 days following the end of the general election held on November 6th, of the year 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister, which report shall cover the following points in particular:

— preparations for the election (selection of the new method of voting, communications plan, establishment of ballot paper reception office and counting offices, etc.);

— the conduct of the poll;

— the cost of using a postal ballot:

– costs relating to the adaptation of voting methods;

– costs relating to the vote of non resident electors including in particular the number of electors concerned;

— the advantages and disadvantages of using the new methods of voting;

— statistics on the postal ballot, including:

– the participation rate of non resident electors;

– the number of non resident electors who voted by mail;

– the number of cancelled ENV-1 envelopes.

8. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) applies to the general election held on November 6th, of the year 2005 in the municipality, subject to the provisions of the said Act amended or replaced by this agreement, in respect of voting by non resident electors.

9. EFFECT OF AGREEMENT

This agreement take effect from the time when the returning officer takes the first action in connection with an election to which the agreement applies.

AGREEMENT SIGNED IN FIVE COPIES

At Saint-Faustin–Lac-Carré, on the 9th day of June in the year 2005

THE MUNICIPALITY OF SAINT-FAUSTIN–LAC-CARRÉ

By : _____
PIERRE POIRIER, *Mayor*

_____
RICHARD DAVELUY, *Clerk or Secretary-Treasurer*

At Nominingue, on the 17th day of June in the year 2005

THE MUNICIPALITY OF NOMININGUE

By : _____
LOUISE PÉCLET-ROCHON, *Acting Mayor*

_____
ROBERT CHARRETTE, *Clerk or Secretary-Treasurer*

At Saint-Alphonse-Rodriguez, on the 23rd day of June in the year 2005

THE MUNICIPALITY OF SAINT-ALPHONSE-RODRIGUEZ

By : _____
MICHEL BÉLEC, *Mayor*

_____
FRANÇOIS DAUPHIN, *Clerk or Secretary-Treasurer*

At Québec, on the 29th day of June in the year 2005

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

At Québec, on the 18th day of July in the year 2005

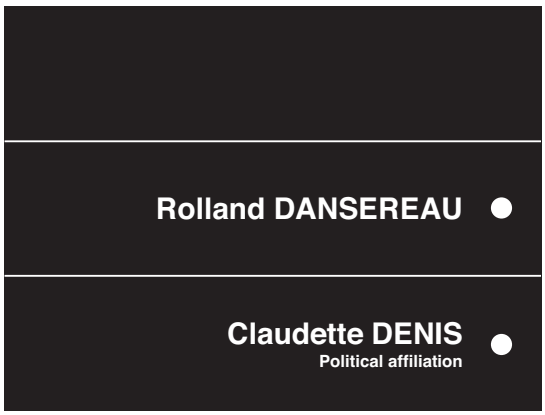
THE MINISTER OF MUNICIPAL AND REGIONAL AFFAIRS

By : _____
DENYS JEAN, *Deputy Minister*

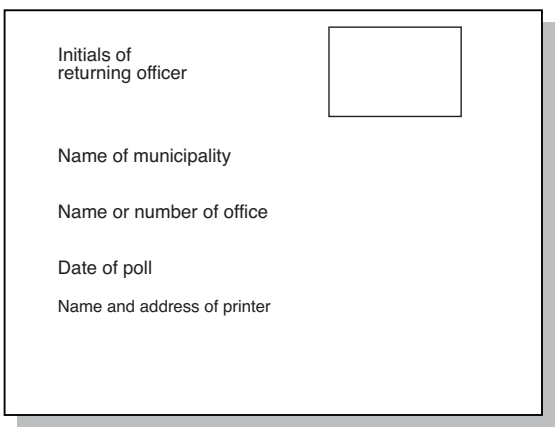
SCHEDULE

MODEL BALLOT PAPER

MODEL OF THE OBVERSE OF A BALLOT PAPER WITH TWO CANDIDATES



MODEL OF THE REVERSE OF A BALLOT PAPER WITH TWO CANDIDATES



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Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING USING "PERFAS-MV" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF Cantons-Unis de Stoneham-et-Tewkesbury, a legal person established in the public interest, having its head office at 325, chemin du Hibou, Stoneham (Québec) Province de Québec, G0A 4P0, represented by the mayor, Dany Barbeau, and the secretary-treasurer, Michel Chatigny, under a resolution bearing number 10-05, hereinafter called

THE MUNICIPALITY

AND

Mtre Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

The Honourable Jean-Marc Fournier, in his capacity as MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION, having his main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 181-04, passed at its meeting of June 14th 2004, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the regular election of November 6th 2005 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following:

"**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs and Greater Montréal and the Chief Electoral Officer.";

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the regular election held on November 6th 2005 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that regular election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of January 17th 2005, resolution No. 10-05 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following :

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 "electronic voting system" means an apparatus consisting of the following devices :

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards ;

— a reader of electronic voting cards ;

— one or more printers ;

— one or more autonomous voting terminals ;

— electronic cards used to place the terminals in "election" mode, to vote (electronic voting cards), to place the terminals in "end of election" mode, and to record the results from each autonomous voting terminal ;

2.2 "voting terminal" means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors ;

2.3 "electronic card reader" means a device allowing the information required for an elector to vote to be transferred onto an electronic card ;

2.4 "rejected ballot paper" means a ballot paper for which the button corresponding to "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" has been pushed by an elector on the voting terminal ;

2.5 "operations trail" means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the regular election of November 6th 2005 in the municipality, a sufficient number of "PERFAS-MV" model electronic voting systems will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms :

1) a report displaying a total of "zero" must be automatically produced by the electronic ballot box when a voting terminal is turned on on the first day of advance polling and on polling day ;

2) a verification report must be generated on a continuous basis and automatically saved on the memory card of the voting terminal, and must record each procedural operation ;

3) a mechanism which prevents a voting terminal from being placed in "end of election" mode while polling is still under way, because the terminal can only be placed in "end of election" mode by the insertion of an "end of election" card ;

4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in "election" mode ;

5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal ;

6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator ;

7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 **Election officers**

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words "senior deputy returning officer, assistant to the senior deputy returning officer" after the word "assistant,".

6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**

The following is substituted for section 76 of the Act:

"**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.".

6.3 **Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer**

The following is substituted for section 80 of the Act:

"**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in "end of election" mode, and the voting terminals in sealed cases.

80.1. The assistant to the deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter's duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) see that the polling is properly conducted and maintain order at the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) receive proof of identity from electors;

(5) give electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.".

6.4 **Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

"**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emer-

gency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs, Sports and Recreation of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.".

6.5 **Notice of election**

The following is added after paragraph 7 of section 99:

"(8) the fact that the method of voting is by means of an electronic voting system.".

6.6 **Polling subdivisions**

The following is substituted for section 104 of the Act:

"**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.".

6.7 **Verification of electronic voting systems**

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

"***§1.1*** *Verification of electronic voting systems*

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the system, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor";

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement "I do not wish to vote for the office of mayor", and the button used to vote for a councillor or corresponding to the statement "I do not wish to vote for the office of councillor", have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in "end of election" mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.".

6.8 **Advance polling**

The following is substituted for sections 182, 183 and 185 of the Act:

"**182.** At the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall:

(1) place the voting terminals in "end of election" mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in "election" mode and "end of election" mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in "election" mode and the card used to place the terminals in "end of election" mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.".

6.9 **Revocation**

Sections 186 and 187 of the Act are revoked.

6.10 **Polling place**

The following is substituted for the first paragraph of section 188 of the Act:

"**188.** The polling place must be in premises that are spacious and easily accessible to the public.".

6.11 **Booths**

The following is substituted for section 191 of the Act:

"**191.** Where electronic voting systems are used in an election, each polling station shall have the number of polling booths determined by the returning officer.".

6.12 **Ballot papers and electronic voting cards**

The following is substituted for section 192 of the Act:

"**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors' right to vote.".

The following is substituted for sections 193 to 195 of the Act:

"**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule I to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.".

6.13 **Identification of the candidates**

The following is substituted for section 196 of the Act:

"**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector's mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate's name and, where such is the case, above the indication of the candidate's political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.".

6.14 **Reverse of ballot paper**

Section 197 is revoked.

6.15 **Withdrawal of a candidate**

The following is substituted for section 198 of the Act:

"**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.".

6.16 **Withdrawal of authorization or recognition**

The following is substituted for section 199 of the Act:

"**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.".

6.17 **Number of voting terminals**

The following is substituted for sections 200 and 201 of the Act:

"**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule II to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.".

6.18 **Provision of polling materials**

The following is substituted for section 204 of the Act:

"**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and the recording of votes.".

6.19 **Examination of polling materials and documents**

The following is substituted for section 207 of the Act:

"**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

The senior deputy returning officer shall keep the reports and show them to any person present who wishes to examine them.

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

In the hour preceding the opening of the polling stations, each deputy returning officer and poll clerk shall examine the polling documents and materials provided by the returning officer.".

POLLING PROCEDURE

6.20 **Presence at the polling station**

The following is substituted for the third paragraph of section 214 of the Act:

"In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.".

6.21 **Electronic voting cards**

The following is substituted for section 221 of the Act:

"**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.".

6.22 **Voting**

The following is substituted for section 222 of the Act:

"**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.".

6.23 **Following the vote**

The following is substituted for section 223 of the Act:

"**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter's assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter's assistant shall press the button corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" or both, as the case may be, and shall then record the voter's vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.".

6.24 **Cancelled and spoiled ballot papers**

Sections 224 and 225 of the Act are revoked.

6.25 **Assistance for electors**

The following is substituted for section 226 of the Act:

"**226.** An elector who declares under oath, before the senior deputy returning officer or the assistant to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the elector's spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.".

6.26 **Transfer of information to electronic voting cards**

The following is substituted for section 228 of the Act:

"**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.".

6.27 **Compilation of results and tallying of votes**

The following is substituted for section 229 of the Act:

"**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

(1) placing the election terminals of the polling place in "end of election" mode;

(2) recording the results of each voting terminal;

(3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.".

6.28 **Entries in poll book**

The following is substituted for section 230 of the Act:

"**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

(1) the number of electors who have voted;

(2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.".

6.29 **Compiling sheet**

Section 231 of the Act is revoked.

6.30 **Counting of the votes**

Section 232 of the Act is revoked.

6.31 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

"**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.".

Sections 234 to 237 of the Act are revoked.

6.32 **Partial statement of votes and copy for representatives**

The following is substituted for sections 238 and 240 of the Act:

"**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the returning officer and every representative assigned to the polling station.

238.1 Using the partial statements of votes and the results compiled by the electronic voting system, the senior deputy returning officer shall draw up an overall statement of votes.

240. The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.".

6.33 **Separate envelopes**

The following is substituted for section 241 of the Act:

"**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.".

6.34 **Seals**

The following is substituted for section 242 of the Act:

"**242.** The senior deputy returning officer shall place in a large envelope:

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in "election" mode and "end of election" mode;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.".

6.35 **Placing in ballot box**

Section 243 of the Act is revoked.

6.36 **Delivery to returning officer**

The following is substituted for section 244 of the Act:

"**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;

(2) the large envelope provided for in section 242.".

6.37 **Addition of votes**

The following is substituted for section 247 of the Act:

"**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.".

6.38 **Adjournment of the addition of votes**

The following is substituted for section 248 of the Act:

"**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.".

6.39 **Placing in envelope**

The following is substituted for section 249 of the Act:

"**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.".

6.40 **New counting of the votes**

Section 250 of the Act is revoked.

6.41 **Notice to the Minister**

The following is substituted for section 251 of the Act:

"**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs, Sports and Recreation in accordance with Division III of Chapter XI.".

6.42 **Access to voting papers**

Section 261 of the Act is revoked.

6.43 **Application for a recount or re-addition**

The following is substituted for the first paragraph of section 262 of the Act:

"**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.".

6.44 **Notice to candidates**

The following is substituted for section 267 of the Act:

"**267.** The judge shall give one clear day's advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.".

6.45 **Procedure for a new compilation of results or re-addition of votes**

The following is substituted for section 268 of the Act:

"**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.".

6.46 **Repeal**

Section 269 is revoked.

6.47 **Missing electronic card for recording results and partial statements of votes**

The following is substituted for the first paragraph of section 270 of the Act:

"**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.".

6.48 **Custody of items and documents, and verification**

The following is substituted for sections 271, 272 and 273 of the Act:

"**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.".

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before December 31st 2013.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the regular election to be held on November 6th 2005 and of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the regular election held on November 6th 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister addressing, in particular, the following issues:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the regular election on November 6th 2005 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the regular election held on November 6th 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES

In Stoneham-et-Tewkesbury, this 17th day of January 2005

MUNICIPALITY OF Cantons-Unis de Stoneham-et-Tewkesbury

By: _____
DANY BARBEAU, *Mayor*

_____
Michel Chatigny, *Secretary-Treasurer*

In Québec, on this 2nd day of February 2005

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

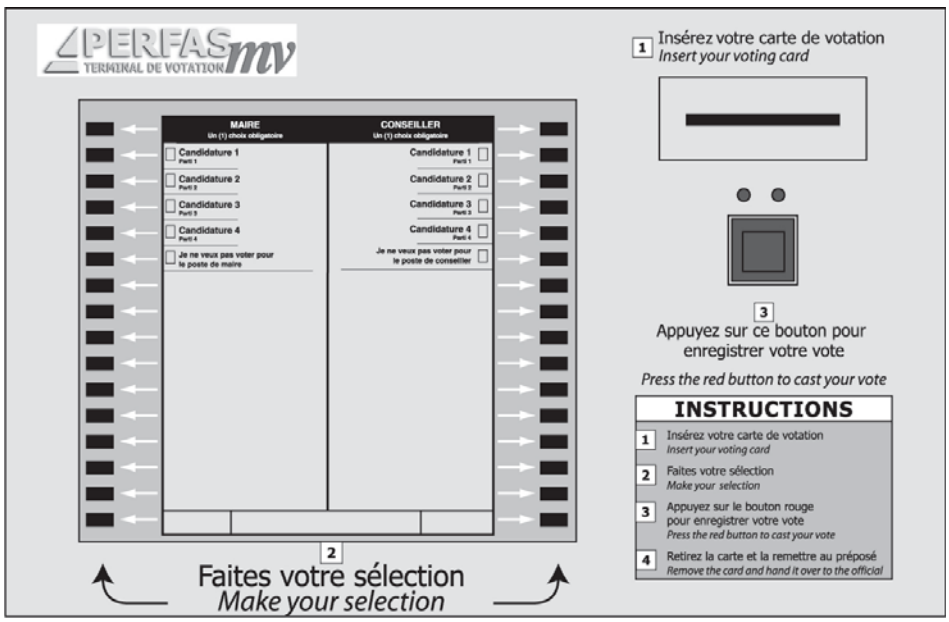
In Québec, on this 11nt day of February 2005

THE MINISTER OF MUNICIPAL AFFAIRS, SPORTS AND RECREATION

_____
DENYS JEAN, *Deputy Minister*

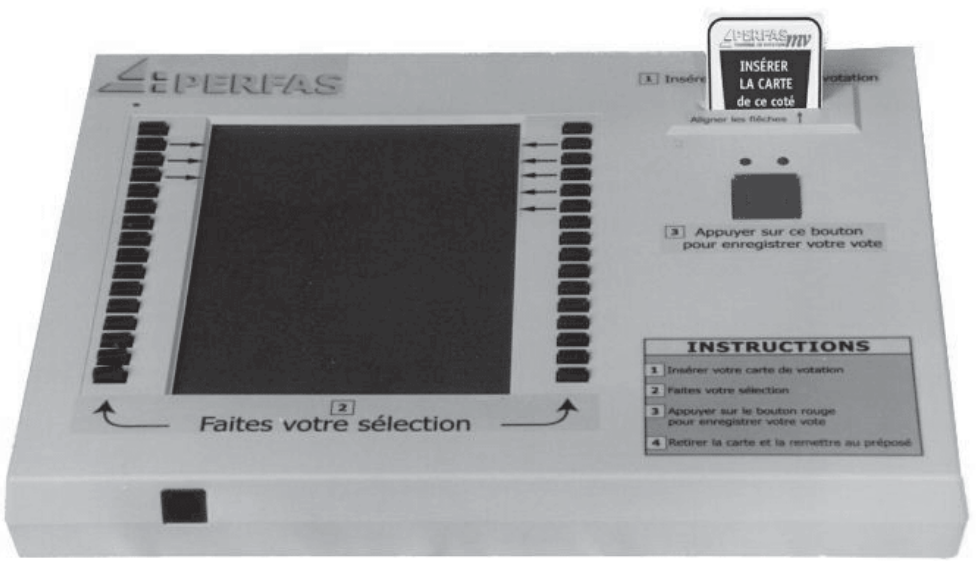
SCHEDULE I

BALLOT PAPER



SCHEDULE II

VOTING TERMINAL



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Gouvernement du Québec

Agreement

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

AGREEMENT CONCERNING NEW METHODS OF VOTING USING "PERFAS-MV" BALLOT BOXES

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF VICTORIAVILLE, a legal person established in the public interest, having its head office at 1, rue Notre-Dame Ouest, Victoriaville, Province de Québec, represented by the mayor, Mr. Roger Richard, and the clerk or secretary-treasurer, Mr. Jean Poirier, under a resolution bearing number 320-05-05, hereinafter called

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to that office under the Election Act (R.S.Q., c. E-3.3), acting in that capacity and having his main office at 3460, rue de La Pérade, Sainte-Foy, Province de Québec, hereinafter called

THE CHIEF ELECTORAL OFFICER

AND

Mrs. Nathalie Normandeau, in her capacity as MINISTER OF MUNICIPAL AFFAIRS AND REGIONS, having her main office at 10, rue Pierre-Olivier-Chauveau, Québec, Province de Québec, hereinafter called

THE MINISTER

WHEREAS the council of the MUNICIPALITY, by its resolution No. 320-05-05, passed at its meeting of May 2nd, 2005, expressed the desire to avail itself of the provisions of the Act respecting elections and referendums in municipalities to enter into an agreement with the CHIEF ELECTORAL OFFICER and the MINISTER in order to allow the use of electronic ballot boxes for the general election of November 6th, 2005 in the MUNICIPALITY;

WHEREAS sections 659.2 and 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) provide the following:

"**659.2.** A municipality may, in accordance with an agreement made with the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer, test new methods of voting during a poll. The agreement may provide that it also applies to polling held after the poll for which the agreement was entered into; in such case, the agreement shall provide for its period of application.

The agreement must describe the new methods of voting and mention the provisions of this Act it amends or replaces.

The agreement has the effect of law.

659.3. After polling during which a test mentioned in section 659.2 is carried out, the municipality shall send a report assessing the test to the Minister of Municipal Affairs, Sports and Recreation and the Chief Electoral Officer.";

WHEREAS the MUNICIPALITY expressed the desire to avail itself of those provisions for the general election held on November 6th, 2005 and could, with the necessary adaptations, avail itself of those provisions for elections held after the date of the agreement, the necessary adaptations to be included in an addendum to this agreement;

WHEREAS it is expedient to provide the procedure that applies to the territory of the MUNICIPALITY for that general election;

WHEREAS an agreement must be entered into between the MUNICIPALITY, the CHIEF ELECTORAL OFFICER and the MINISTER;

WHEREAS the MUNICIPALITY is solely responsible for the technological choice elected;

WHEREAS the council of the MUNICIPALITY passed, at its meeting of May 2nd, 2005, resolution No. 320-05-05 approving the text of the agreement and authorizing the mayor and the clerk or secretary-treasurer to sign this agreement;

WHEREAS the returning officer of the MUNICIPALITY is responsible for the application of this agreement and the means necessary to carry it out;

THEREFORE, the parties agree to the following:

1. PREAMBLE

The preamble to this agreement is an integral part of the agreement.

2. INTERPRETATION

Unless stated otherwise, expressly or as a result of the context of a provision, the following expressions, terms and words have, for the purposes of this agreement, the meaning and application given in this section.

2.1 "electronic voting system" means an apparatus consisting of the following devices:

— a computer containing in its memory the list of electors, used for the preparation of electronic voting cards;

— a reader of electronic voting cards;

— one or more printers;

— one or more autonomous voting terminals;

— electronic cards used to place the terminals in "election" mode, to vote (electronic voting cards), to place the terminals in "end of election" mode, and to record the results from each autonomous voting terminal;

2.2 "voting terminal" means an independent device containing a display with a graphical representation of a ballot paper, buttons used by electors to vote, and a memory card to record and compile the votes cast by electors;

2.3 "electronic card reader" means a device allowing the information required for an elector to vote to be transferred onto an electronic card;

2.4 "rejected ballot paper" means a ballot paper for which the button corresponding to "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" has been pushed by an elector on the voting terminal;

2.5 "operations trail" means a print-out of the operations (audit) of a voting terminal.

3. ELECTION

3.1 For the purposes of the general election of November 6th, 2005 in the municipality, a sufficient number of "PERFAS-MV" model electronic voting systems will be used.

3.2 Before the publication of the notice of election, the municipality must take the necessary steps to provide its electors with adequate information concerning the testing of the new method of voting.

4. SECURITY MECHANISMS

Each electronic voting system must include the following security mechanisms:

(1) a report displaying a total of "zero" must be automatically produced by the electronic ballot box when a voting terminal is turned on on the first day of advance polling and on polling day;

(2) a verification report must be generated on a continuous basis and automatically saved on the memory card of the voting terminal, and must record each procedural operation;

(3) a mechanism which prevents a voting terminal from being placed in "end of election" mode while polling is still under way, because the terminal can only be placed in "end of election" mode by the insertion of an "end of election" card;

(4) a mechanism to ensure that the compilation of results is not affected by any type of interference once the electronic ballot box has been placed in "election" mode;

(5) each voting terminal must be equipped with seals, two to prevent the opening of the box and one covering the screws of the voting terminal;

(6) each voting terminal must be equipped with a back-up power source (battery) able to operate for two to five hours, unless all the terminals are connected to a generator;

(7) if a voting terminal is defective, its internal memory card may be removed and transferred immediately into another voting terminal in order to allow the procedure to continue.

5. PROGRAMMING

Each electronic voting system used is specially programmed by the firm PG Elections inc. for the municipality in order to recognize and tally ballot papers in accordance with this agreement.

6. AMENDMENTS TO THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

6.1 **Election officers**

Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) is amended by inserting the words "senior deputy returning officer, assistant to the senior deputy returning officer" after the word "assistant,".

6.2 **Senior deputy returning officer, assistant to the senior deputy returning officer, deputy returning officer and poll clerk**

The following is substituted for section 76 of the Act:

"**76.** The returning officer shall appoint the number of senior deputy returning officers and assistants to the senior deputy returning officer that he deems necessary for each polling place.

The returning officer shall appoint a deputy returning officer and a poll clerk for each polling station.".

6.3 **Duties of the senior deputy returning officer, assistant to the senior deputy returning officer and deputy returning officer**

The following is substituted for section 80 of the Act:

"**80.** The senior deputy returning officer shall, in particular,

(1) see to the installation and preparation of the electronic voting systems (voting terminal and electronic card reader);

(2) ensure that the polling is properly conducted and maintain order in the vicinity of the voting terminals in the polling place;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) ensure that the electronic voting systems function correctly;

(5) print out the results compiled by the voting terminals at the closing of the poll;

(6) complete an overall statement of votes from the partial statements and the results compiled by each voting terminal;

(7) give the returning officer, at the closing of the poll, the results compiled by each voting terminal, the overall statement of votes and the number of electors at each polling station who were given an electronic voting card;

(8) give the returning officer the memory card on which the results of each voting terminal are recorded, the card used to place terminals in "end of election" mode, and the voting terminals in sealed cases.

80.1. The assistant to the deputy returning officer shall, in particular,

(1) assist the senior deputy returning officer in the latter's duties;

(2) receive any elector referred by the senior deputy returning officer;

(3) verify the polling booths in the polling place.

80.2. The deputy returning officer shall, in particular,

(1) see to the arrangement of the polling station;

(2) see that the polling is properly conducted and maintain order at the polling station;

(3) facilitate the exercise of the right to vote and ensure that voting is secret;

(4) make sure of electors' identity;

(5) give electors an electronic voting card to exercise their right to vote;

(6) check that each electronic voting card returned after the vote has been used. If a card has not been used, a record shall be made in the poll book that an elector has failed to exercise the right to vote;

(7) at the close of the poll, give the senior deputy returning officer a statement indicating the total number of electors given an electronic voting card by the deputy returning officer at the polling station.".

6.4 **Duties of the poll clerk**

The following is substituted for section 81 of the Act:

"**81.** The poll clerk shall, in particular,

(1) enter in the poll book the particulars relating to the conduct of the polling;

(2) note on the screen and on the paper list of electors "has voted" next to the names of electors to whom the deputy returning officer has given electronic voting cards;

(3) assist the deputy returning officer.".

6.5 **Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance**

The following is substituted for section 90.5 of the Act:

"**90.5.** Where, during the election period, within the meaning of section 364, it comes to the attention of the Chief Electoral Officer that, subsequent to an error, emergency or exceptional circumstance, a provision referred to in section 90.1 or in the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities does not meet the demands of the resultant situation, the Chief Electoral Officer may adapt the provision in order to achieve its object.

The Chief Electoral Officer shall first inform the Minister of Municipal Affairs and Regions of the decision he intends to make.

Within 30 days following polling day, the Chief Electoral Officer shall transmit to the President or the Secretary General of the National Assembly a report of the decisions made pursuant to the first paragraph. The President shall table the report in the National Assembly within 30 days of receiving it or, if the National Assembly is not sitting, within 30 days of resumption.".

6.6 **Notice of election**

The following is added after paragraph 7 of section 99:

"(8) the fact that the method of voting is by means of an electronic voting system.".

6.7 **Polling subdivisions**

The following is substituted for section 104 of the Act:

"**104.** The returning officer shall divide the list of electors into polling subdivisions, each comprising not more than 750 electors.

The returning officer shall provide a sufficient number of polling stations at each polling place to receive electors, establish their identity and give them an electronic voting card.

In the polling place, the electors may report to any polling station. They shall be directed to the first available voting terminal to exercise their right to vote.".

6.8 **Verification of electronic voting systems**

The Act is amended by inserting the following subdivision after subdivision 1 of Division IV of Chapter VI of Title I:

"*§**1.1** Verification of electronic voting systems*

173.1. The returning officer shall, not later than the fifth day preceding the first day of advance polling and the fifth day preceding polling day, test the electronic voting system to ensure that it tallies the number of votes cast accurately and precisely, in the presence of the candidates or their representatives if they so wish.

173.2. During the testing of the electronic voting system, adequate security measures must be taken by the returning officer to guarantee the integrity of the system as a whole and of each component used to record, compile and memorize results. The returning officer must ensure that no electronic communication that could change the programming of the system, the recording of data, the tallying of votes, the memorization of results or the integrity of the system as a whole may be established.

173.3. The returning officer shall conduct the test by performing the following operations:

(1) he shall prepare a pre-determined number of electronic voting cards and transfer onto them the information relating to one of the positions to be filled;

(2) he shall record on the voting terminal a pre-determined number of votes that have been manually tallied. The votes shall include:

(a) a pre-determined number of votes in favour of one of the candidates for the office of mayor and councillor;

(b) a pre-determined number of votes corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor";

(c) a pre-determined number of votes for a candidate for the office of mayor and the same pre-determined number of votes for a candidate for a position as a councillor;

(3) he shall ensure that it is not possible to record more than one vote for the same position;

(4) he shall ensure that the button used to record a vote can be pushed only after the button used to vote for the mayor or corresponding to the statement "I do not wish to vote for the office of mayor", and the button used to vote for a councillor or corresponding to the statement "I do not wish to vote for the office of councillor", have been pushed;

(5) he shall ensure that the information relating to the positions to be filled contained on the electronic voting cards is consistent with the information transferred to the cards by the returning officer;

(6) he shall place the system in "end of election" mode and ensure that the results compiled by the voting terminal are consistent with the results compiled manually;

(7) once the test has been successfully completed, he shall reset the voting terminal to zero and replace it in a sealed case; the candidates or their representatives may affix their signature if they so wish;

(8) where an error in the compilation of the results compiled by the terminals is detected, the returning officer shall determine with certitude the cause of error, proceed with a further test, and repeat the operation until a perfect compilation of results is obtained; any error or discrepancy shall be noted in the test report;

(9) he may not change the programming established by the firm PG Elections inc.".

6.9 **Advance polling**

The following is substituted for sections 182, 183 and 185 of the Act:

"**182.** At the close of the advance polling station, the poll clerk shall enter the following particulars in the poll book:

(1) the number of electors who were given an electronic voting card;

(2) the total number of votes recorded on each terminal, as transmitted by the senior deputy returning officer;

(3) the names of the persons who performed duties as election officers or as representatives.

The deputy returning officer shall place in separate envelopes the forms, the verification reports printed out at each terminal, the poll book and the list of electors, and shall then seal the envelopes. The deputy returning officer, the poll clerk and the representatives who wish to do so shall affix their initials to the seals of the envelopes. The envelopes, except the envelope containing the list of electors, shall be given to the senior deputy returning officer for deposit in a large envelope. The large envelope shall be sealed. The persons present may affix their initials to the seal.

182.1. At the close of the advance polling station, the senior deputy returning officer shall:

(1) place the voting terminals in "end of election" mode;

(2) transfer the data contained in the memory of the electronic ballot box onto a memory card;

(3) print the operations trail (audit);

(4) place the memory card (memory chip) and the operations trail in separate envelopes, and seal the envelopes;

(5) forward the envelopes to the returning officer, who shall keep them safely in separated locations;

(6) set each voting terminal to zero, seal it and place it in its plastic case;

(7) affix his initials to all the seals and give the candidates or representatives present an opportunity to affix their initials.

182.2. The senior deputy returning officer shall place the card used to place the terminals in "election" mode and "end of election" mode in the large envelope.

The senior deputy returning officer shall seal the large envelope and each terminal. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.

The senior deputy returning officer shall then give the large envelope, the envelopes containing the list of electors, the memory card and the operations trail, as well as the voting terminals, to the returning officer or the person designated by the returning officer.

The returning officer shall keep in safety, in separate locations, the envelopes containing the memory card and the operations trail.

182.3. The returning officer shall, using the various lists of electors used in the advance polling, draw up an integrated list of all the electors who voted in the advance

poll. The returning officer shall make as many copies of the list as there are to be polling stations on polling day.

183. Immediately before the time fixed for the opening of the polling station on the second day, where applicable, the senior deputy returning officer, before the persons present, shall open the large envelope and give each deputy returning officer the poll books and the forms. Each deputy returning officer shall open the envelopes and take custody of their contents.

The senior deputy returning officer shall take possession of the verification reports indicating the total number of votes recorded on each terminal, the card used to place the terminals in "election" mode and the card used to place the terminals in "end of election" mode.

The senior deputy returning officer shall verify for each terminal, using the memory card, that the number of votes recorded matches the number entered the previous day in the poll book by the poll clerk for that polling station.

The returning officer, or the person designated by the returning officer, shall return the list of electors to each deputy returning officer.

At the close of the advance poll on the second day, the senior deputy returning officer, the returning officer and the poll clerk shall perform the same actions as at the close of the advance poll on the first day.

185. From 7:00 p.m. on polling day, the returning officer or the person designated by the returning officer shall, using the memory card or cards on which the results are recorded, print out the results compiled by each voting terminal used in the advance poll in the presence of the deputy returning officers, the poll clerks and the representatives who wish to be present.

The results shall be printed out at the location determined by the returning officer. The print-out shall be performed in accordance with the rules applicable to the printing-out of the results from polling day, adapted as required.".

6.10 **Revocation**

Sections 186 and 187 of the Act are revoked.

6.11 **Polling place**

The following is substituted for the first paragraph of section 188 of the Act:

"**188.** The polling place must be in premises that are spacious and easily accessible to the public.".

6.12 **Booths**

The following is substituted for section 191 of the Act:

"**191.** Where electronic voting systems are used in an election, each polling station shall have the number of polling booths determined by the returning officer.".

6.13 **Ballot papers and electronic voting cards**

The following is substituted for section 192 of the Act:

"**192.** The returning officer shall ensure that a sufficient number of electronic voting cards are available to facilitate the exercise of the electors' right to vote.".

The following is substituted for sections 193 to 195 of the Act:

"**193.** The graphical representation of a ballot paper that appears on the voting terminal shall be consistent with the model set out in Schedule I to the agreement provided for in section 659.2 of the Act respecting elections and referendums in municipalities.".

6.14 **Identification of the candidates**

The following is substituted for section 196 of the Act:

"**196.** The graphical representation of a ballot paper that appears on the voting terminal must allow each candidate to be identified.

Depending on the number of positions to be filled, the representation shall have one or more columns on one or more pages, showing:

(1) the name of each candidate, the given name preceding the surname;

(2) under each name, the name of the authorized party or recognized ticket to which the candidate belongs, where such is the case;

(3) a rectangle for the elector's mark opposite the particulars pertaining to each candidate.

All rectangles, as the space between consecutive rectangles, must be of the same size.

Where several independent candidates for the same office have the same name, the graphical representation of the ballot paper used in the polling for that office shall indicate the address of each candidate under the candidate's name and, where such is the case, above the indication of the candidate's political affiliation.

The particulars must appear in alphabetical order of the candidates' surnames and, as the case may be, of the candidates' given names. Where two or more candidates for the same office have the same name, the order in which the particulars relating to each of them appear shall be determined by a drawing of lots carried out by the returning officer.

The particulars pertaining to the candidates must correspond to those contained in the nomination papers, unless, in the meantime, the authorization of the party or the recognition of the ticket has been withdrawn, or the name of the party or ticket appearing on the nomination papers is inaccurate.".

6.15 **Reverse of ballot paper**

Section 197 is revoked.

6.16 **Withdrawal of a candidate**

The following is substituted for section 198 of the Act:

"**198.** Where an electronic voting system is used in an election, the returning officer shall ensure that the memory card is adjusted so that it does not take into account the candidates who have withdrawn.

Any vote in favour of those candidates before or after their withdrawal is null.".

6.17 **Withdrawal of authorization or recognition**

The following is substituted for section 199 of the Act:

"**199.** Where electronic voting systems are used in an election, the returning officer shall ensure that they are adjusted so that they do not take into account the party or ticket from which authorization or recognition has been withdrawn.".

6.18 **Number of voting terminals**

The following is substituted for sections 200 and 201 of the Act:

"**200.** The returning officer shall ensure that a sufficient number of electronic voting systems are available for the election.

201. The upper surface of the voting terminal must be in conformity with the model described in Schedule II to this Agreement.

The voting terminal must be designed so that the button used to vote for a candidate is placed opposite the particulars relating to that candidate.

The instructions to the electors on how to vote must be clearly indicated on the upper surface of the voting terminal.".

6.19 **Provision of polling materials**

The following is substituted for section 204 of the Act:

"**204.** Not later than one hour before the time fixed for the opening of the polling station, the returning officer shall give or make available to the deputy returning officer, in a sealed envelope, after affixing his initials to the seals,

(1) the copy of the list of electors for the polling subdivision used for the advance poll and comprising the electors who are entitled to vote at that polling station;

(2) a poll book;

(3) electronic voting cards;

(4) the forms and other documents necessary for the poll and the closing of the polling station.

The returning officer shall give or make available to the deputy returning officer, as well as to the senior deputy returning officer, any other materials required for the poll, the closing of the polling office, and the tallying and the recording of votes.".

6.20 **Examination of polling materials and documents**

The following is substituted for section 207 of the Act:

"**207.** In the hour preceding the opening of the polling stations, the senior deputy returning officer, before the persons present, shall initialize the electronic voting system for the polling place. The senior deputy returning officer shall ensure that the system computer displays a total of zero electors having voted, and that each voting terminal displays a total of zero recorded votes, by verifying the printed reports from those devices.

The senior deputy returning officer shall ensure that as many small envelopes are available for the memory cards used to record results as there are voting terminals under his responsibility.

The senior deputy returning officer must inform the returning officer of any discrepancy observed upon activating a voting terminal or during the poll.

The senior deputy returning officer shall keep the reports and show them to any person present who wishes to examine them.

The senior deputy returning officer must, in addition, before the persons present, ensure that two seals are affixed to each terminal.

In the hour preceding the opening of the polling stations, each deputy returning officer and poll clerk shall examine the polling documents and materials provided by the returning officer.".

POLLING PROCEDURE

6.21 **Presence at the polling station**

The following is substituted for the third paragraph of section 214 of the Act:

"In addition, only the deputy returning officer, the poll clerk and the representatives assigned to the polling station, together with the returning officer, the election clerk, the assistant to the returning officer, the senior deputy returning officer and the assistant to the senior deputy returning officer may be present at the station. The officer in charge of information and order may be present, at the request of the deputy returning officer for as long as may be required. The poll runner may be present for the time required to perform his duties. Any other person assisting an elector under section 226 may be present for the time required to enable the elector to exercise his right to vote.".

6.22 **Electronic voting cards**

The following is substituted for section 221 of the Act:

"**221.** The deputy returning officer shall give each elector admitted to vote an electronic voting card to which the information required to exercise the right to vote has been transferred.

In no case may the information transferred to the card allow a link to be established between the casting of a vote and the identity of an elector.".

6.23 **Voting**

The following is substituted for section 222 of the Act:

"**222.** The elector shall enter the polling booth and exercise the right to vote by:

(1) inserting the electronic voting card in the opening provided for that purpose and clearly identified on the upper surface of the voting terminal;

(2) pressing the button placed opposite the particulars relating to the candidate in whose favour the elector wishes to vote as mayor and councillor or councillors, causing a mark to appear in the rectangle;

(3) recording the vote by pressing the red button placed on the upper surface of the voting terminal, causing the red lights placed above the button to go out.".

6.24 **Following the vote**

The following is substituted for section 223 of the Act:

"**223.** After removing the electronic voting card from the voting terminal, the elector shall leave the booth and give the electronic voting card to the polling officer designated for that purpose by the returning officer.

If an elector indicates one or more votes but leaves the booth without recording them, the senior deputy returning officer or the latter's assistant shall record the votes.

If an elector fails to indicate and record one or more votes and leaves the polling place, the senior deputy returning officer or the latter's assistant shall press the button corresponding to the statement "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" or both, as the case may be, and shall then record the voter's vote.

The electronic voting card shall then be removed from the voting terminal and given to the deputy returning officer. The occurrence shall be recorded in the poll book.".

6.25 **Cancelled and spoiled ballot papers**

Sections 224 and 225 of the Act are revoked.

6.26 **Assistance for electors**

The following is substituted for section 226 of the Act:

"**226.** An elector who declares under oath, before the senior deputy returning officer or the assistant to the senior deputy returning officer, that he is unable to use the electronic ballot box or to vote, may be assisted either:

(1) by a person who is the elector's spouse or a relative within the meaning of section 131;

(2) by the senior deputy returning officer, in the presence of the assistant to the senior deputy returning officer.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

The senior deputy returning officer shall advise the deputy returning officer concerned that an elector has availed himself of this section, and the occurrence shall be entered in the poll book.".

6.27 **Transfer of information to electronic voting cards**

The following is substituted for section 228 of the Act:

"**228.** The electronic voting system shall ensure that the information required for an elector to exercise the right to vote is transferred once only to the electronic voting card.".

6.28 **Compilation of results and tallying of votes**

The following is substituted for section 229 of the Act:

"**229.** After the closing of the poll, the senior deputy returning officer shall compile the results by:

(1) placing the election terminals of the polling place in "end of election" mode;

(2) recording the results of each voting terminal;

(3) printing out the results compiled by each voting terminal.

The reports on the compiled results shall indicate the total number of voters who have voted, the number of valid votes, the number of rejected ballot papers and the number of votes for each candidate.

The senior deputy returning officer shall gather from each poll clerk the number of electors admitted to vote.

The senior deputy returning officer shall allow each person present to consult the results.".

6.29 **Entries in poll book**

The following is substituted for section 230 of the Act:

"**230.** After the closing of the poll, the poll clerk of each polling station shall enter in the poll book:

(1) the number of electors who have voted;

(2) the names of the persons who have performed duties as election officers or as representatives assigned to that polling station.

230.1. The deputy returning officer shall place the poll book and the list of electors in separate envelopes.

The deputy returning officer shall seal the envelopes, and the representatives assigned to the polling station who wish to do so shall affix their initials to the seals.

The deputy returning officer shall then give the envelopes to the senior deputy returning officer.".

6.30 **Compiling sheet**

Section 231 of the Act is revoked.

6.31 **Counting of the votes**

Section 232 of the Act is revoked.

6.32 **Rejected ballot papers**

The following is substituted for section 233 of the Act:

"**233.** The electronic voting system shall be programmed in such a way that every ballot paper for which the button corresponding to "I do not wish to vote for the office of mayor" or "I do not wish to vote for the office of councillor" is pushed by the elector on the voting terminal is rejected.

For the purposes of the poll, the memory card shall be programmed in such a way that the electronic voting system processes and conserves all the votes cast, in other words both the valid ballot papers and the rejected ballot papers.".

Sections 234 to 237 of the Act are revoked.

6.33 **Partial statement of votes and copy for representatives**

The following is substituted for sections 238 and 240 of the Act:

"**238.** The deputy returning officer shall draw up the partial statement of votes, setting out the total number of electors admitted to vote.

A separate statement shall be drawn up for each polling station.

The deputy returning officer shall draw up sufficient copies of the partial statement of votes for himself, the senior deputy returning officer, the returning officer and every representative assigned to the polling station.

238.1 Using the partial statements of votes and the results compiled by the electronic voting system, the senior deputy returning officer shall draw up an overall statement of votes.

240. The senior deputy returning officer shall immediately give a copy of the overall statement of votes to the representatives.

The senior deputy returning officer shall retain a copy of the statement and a second copy for the returning officer for the purposes of section 244.".

6.34 **Separate envelopes**

The following is substituted for section 241 of the Act:

"**241.** After printing out the results compiled by each voting terminal in the polling place, the senior deputy returning officer shall:

(1) place the memory card used to record the results from each voting terminal in a small envelope bearing the serial number of the terminal concerned, seal the envelope and affix his initials, along with those of the representatives who wish to do so;

(2) place all the reports on the results compiled in an envelope, together with the partial statements and the overall statement of votes.".

6.35 **Seals**

The following is substituted for section 242 of the Act:

"**242.** The senior deputy returning officer shall place in a large envelope:

(1) the small envelopes prepared pursuant to paragraph 1 of section 241;

(2) the envelopes provided for in section 230.1;

(3) the card used in the polling place to place the terminals in "election" mode and "end of election" mode;

(4) the electronic voting cards.

The senior deputy returning officer shall seal the large envelope. The senior deputy returning officer and the representatives who wish to do so shall affix their initials to the seal of the large envelope.".

6.36 **Placing in ballot box**

Section 243 of the Act is revoked.

6.37 **Delivery to returning officer**

The following is substituted for section 244 of the Act:

"**244.** The senior deputy returning officer shall deliver to the returning officer or the person designated by the returning officer

(1) the envelope containing the reports of the results compiled by each voting terminal, the partial statements and the overall statement of votes;

(2) the large envelope provided for in section 242.".

6.38 **Addition of votes**

The following is substituted for section 247 of the Act:

"**247.** The returning officer shall proceed with the addition of the votes using the overall statement of votes drawn up by each senior deputy returning officer.".

6.39 **Adjournment of the addition of votes**

The following is substituted for section 248 of the Act:

"**248.** The returning officer shall, if unable to obtain an overall statement of votes that should have been provided, adjourn the addition of votes until the statement is obtained.

Where it is not possible to obtain an overall statement of votes, or the printed report on the results and a partial statement of votes, the returning officer shall, in the presence of the senior deputy returning officer and the candidates in question or of their representatives if they so wish, print out a new report using the appropriate memory card for recording results and the copy of the partial statements of votes taken from the large envelope, opened in the presence of the aforementioned persons.".

6.40 **Placing in envelope**

The following is substituted for section 249 of the Act:

"**249.** After printing out the results, the returning officer shall place the memory card used to record results in an envelope, seal the envelope, and affix his initials and allow the candidates or their representatives to affix their initials if they so wish. He shall place the copy of

the partial statements of votes in the large envelope, seal it, and allow the candidates or representatives present to affix their initials.".

6.41 **New counting of the votes**

Section 250 of the Act is revoked.

6.42 **Notice to the Minister**

The following is substituted for section 251 of the Act:

"**251.** Where it is impossible to obtain the electronic cards used to record the results, where applicable, the returning officer shall advise the Minister of Municipal Affairs and Regions in accordance with Division III of Chapter XI.".

6.43 **Access to voting papers**

Section 261 of the Act is revoked.

6.44 **Application for a recount or re-addition**

The following is substituted for the first paragraph of section 262 of the Act:

"**262.** Any person who has reasonable grounds to believe that a voting terminal has produced an inaccurate statement of the number of votes cast, or that a deputy returning officer has drawn up an inaccurate partial statement of votes, or that a senior deputy returning officer has drawn up an inaccurate overall statement of votes, may apply for a new compilation of the results. The applications may be limited to one or more voting terminals, but the judge is not bound by that limitation.".

6.45 **Notice to candidates**

The following is substituted for section 267 of the Act:

"**267.** The judge shall give one clear day's advance notice in writing to the candidates concerned of the date, time and place at which he will proceed with the new compilation of the results or re-addition of the votes.

The judge shall summon the returning officer and order him to bring the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of vote. Where the new compilation is limited to one or certain polling subdivisions, the judge shall order only the electronic cards on which the results of the votes are recorded, the reports of the compiled results, and the partial and overall statements of votes he will need.".

6.46 **Procedure for a new compilation of results or re-addition of votes**

The following is substituted for section 268 of the Act:

"**268.** On the appointed day, the judge, in the presence of the returning officer shall, in the case of a new compilation of results, print out the results compiled by the voting terminal display or displays under inquiry.

In the case of a re-addition of votes, the judge shall examine the reports of the compiled results and the partial and overall statements of votes.

The candidates concerned or their mandataries and the returning officer may, at that time, examine all the documents and items examined by the judge.".

6.47 **Repeal**

Section 269 is revoked.

6.48 **Missing electronic card for recording results and partial statements of votes**

The following is substituted for the first paragraph of section 270 of the Act:

"**270.** If an electronic card on which results are recorded or a required document is missing, the judge shall use appropriate means to ascertain the results of the vote.".

6.49 **Custody of items and documents, and verification**

The following is substituted for sections 271, 272 and 273 of the Act:

"**271.** During a new compilation or a re-addition, the judge shall have custody of the voting system and of the items and documents entrusted to him.

272. As soon as the new compilation is completed, the judge shall confirm or rectify each report of compiled results and each report on a partial statement of votes and carry out a re-addition of the votes.

273. After completing the re-addition of the votes, the judge shall certify the results of the poll.

The judge shall give the returning officer the electronic cards used to record the results and all the other documents used to complete the new compilation or the re-addition.".

7. DURATION AND APPLICATION OF AGREEMENT

The returning officer of the municipality is responsible for the application of this agreement and, consequently, for the proper conduct of the trial application of the new method of voting during general elections and by-elections held before November 30th, 2009.

8. AMENDMENT

The parties agree that this agreement may be amended if need be to ensure the proper conduct of the general election to be held on November 6th, 2005 of any subsequent election provided for in the agreement. Mention of that fact shall be made in the assessment report.

9. ASSESSMENT REPORT

Within 120 days following the general election held on November 6th, 2005, the returning officer of the municipality shall forward, in accordance with section 659.3 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), an assessment report to the Chief Electoral Officer and the Minister addressing, in particular, the following issues:

— the preparations for the election (choice of the new method of voting, communications plan, etc.);

— the conduct of the advance poll and the poll;

— the cost of using the electronic voting system:

– the cost of adapting election procedures;

– non-recurrent costs likely to be amortized;

– a comparison between the actual polling costs and the estimated polling costs using the new methods of voting and the projected cost of holding the general. election on November 6th, 2005 using traditional methods;

— the number and duration of incidents during which voting was stopped, if any;

— the advantages and disadvantages of using the new method of voting;

— the results obtained during the addition of the votes and the correspondence between the number of votes cast and the number of electors admitted to vote.

10. APPLICATION OF THE ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

The Act respecting elections and referendums in municipalities shall apply to the general election held on November 6th, 2005 in the municipality, subject to the provisions of the Act that this agreement amends or replaces.

11. EFFECT OF AGREEMENT

This agreement has effect from the time when the returning officer performs the first act for the purposes of an election to which this agreement applies.

AGREEMENT SIGNED IN THREE COPIES

In Victoriaville, on this 9th day of May 2005

MUNICIPALITY OF VICTORIAVILLE

By: _____
ROGER RICHARD, *Mayor*

_____
JEAN POIRIER, *Clerk or Secretary-Treasurer*

In Québec, on this 13th day of May 2005

THE CHIEF ELECTORAL OFFICER

_____
MARCEL BLANCHET

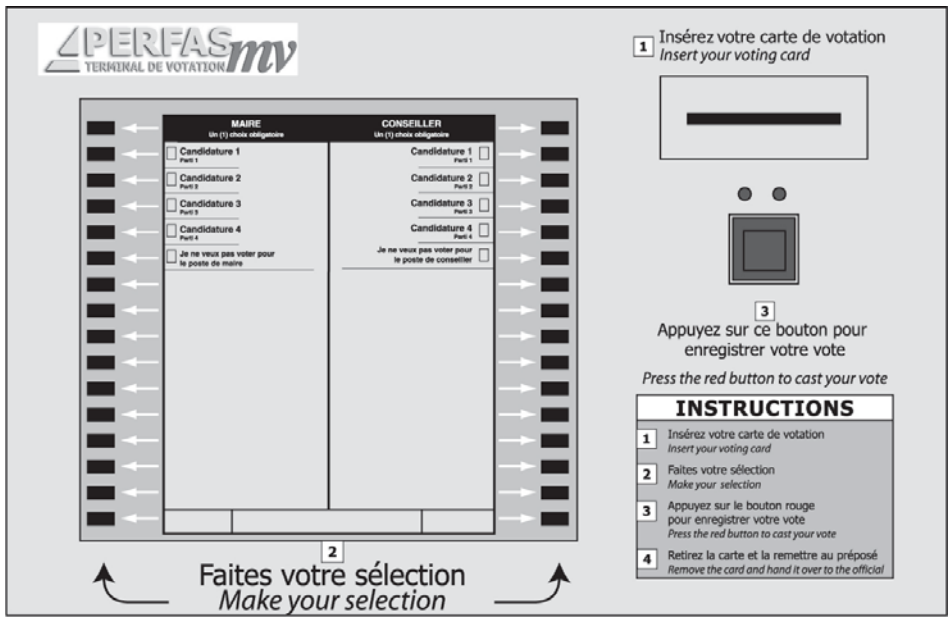
In Québec, on this 3rd day of June 2005

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

_____
DENYS JEAN, *Deputy Minister*

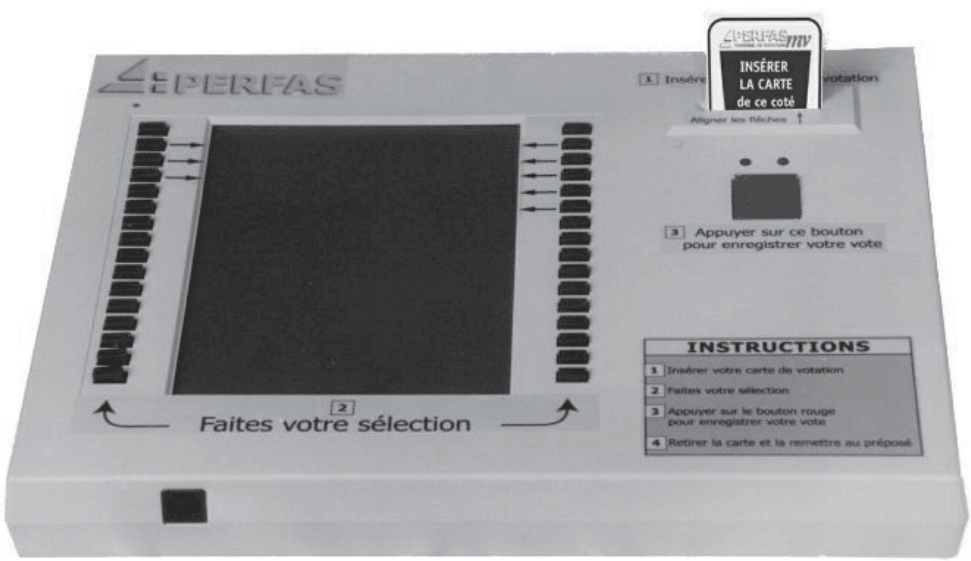
SCHEDULE I

BALLOT PAPER



SCHEDULE II

VOTING TERMINAL



7026

M.O., 2005-19

Order number V-1.1-2005-19 of the Minister of Finance dated 10 August 2005

Securities Act
(R.S.Q., c. V-1.1 ; 2004, c. 37)

CONCERNING amendments to concordant regulations to Regulation 11-101 respecting principal regulator system

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004 ;

WHEREAS paragraphs 1, 3, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 20 and 26 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs ;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication ;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation ;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications ;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority" ;

WHEREAS the following regulations have been made by the Commission des valeurs mobilières du Québec :

— National instrument 44-102, Shelf distributions on May 22, 2001 by the decision No. 2001-C-0201 ;

— National instrument 44-103, Post-receipt pricing on May 22, 2001 by the decision No. 2001-C-0203 ;

— Regulation 81-104 respecting commodity pools on March 18, 2003 by the decision No. 2003-C-0075 ;

— National instrument 81-105, Mutual Fund Sales Practices on May 22, 2001 by the decision No. 2001-C-0212 ;

— National policy C-3, Unacceptable auditors on June 12, 2001 by the decision No. 2001-C-0293 ;

— National policy C-14, Acceptability of currencies in material filed with securities regulatory authorities on June 12, 2001 by the decision No. 2001-C-0294 ;

— National policy C-15, Condition precedent to acceptance of scholarship or educational plan prospectuses on December 11, 2001 by the decision No. 2001-C-0567 ;

— National policy No. 22, Use of information and opinion remining and oil properties by registrants and others on June 12, 2001 by the decision No. 2001-C-0268 ;

— National policy C-29, Mutual funds investing in mortgages on June 12, 2001 by the decision No. 2001-C-0266 ;

— Policy statement Q-2, Real estate financings on June 12, 2001 by the decision No. 2001-C-0260 ;

— Policy statement Q-3, Options on April 8, 2003 by the decision No. 2003-C-0135 ;

— Policy statement Q-11, Future-oriented financial Information on June 12, 2001 by the decision No. 2001-C-0290 ;

— Policy statement Q-18, Prospectus of deposit-taking issuers – additional Information on June 12, 2001 by the decision No. 2001-C-0252 ;

— Policy statement Q-25, Real estate mutual funds on September 11, 2001 by the decision No. 2001-C-0425 ;

— Policy statement Q-26, Restriction on trading during a distribution by prospectus on March 3, 2003 by the decision No. 2003-C-0077 ;

WHEREAS the following draft regulations were published in accordance with section 331.2 of Securities Act and made by the Autorité des marchés financiers :

— Regulation to amend National Instrument 44-102, Shelf distributions published in the Supplement to the Bulletin concerning securities of the Autorité des marchés

financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0227;

— Regulation to amend National instrument 44-103, Post-Receipt Pricing published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0228;

— Regulation to amend Regulation 81-104 respecting Commodity Pools published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 21 of May 27, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0240;

— Regulation to amend National instrument 81-105, Mutual Fund Sales Practices published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0229;

— Regulation to amend National policy C-3, Unacceptable auditors published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0234;

— Regulation to amend National policy C-14, Acceptability of currencies in material filed with securities regulatory authorities published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0235;

— Regulation to amend National policy C-15, Condition precedent to acceptance of scholarship or educational plan prospectuses published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0236;

— Regulation to amend National policy No. 22, Use of information and opinion remining and oil properties by registrants and others published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 26 of July 1st, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0239;

— Regulation to amend National policy C-29, Mutual funds investing in mortgages published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0237;

— Regulation to amend Policy statement Q-2, Real estate financings published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0221;

— Regulation to amend Policy statement Q-3, Options published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0222;

— Regulation to amend Policy statement Q-11, Future-oriented financial Information published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0223;

— Regulation to amend Policy statement Q-18, Prospectus of deposit-taking issuers – additional Information published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0224;

— Regulation to amend Policy statement Q-25, Real estate mutual funds published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0238;

— Regulation to amend Policy statement Q-26, Restriction on trading during a distribution by prospectus published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 9, 2005, by the decision No. 2005-PDG-0241;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the following regulations appended hereto:

— Regulation to amend National Instrument 44-102, Shelf distributions;

— Regulation to amend National instrument 44-103, Post-receipt pricing;

— Regulation to amend Regulation 81-104 respecting commodity pools;

— Regulation to amend National instrument 81-105, Mutual fund sales practices;

— Regulation to amend National policy C-3, Unacceptable auditors;

— Regulation to amend National policy C-14, Acceptability of currencies in material filed with securities regulatory authorities;

— Regulation to amend National policy C-15, Condition precedent to acceptance of scholarship or educational plan prospectuses;

— Regulation to amend National policy No. 22, Use of information and opinion remining and oil properties by registrants and others;

— Regulation to amend National policy C-29, Mutual funds investing in mortgages;

— Regulation to amend Policy statement Q-2, Real estate financings;

— Regulation to amend Policy statement Q-3, Options;

— Regulation to amend Policy statement Q-11, Future-oriented financial Information published;

— Regulation to amend Policy statement Q-18, Prospectus of deposit-taking issuers – additional Information;

— Regulation to amend Policy statement Q-25, Real estate mutual funds;

— Regulation to amend Policy statement Q-26, Restriction on trading during a distribution by prospectus.

August 10, 2005

MICHEL AUDET,
Minister of Finance

Regulation To Amend National Instrument 44-102, Shelf Distributions [*]

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1) and (14); 2004, c. 37)

1. The title of National Instrument 44-102, Shelf Distributions is replaced with the following:

"Regulation 44-102 respecting Shelf Distributions".

2. The title of Part 12 and section 12.1 of the National Instrument are repealed.

3. The National Instrument is amended by replacing, wherever they appear, the words "this Instrument" with the words "this Regulation", and making the necessary changes.

4. This Regulation comes into force on September 19, 2005.

Regulation To Amend National Instrument 44-103, Post-receipt Pricing [**]

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1) and (14); 2004, c. 37)

1. The title of National Instrument 44-103, Post-Receipt Pricing is replaced with the following:

"Regulation 44-103 respecting Post-Receipt Pricing".

2. The title of Part 7 and section 7.1 of the National Instrument are repealed.

3. The National Instrument is amended by replacing, wherever they appear, the words "this Instrument" with the words "this Regulation", and making the necessary changes.

4. This Regulation comes into force on September 19, 2005.

[*] National Instrument 44-102, Shelf Distributions, adopted on May 22, 2001 pursuant to decision No. 2001-C-0201 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 22, dated June 1, 2001, has not been amended since its adoption.

[**] National Instrument 44-103, Post-Receipt Pricing, adopted on May 22, 2001 pursuant to decision No. 2001-C-0203 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 22, dated June 1, 2001, has not been amended since its adoption.

Regulation To Amend Regulation 81-104 Respecting Commodity Pools*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1); 2004, c. 37)

1. Section 8.6 of Regulation 81-104 respecting Commodity Pools is repealed.

2. This Regulation comes into force on September 19, 2005.

Regulation To Amend National Instrument 81-105, Mutual Fund Sales Practices**

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (8), (13), (16) and (17); 2004, c. 37)

1. The title of National Instrument 81-105, Mutual Fund Sales Practices is replaced with the following:

"Regulation 81-105 respecting Mutual Fund Sales Practices".

2. Section 10.1 of the National Instrument is repealed.

3. The National Instrument is amended by replacing, wherever they appear, the words "this Instrument" and "Instrument" with the words "this Regulation" and "Regulation", respectively, and making the necessary changes.

4. This Regulation comes into force on September 19, 2005.

Regulation To Amend National Policy No. 3, Unacceptable Auditors*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (9), (10) and (19); 2004, c. 37)

1. The title of National Policy No. 3, Unacceptable Auditors is replaced with the following:

"Regulation No. 3 respecting Unacceptable Auditors".

2. The National Policy is amended by adding "1.1" in the introductory paragraph and before the words "The report of an auditor".

3. This Regulation comes into force on September 19, 2005.

Regulation To Amend National Policy No. 14, Acceptability Of Currencies In Material Filed With Securities Regulatory Authorities**

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (9), (11), (14), (19) and (20); 2004, c. 37)

1. The title of National Policy No. 14, Acceptability of Currencies in Material Filed with Securities Regulatory Authorities is replaced with the following:

"Regulation No. 14 respecting Acceptability of Currencies in Material Filed with Securities Regulatory Authority".

2. The heading of Part 1 of this National Policy and the paragraph following the heading are repealed.

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* Regulation 81-104 respecting Commodity Pools, adopted on March 18, 2003 pursuant to decision No. 2003-C-0075 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 19 dated May 16, 2003, was amended solely by the regulation approved by Ministerial Order No. 2005-06 dated May 19, 2005 (2005, *G.O.* 2, 1500).

** The amendments to National Instrument 81-105, Mutual Fund Sales Practices adopted on May 22, 2001 pursuant to decision No. 2001-C-0212 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 22, dated June 1, 2001, were made by the policy adopted on May 22, 2001 pursuant to decision No. 2001-C-0214 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 22, dated June 1, 2001.

* National Policy No. 3, Unacceptable Auditors, adopted on June 12, 2001 pursuant to decision No. 2001-C-0293 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 27, dated July 6, 2001, has not been amended since its adoption.

** National Policy No. 14, Acceptability of Currencies in Material Filed with Securities Regulatory Authorities, adopted on June 12, 2001 pursuant to decision No. 2001-C-0294 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 27, dated July 6, 2001, has not been amended since its adoption.

3. Part 2 of the National Policy is amended:

(1) by replacing the introductory paragraph with the following:

"**2.1** For purposes of this Regulation:";

(2) by replacing the words "authorities" in the definition of "Securities Requirements" with "authority".

4. Section 3.2 of the National Policy is repealed.

5. Section 4.1 of the National Policy is amended by replacing the words "filed with or delivered to the securities regulatory authorities" with the words "filed with or delivered to the securities regulatory authority".

6. The heading of Part 6 of this National Policy and the paragraph following the heading are repealed.

7. The National Policy is amended by replacing, wherever they appear, the words "this policy statement" with the words "this Regulation", and making the necessary changes.

8. This Regulation comes into force on September 19, 2005.

Regulation To Amend National Policy No. 15, Conditions Precedent To Acceptance Of Scholarship Or Educational Plan Prospectuses*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (6), (14) and (26); 2004, c. 37)

1. The title of National Policy No. 15, Conditions Precedent to Acceptance of Scholarship or Educational Plan Prospectuses is replaced with the following:

"Regulation No. 15 respecting Conditions Precedent to Acceptance of Scholarship or Educational Plan Prospectuses".

2. The National Policy is amended by adding "1.1" in the introductory paragraph and before the words "The sale of contracts".

3. This Regulation comes into force on September 19, 2005.

Regulation To Repeal National Policy No. 22, Use Of Information And Opinion Re Mining And Oil Properties By Registrants And Other*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (8); 2004, c. 37)

1. National Policy No. 22, Use of Information and Opinion Re Mining and Oil Properties by Registrants and Others is repealed.

2. This Regulation comes into force on September 19, 2005.

Regulation To Amend National Policy No. 29, Mutual Funds Investing In Mortgages**

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6) and (16); 2004, c. 37)

1. The title of National Policy No. 29, Mutual Funds Investing in Mortgages is replaced with the following:

"Regulation No. 29 respecting Mutual Funds Investing in Mortgages".

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* National Policy No. 15, Conditions Precedent to Acceptance of Scholarship or Educational Plan Prospectuses, adopted on December 11, 2001 pursuant to decision No. 2001-C-0567 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 50, dated December 14, 2001, was amended by the policy adopted on December 11, 2001 pursuant to decision No. 2001-C-0568 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 33, No. 3, dated January 25, 2002.

* The amendments to National Policy No 22, Use of Information and Opinion Re Mining and Oil Properties by Registrants and Others adopted on June 12, 2001 pursuant to decision No. 2001-C-0268 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001, were made by the policy adopted on June 12, 2001 pursuant to decision No. 2001-C-0269 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001.

** The amendments to National Policy No. 29, Mutual Funds Investing in Mortgages, adopted on June 12, 2001 pursuant to decision No. 2001-C-0266 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001, were made by the policy adopted on June 12, 2001 pursuant to decision No. 2001-C-0267 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001.

2. Section 2 of the National Policy is repealed.

3. Section 5 of the National Policy is amended:

(1) by replacing the words "is considered by the administrators" in subparagraph *c* of subparagraph (4) with "is considered by the administrator".

(2) by replacing the words "the Administrators" in subparagraph (6) with the words "the Administrator".

4. The National Policy is amended by replacing, wherever they appear, the words "this policy" with the words "this Regulation" and making the necessary changes.

5. This Regulation comes into force on September 19, 2005.

Regulation To Amend Policy Statement Q-2, Real Estate Financings*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6), (13) and (14); 2004, c. 37)

1. The title of Policy Statement Q-2, Real Estate Financings is replaced with the following:

"Regulation Q-2 respecting Real Estate Financings".

2. Section 1 of the Policy Statement is amended by replacing the words "The Commission" in the second paragraph with the words "The Autorité des marchés financiers".

3. Section 71 of the Policy Statement is amended by replacing "Policy Statement N° Q-11" with "Regulation Q-11".

4. The Policy Statement is amended by replacing, wherever they appear, the words "this Policy Statement" with the words "this Regulation", and making the necessary changes.

5. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission", where they refer to the Commission des valeurs mobilières du Québec, with the words "the Authority", and making the necessary changes.

6. This Regulation comes into force on September 19, 2005.

Regulation To Amend Policy Statement Q-3, Options*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (3), (10), (11), (14) and (15); 2004, c. 37)

1. The title of Policy Statement Q-3, Options is replaced with the following:

"Regulation Q-3 respecting Options".

2. Section 1 of the Policy Statement is amended by replacing the words "The Commission" in the second paragraph with the words "The Autorité des marchés financiers".

3. The Policy Statement is amended by replacing, wherever they appear, the words "the present policy" and "the present policy statement" with the words "this Regulation", and making the necessary changes.

4. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission" with the words "the Authority", and making the necessary changes.

5. This Regulation comes into force on September 19, 2005.

* The amendments to Policy Statement Q-2, Real Estate Financings adopted on June 12, 2001 pursuant to decision No. 2001-C-0260 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001, were made by the policy adopted on June 12, 2001 pursuant to decision No. 2001-C-0261 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001.

* Policy Statement Q-3, Options adopted on April 8, 2003 pursuant to decision No. 2003-C-0135 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 19, dated May 16, 2003, has not been amended since its adoption.

Regulation To Amend Policy Statement Q-11, Future-oriented Financial Information *

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (10), (11), and (19); 2004, c. 37)

1. The title of Policy Statement Q-11, Future-Oriented Financial Information is replaced with the following:

"Regulation Q-11 respecting Future-Oriented Financial Information".

2. Section 2 of the Policy Statement is amended by replacing the words "the Commission" in the fourth sentence with the words "the Autorité des marchés financiers".

3. Section 8 of the Policy Statement is amended by replacing "this policy (e.g. paragraph 15)" with the words "this Regulation".

4. The Policy Statement is amended by replacing, wherever they appear, the words "this policy statement" and "this policy" with the words "this Regulation", and making the necessary changes.

5. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission" with the words "the Authority", and making the necessary changes.

6. This Regulation comes into force on September 19, 2005.

* Policy Statement Q-11, Future-Oriented Financial Information adopted on June 12, 2001 pursuant to decision No. 2001-C-00290 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 27, dated July 6, 2001, has not been amended since its adoption.

Regulation To Amend Policy Statement Q-18, Prospectus Of Deposit-taking Issuers – Additional Information *

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1); 2004, c. 37)

1. The title of Policy Statement Q-18, Prospectus of Deposit-Taking Issuers – Additional Information is replaced with the following:

"Regulation Q-18 respecting Additional Information for Disclosure in Prospectus of Deposit-Taking Issuers".

2. The Policy Statement is amended by replacing, wherever they appear, the words "the present policy statement" with the words "this Regulation", and making the necessary changes.

3. This Regulation comes into force on September 19, 2005.

Regulation To Amend Policy Statement Q-25, Real Estate Mutual Funds **

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (6) and (16); 2004, c. 37)

1. The title of Policy Statement Q-25, Real Estate Mutual Funds is replaced with the following:

"Regulation Q-25 respecting Real Estate Mutual Funds".

2. Section 1 of the Policy Statement is amended by replacing the words "This policy statement" and "National Instrument 81-101," with the words "This Regulation" and "Regulation 81-101" respectively.

* Policy Statement Q-18, Prospectus of Deposit-Taking Issuers – Additional Information adopted on June 12, 2001 pursuant to decision No. 2001-C-0252 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 25, dated June 22, 2001, has not been amended since its adoption.

** The amendments to Policy Statement Q-25, Real Estate Mutual Funds, adopted on September 11, 2001 pursuant to decision No. 2001-C-0425 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 37, dated September 14, 2001, were made by the policy adopted on September 11, 2001 pursuant to decision No. 2001-C-0427 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 37, dated September 14, 2001.

3. Section 3 of the Policy Statement is amended by replacing the words "of this policy statement" and "with the requirements of this policy statement" with the words "of this Regulation" and "with this Regulation".

4. Section 5 of the Policy Statement is amended by replacing "of National Instrument 81-102," with "Regulation 81-102"

5. Section 10 of the Policy Statement is amended by replacing the words "the Commission" with the words "the Autorité des marchés financiers".

6. Section 14 of the Policy Statement is amended by replacing "National Instrument 81-101," with "Regulation 81-101".

7. The Policy Statement is amended by replacing, wherever they appear, the words "this policy statement" and "this policy" with the words "this Regulation", and making the necessary changes.

8. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission", when they refer to the Commission des valeurs mobilières du Québec, with the words "the Authority", and making the necessary changes.

9. This Regulation comes into force on September 19, 2005.

Regulation To Amend Policy Statement Q-26, Restrictions On Trading During A Distribution By Prospectus*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (6) and (15); 2004, c. 37)

1. The title of Policy Statement Q-26, Restrictions on Trading During a Distribution by Prospectus is replaced with the following:

"Regulation Q-26 respecting Restrictions on Trading During a Distribution by Prospectus".

* Policy Statement Q-26, Restrictions on Trading During a Distribution by Prospectus, adopted on March 3, 2003 pursuant to decision No. 2003-C-0077 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 19, dated May 16, 2003, has not been amended since its adoption.

2. Section 1 of the Policy Statement is amended by replacing the words "the Commission" at the end of subparagraph (1) with the words "the Autorité des marchés financiers".

3. Section 3 of the Policy Statement is amended:

(1) by replacing "of National Instrument 44-102, Shelf Distributions and 44-103, Post-receipt Pricing" in subparagraph (1) with "of Regulation 44-102 respecting Shelf Distributions adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0201 dated May 22, 2005 and Regulation 44-103 respecting Post-Receipt Pricing adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0203 dated May 22, 2005";

(2) by replacing "of National Instrument 44-102, Shelf Distributions and 44-103, Post-receipt Pricing" in subparagraph *a* of subparagraphs (2) and (3) with "of Regulation 44-102 respecting Shelf Distributions and Regulation 44-103 respecting Post-Receipt Pricing".

4. The Policy Statement is amended by replacing, wherever they appear, the words "this Policy Statement" with the words "this Regulation", and making the necessary changes.

5. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission", when they refer to the Commission des valeurs mobilières du Québec, with the words "the Authority", and making the necessary changes.

6. This Regulation comes into force on September 19, 2005.

7045

M.O., 2005-17

Order number V-1.1-2005-17 of the Minister of Finance dated 2 August 2005

Securities Act
(R.S.Q., c. V-1.1; 2004, c. 37)

CONCERNING amendments to concordant regulations to Regulation 33-105 respecting underwriting conflicts and Regulation 51-101 respecting standards of disclosure for oil and gas activities

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004;

WHEREAS paragraphs 1, 2, 3, 5, 6, 8, 9, 11, 14, 19, 24, 26 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority";

WHEREAS the following regulations have been made by the Commission des valeurs mobilières du Québec:

— Regulation 13-101 respecting the system for electronic document analysis and retrieval (SEDAR) on June 12, 2001 by the decision No. 2001-C-0272;

— National instrument 43-101, Standards of disclosure for mineral projects on May 22, 2001 by the decision No. 2001-C-0199;

— National instrument 44-101, Short form prospectus distributions on August 14, 2001 by the decision No. 2001-C-0394;

— National instrument 45-101, Rights offerings on June 12, 2001 by the decision No. 2001-C-0247;

— National policy No. 2-B, guide for engineers and geologists submitting oil and gas reports to canadian securities administrators on June 12, 2001 by the decision No. 2001-C-0250;

— Policy statement Q-4, Distribution of securities of a mining exploration and development company or of a mining exploration limited partnership on March 3, 2003 by the decision No. 2003-C-0071;

— Policy statement Q-27, Protection of minority securityholders in the course of certain transactions on June 12, 2001 by the decision No. 2001-C-0257;

— Policy statement Q-28, General prospectus requirements on August 14, 2001 by the decision No. 2001-C-0390;

WHEREAS the government, by order-in-council No. 660-83 of March 30, 1983, enacted the Securities Regulation (1983, *G.O.* 2, 1269);

WHEREAS the following draft regulations were published in accordance with section 331.2 of Securities Act and made by the Autorité des marchés financiers:

— Regulation to amend Regulation 13-101 respecting the system for electronic document analysis and retrieval (SEDAR) published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0214;

— Regulation to amend National instrument 43-101, Standards of disclosure for mineral projects published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0225;

— Regulation to amend National instrument 44-101, Short form prospectus distributions published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0226;

— Regulation to amend National instrument 45-101, Rights Offerings published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0215;

— Regulation to amend National policy No. 2-B, guide for engineers and geologists submitting oil and gas reports to canadian securities administrators published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0212;

— Regulation to amend Policy statement Q-4, Distribution of securities of a mining exploration and development company or of a mining exploration limited partnership published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0216;

— Regulation to amend Policy statement Q-27, Protection of minority securityholders in the course of certain transactions published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0219;

— Regulation to amend Policy statement Q-28, General prospectus requirements published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0213;

— Regulation to amend Securities Regulation published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005 and made on August 1st, 2005, by the decision No. 2005-PDG-0218;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the following regulations appended hereto:

— Regulation to amend Regulation 13-101 respecting the system for electronic document analysis and retrieval (SEDAR);

— Regulation to amend National instrument 43-101, Standards of disclosure for mineral projects;

— Regulation to amend National instrument 44-101, Short form prospectus distributions;

— Regulation to amend National instrument 45-101, Rights offerings;

— Regulation to amend National policy No. 2-B, guide for engineers and geologists submitting oil and gas reports to canadian securities administrators;

— Regulation to amend Policy statement Q-4, Distribution of securities of a mining exploration and development company or of a mining exploration limited partnership;

— Regulation to amend Policy statement Q-27, Protection of minority securityholders in the course of certain transactions;

— Regulation to amend Policy statement Q-28, General prospectus requirements;

— Regulation to amend Securities Regulation.

August 2, 2005

MICHEL AUDET,
Minister of Finance

Regulation to amend Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR)*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (8), (11) and (34); 2004, c. 37)

1. Section 2.3 of Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR) is amended by adding "provided that this paragraph does not apply to a statement or report referred to in section 2.1 of Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities approved by Ministerial Order 2005-15 dated 2 August 2005;" at the end of subparagraph 3 of subparagraph 1.

2. This Regulation comes into force on August 24, 2005.

* Regulation 13-101 respecting the System for Electronic Document Analysis and Retrieval (SEDAR), adopted on June 12, 2001 pursuant to decision No. 2001-C-0272 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001, was amended by the policy adopted on June 12, 2001 pursuant to decision No. 2001-C-0273 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 26, dated June 29, 2001 and the regulation approved by Ministerial Order No. V-1.1-2005-06 dated May 19, 2005 (2005, *G.O.* 2, 1500).

Regulation to amend National Instrument 43-101, Standards of Disclosure for Mineral Projects*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (6) and (8); 2004, c. 37)

1. The title of National Instrument 43-101, Standards of Disclosure for Mineral Projects is replaced with the following:

"Regulation 43-101 respecting Standards of Disclosure for Mineral Projects".

2. The title of Part 10 and section 10.1 of the National Instrument are repealed.

3. The National Instrument is amended by replacing, wherever they appear, the words "this Instrument" with the words "this Regulation", and making the necessary changes.

4. This Regulation comes into force on August 24, 2005.

Regulation to amend National Instrument 44-101, Short Form Prospectus Distributions**

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6), (9), (14) and (19); 2004, c. 37)

1. The title of National Instrument 44-101, Short Form Prospectus Distributions is replaced with the following:

"Regulation 44-101 respecting Short Form Prospectus Distributions".

2. The title of Part 16 and section 16.1 of the National Instrument are repealed.

3. The National Instrument is amended by replacing, wherever they appear, the words "this Instrument" with the words "this Regulation", and making the necessary changes.

4. This Regulation comes into force on August 24, 2005.

Regulation to amend National Instrument 45-101, Rights Offerings*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (3), (6), (8), (11), (14) and (34); 2004, c. 37)

1. The title of National Instrument 45-101, Rights Offerings is replaced with the following:

"Regulation 45-101 respecting Rights Offerings".

2. Subparagraph (1) of section 3.1 of the Instrument is amended by replacing subparagraph 4 with the following:

"4. A copy of the reports and certificates prepared under Regulation 43-101 respecting Standards of Disclosure for Mineral Projects adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0199 dated May 22, 2001."

3. The title of Part 11 and section 11.1 of the Instrument are repealed.

4. Item 11.2 of Form 45-101F of the Instrument is amended by replacing the words "Quebec securities legislation" in subparagraph (3) with "Regulation 33-105 respecting Underwriting Conflicts approved by Ministerial Order 2005-14 dated 2 August 2005.".

5. The Instrument is amended by replacing, wherever they appear, the words "this Instrument" and "this National Instrument" with the words "this Regulation", and making the necessary changes.

6. This Regulation comes into force on August 24, 2005.

* National Instrument 43-101, Standards of Disclosure for Mineral Projects, adopted on May 22, 2001 pursuant to decision No. 2001-C-0199 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 22, dated June 1, 2001, has not been amended since its adoption.

** National Instrument 44-101, Short Form Prospectus Distributions, adopted on August 14, 2001 pursuant to decision No. 2001-C-0394 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 33, dated August 17, 2001, has not been amended since its adoption.

* National Instrument 45-101, Rights Offerings, adopted on June 12, 2001 pursuant to decision No. 2001-C-0247 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 25, dated June 22, 2001, has not been amended since its adoption.

Regulation to repeal National Policy No. 2-B, Guide for Engineers and Geologists Submitting Oil and Gas Reports to Canadian Securities Administrators*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6) and (8); 2004, c. 37)

1. National Policy No. 2-B, Guide for Engineers and Geologists Submitting Oil and Gas Reports to Canadian Securities Administrators is repealed.

2. This Regulation comes into force on August 24, 2005.

Regulation to repeal Policy Statement Q-4, Distribution of Securities of a Mining Exploration and Development Company or of a Mining Exploration Limited Partnership**

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (6), (8) and (14); 2004, c. 37)

1. Policy Statement Q-4, Distribution of Securities of a Mining Exploration and Development Company or of a Mining Exploration Limited Partnership is repealed.

2. This Regulation comes into force on August 24, 2005.

* National Policy No. 2-B, Guide for Engineers and Geologists Submitting Oil and Gas Reports to Canadian Securities Administrators, adopted on June 12, 2001 pursuant to decision No. 2001-C-0250 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 25, dated June 22, 2001, has not been amended since its adoption.

** Policy Statement Q-4, Distribution of Securities of a Mining Exploration and Development Company or of a Mining Exploration Limited Partnership, adopted on March 3, 2003 pursuant to decision No. 2003-C-0071 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 19, dated May 16, 2003, has not been amended since its adoption.

Regulation to Amend Policy Statement Q-27, Protection of Minority Securityholders in the Course of Certain Transactions*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (24); 2004, c. 37)

1. The title of Policy Statement Q-27, Protection of Minority Securityholders in the Course of Certain Transactions is replaced with the following:

"Regulation Q-27 respecting Protection of Minority Securityholders in the Course of Certain Transactions".

2. Section 1.3 of the Policy Statement is amended by replacing the words "the Commission" in subparagraph (1)*b*(*ii*) with the words "the Autorité des marchés financiers".

3. Section 4.1 of the Policy Statement is amended by replacing "Policy Statement No. Q-27" in subparagraph (1)*d* with the words "Regulation Q-27".

4. Subparagraph (1) of section 5.1 of the Policy Statement is amended:

(1) by replacing "Policy Statement No. Q-27" in subparagraph *i* with the words "Regulation Q-27";

(2) by replacing "sections 236.1 to 237.2 of the Regulation or in reliance on an exemption from these provisions" in subparagraph *k* with the words "Regulation 33-105 respecting Underwriting Conflicts approved by Ministerial Order 2005-14 dated 2 August 2005".

5. Section 6.7 of the Policy Statement is amended by replacing the words "the Commission des valeurs mobilières du Québec" in the statement provided in subparagraph *b* with the words "the Autorité des marchés financiers".

6. The Policy Statement is amended by replacing, wherever they appear, the words "this Policy Statement" with the words "this Regulation", and making the necessary changes.

* Policy Statement Q-27, Protection of Minority Securityholders in the Course of Certain Transactions, adopted on June 12, 2001 pursuant to decision No. 2001-C-00257 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 25, dated June 22, 2001, has not been amended since its adoption

7. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission" with the words "the Authority", and making the necessary changes.

8. This Regulation comes into force on August 24, 2005.

Regulation to amend Policy Statement Q-28 General Prospectus Requirements*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6), (8), (9), (19) and (34); 2004, c. 37)

1. The title of Policy Statement Q-28, General Prospectus Requirements is replaced with the following:

"Regulation Q-28 respecting General Prospectus Requirements".

2. Section 2.1 of the Policy Statement is amended by replacing the definition of "connected issuer" with the following:

" "connected issuer": a connected issuer within the meaning of Regulation 33-105 respecting Underwriting Conflicts approved by Ministerial Order 2005-14 dated 2 August 2005;".

3. Section 13.2 of the Policy Statement is amended:

(1) by deleting subparagraph 3 of paragraph (1);

(2) by replacing the words "the Commission" in paragraph (2) with the words "the Autorité des marchés financiers".

4. Paragraph (1) of section 13.3 of the Policy Statement is amended:

(1) by deleting subparagraph 8;

(2) by replacing subparagraph *i* of subparagraph 9 with the following:

"i. deals with a mineral project or oil and gas operations of the issuer;".

5. The title of Part 16 and section 16.1 of the Policy Statement are repealed.

6. Schedule 1 of the Policy Statement is amended:

(1) in the initial instructions:

(a) by replacing the words "Policy Statement No. Q-28, General Prospectus Requirements" and "the Policy Statement" in paragraph (2) with "Regulation Q-28 respecting General Prospectus Requirements" and "the Regulation" respectively;

(b) by adding the following paragraph at the end:

"*(11) Disclosure in the prospectus must be consistent with Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities hereafter referred to as "Regulation 51-101", if the issuer is engaged in oil and gas activities within the meaning of Regulation 51-101 and:*

(a) has filed or is required to have filed, or has included or is required to have included in another filed document, audited annual financial statements for a financial year ended on or after August 23, 2005;

(b) has, prior to the date on which it is required to have filed audited financial statements for a financial year ended on or after August 23, 2005, filed or is required to have filed, or has included or is required to have included in another filed document the statement referred to in paragraph 1 of section 2.1 of Regulation 51-101;

(c) is filing a preliminary prospectus or a prospectus that:

i. includes or is required to include audited financial statements for a financial year ended on or after August 23, 2005;

ii. after August 23, 2005 for an initial public offering of securities, includes financial statements for a financial year or interim period ended on or after August 23, 2005; or

iii. after August 23, 2005 and during the issuer's first financial year, includes financial statements for an interim period ended on or after August 23, 2005; or

(d) indicates in the prospectus that information disclosed therein is presented in accordance with Regulation 51-101.";

* Policy Statement Q-28, General Prospectus Requirements, adopted on August 14, 2001 pursuant to decision No. 2001-C-0390 and published in the Supplement to the Bulletin of the Commission des valeurs mobilières du Québec, volume 32, No. 34, dated August 24, 2001, has not been amended since its adoption.

(2) by replacing "Policy Statement No. Q-17, Restricted Shares" in subparagraph 1 of the instructions under Item 1.3 with "Regulation Q-17 respecting Restricted Shares";

(3) by replacing subparagraph (2) in Item 1.9 with the following:

"(2) As necessary, satisfy the provisions of Regulation 33-105 respecting Underwriting Conflicts concerning the information to be provided on the cover page of the prospectus.";

(4) in Item 6.4:

(a) by adding "except if they are referred to in Item 6.5" at the end of the introductory paragraph;

(b) by replacing the words "National Policy Statement No. 2-B, Guide for Engineers and Geologists Submitting Oil and Gas Reports to Canadian Provincial Securities Administrators, or any successor instrument" in paragraph 5 with "Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities";

(c) by replacing the words "any successor instrument to National Policy Statement No. 2-B" in paragraph 6 with "Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities";

(d) by replacing the words "National Policy Statement No. 2-B or any successor instrument" in paragraph 7 with "Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities";

(5) by adding the following after Item 6.4:

"6.5 **Issuers with Oil and Gas Activities**

This Item applies if an issuer is engaged in oil and gas activities within the meaning of Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities and:

(a) has filed or is required to have filed, or has included or is required to have included in another filed document, audited annual financial statements for a financial year ended on or after August 23, 2005;

(b) has, prior to the date on which it is required to file audited financial statements for a financial year ended on or after August 23, 2005, filed or has included or is required to have included in another filed document, the statement referred to in paragraph 1 of section 2.1 of Regulation 51-101;

(c) is filing a prospectus that:

i. includes or is required to include audited financial statements for a financial year ended on or after August 23, 2005;

ii. after August 23, 2005 for an initial public offering of securities, includes financial statements for a financial year or interim period ended on or after July 31, 2005; or

iii. after August 23, 2005 and during the issuer's first financial year, includes financial statements for an interim period ended on or after August 23, 2005; or

(d) indicates in the prospectus that information disclosed therein is presented in accordance with Regulation 51-101.

Disclose the following:

1. **Reserves Data and Other Information**

(a) In the case of information that, for purposes of Form 51-101F1 *Statement of Reserves Data and Other Oil and Gas Information*, is to be prepared as at the end of a financial year, disclose that information as at the issuer's most recent financial year-end;

(b) In the case of information that, for purposes of Form 51-101F1, is to be prepared for a financial year, disclose that information for the issuer's most recent financial year;

(c) To the extent not reflected in the information disclosed in response to paragraphs *a* and *b*, disclose the information contemplated by Part 6 of Regulation 51-101, in respect of material changes that occurred after the issuer's most recent financial year-end.

2. **Report of Qualified Reserves Evaluator or Auditor**

Include with the information disclosed under section 1 the report of one or more qualified reserves evaluators or qualified reserves auditors, referred to in paragraph 2 of section 2.1 of Regulation 51-101, on the reserves data included in the disclosure provided under paragraphs 1*a* and 1*b* of this Item.

3. **Report of Management and Directors**

Include with the information disclosed under section 1 the report of management and directors, referred to in paragraph 3 of section 2.1 of Regulation 51-101, relating to that information.

INSTRUCTION

The issuer may require the written consent of a qualified reserves evaluator or qualified reserves auditor to disclose information in this Form, pursuant to section 5.7 of Regulation 51-101.";

(6) by replacing "Policy Statement No. Q-17, Restricted Shares" in paragraph (2) under Item 10.7 with "Regulation Q-17 respecting Restricted Shares";

(7) by replacing "Policy Statement No. Q-28" in paragraph (2) under Item 16.3 with "Regulation Q-28";

(8) by replacing "Item 22 of Schedule I to the Regulation" in Item 17.1 with "Form 51-102F6 of Regulation 51-102 respecting Continuous Disclosure Obligations approved by Ministerial Order No. 2005-03 dated May 19, 2005";

(9) by replacing "Policy Statement No. Q-28" in Item 19.7 with "Regulation Q-28";

(10) by replacing "Policy Statement No. Q-28" in paragraph (4) under Item 21.1 and in Items 32.1 and 33.1 with "Regulation Q-28".

(11) by replacing Item 24 with the following:

"**Item 24 Relationship between Issuer or selling securityholder and Underwriter**

24.1 **Relationship between Issuer or selling securityholder and Underwriter**

If the issuer or selling securityholder is a connected issuer of an underwriter involved in the distribution or is also an underwriter, comply with Regulation 33-105 respecting Underwriting Conflicts.".

7. The Policy Statement is amended by replacing, wherever they appear, the words "this Policy Statement" and "the Policy Statement" with the words "this Regulation" and "the Regulation" respectively, and making the necessary changes.

8. The Policy Statement is amended by replacing, wherever they appear, the words "the Commission", where they refer to the Commission des valeurs mobilières du Québec, with the words "the Authority", and making the necessary changes.

9. This Regulation comes into force on August 24, 2005.

Regulation to amend the Securities Regulation*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, pars. (1), (5), (26) and (34); 2004, c. 37)

1. The Securities Regulation is amended by adding the following after section 33:

"**33.1**. The prospectus must contain the following certificate:

"This prospectus does not contain any misrepresentation likely to affect the value or the market price of the securities to be distributed."

The certificate must be signed by the chief executive officer of the issuer, or by a person who holds a similar position, by the chief financial officer, and by two other persons selected from among the directors and authorized for that purpose.

Where applicable, it is also signed by the promoter or by his agent, when the Authority so authorizes.

The Authority may authorize the replacement of the signature of an officer by that of another officer.

33.2 In the case of a distribution made by a dealer other than the security issuer, the prospectus must contain, at the end, the following certificate, signed by the dealer:

"To our knowledge, this prospectus does not contain any misrepresentation likely to affect the value or the market price of the securities to be distributed."

The Authority may authorize the dealer to sign the certificate through an agent.

Where there is more than one underwriter, it may be signed by the lead underwriter only.".

2. Section 230.1 of the Regulation is amended:

(1) by replacing the definition of "connected issuer" with the following:

* The Securities Regulation, enacted pursuant to Order-in-Council No. 660-83 dated March 30, 1983 (1983, *G.O.* 2, 1269), was last amended pursuant to the regulation approved by Ministerial Order No. 2005-04 dated May 19, 2005 (2005, *G.O.* 2, 1496). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, updated to March 1, 2005.

""“connected issuer”: a connected issuer within the meaning of Regulation 33-105 respecting Underwriting Conflicts approved by Ministerial Order 2005-14 dated 2 August 2005;”;

(2) by replacing the definition of “related issuer” with the following:

""“related issuer”: a related issuer within the meaning of Regulation 33-105 respecting Underwriting Conflicts;”;

(3) by deleting the definition of “influence”.

3. Sections 230.2, 230.4, 236.1 and 236.2 of the Regulation are repealed.

4. Section 237.1 of the Regulation is amended by replacing “sections 236.1 or 236.2” in the third paragraph with “Regulation 33-105 respecting Underwriting Conflicts”.

5. Section 237.3 of the Regulation is amended by deleting “236.1, 236.2,”.

6. The heading of Title VII and sections 272 to 293 of the Regulation are repealed.

7. This Regulation comes into force on August 24, 2005.

7043

M.O., 2005-18

Order number V-1.1-2005-18 of the Minister of Finance dated 10 August 2005

Securities Act
(R.S.Q., c. V-1.1; 2004, c. 37)

CONCERNING the Regulation 11-101 respecting principal regulator system

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004;

WHEREAS subparagraphs 1, 6, 8, 9, 11, 13, 14, 20, 25, 33 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing “Commission” wherever it appears by “Agency”, and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing “Agency” wherever it appears by “Authority”;

WHEREAS the draft Regulation 11-101 respecting principal regulator system was published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 21 of March 27, 2005;

WHEREAS on August 9, 2005, by the decision No. 2005-PDG-0230, the Authority made the Regulation 11-101 respecting principal regulator system;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 11-101 respecting principal regulator system appended hereto.

August 10, 2005

MICHEL AUDET,
Minister of Finance

Regulation 11-101 respecting principal regulator system

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (6), (8), (9), (11), (13), (14), (19), (20), (25), (26), (33) and (34); 2004, c. 37)

PART 1
DEFINITIONS

1.1 **Definitions**

In this Regulation,

"audit committee rule" means,

(a) except in British Columbia, Regulation 52-110, and

(b) in British Columbia, BCI 52-509;

"BCI 52-509" means BC Instrument 52-509 Audit Committees;

"CD requirement" means a requirement in

(a) Regulation 43-101 respecting Standards of Disclosure for Mineral Projects except as it relates to a prospectus,

(b) Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities except as it relates to a prospectus,

(c) Regulation 51-102 respecting Continuous Disclosure Obligations,

(d) Regulation 52-107 as it applies to a document filed under Regulation 51-102 respecting Continuous Disclosure Obligations,

(e) Regulation 52-108 respecting Auditor Oversight,

(f) Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings,

(g) Regulation 54-101 respecting Communication with Beneficial Owners of Securities of a Reporting Issuer,

(h) Regulation 58-101,

(i) section 8.5 of Regulation 81-104,

(j) Regulation 81-106;

(k) an audit committee regulation; or

(l) Appendix A below the name of the jurisdiction;

"commodity pool" has the same meaning as in Regulation 81-104;

"dealer" means an investment dealer, or a mutual fund dealer, as defined in Regulation 31-101;

"eligible client" means a client of a person if the client

(a) was a client of the person immediately before the client became a resident of the local jurisdiction,

(b) is a spouse, parent, grandparent, brother, sister or child of a person referred to in paragraph *a*,

(c) is a parent, grandparent, brother, sister or child of the spouse of a person referred to in paragraph *a*,

(d) is a person of which a majority of the voting securities are beneficially owned by persons, or a majority of the directors are individuals, described in paragraph *a*, *b* or *c*, or

(e) is a trust or estate of which all of the beneficiaries or a majority of the trustees or executors are persons described in paragraph *a*, *b* or *c*;

"investment fund" has the same meaning as in Regulation 81-106;

"investment fund manager" means a person that directs the business, operations and affairs of the investment fund;

"local prospectus-related requirements" mean the requirements listed in Appendix B below the name of the jurisdiction;

"long form rule" means,

(a) if Québec is not the principal jurisdiction, Ontario Securities Commission Rule 41-501 General Prospectus Requirements, except sections 13.8, 13.9(2), 13.9(3), 13.9(4) and 14.1(2), as modified by Appendix C, or

(b) if Québec is the principal jurisdiction, Québec Regulation Q-28 respecting General Prospectus Requirements, except sections 13.7, 13.8(2), 13.8(3), 13.8(4) and 14.1(2);

"mutual fund restricted individual" has the same meaning as in Regulation 81-104;

"national prospectus rules" means

(a) the requirement in section 2.1 of Regulation 33-105 to provide the information specified in Appendix C of Regulation 33-105,

(b) National Instrument 41-101, Prospectus Disclosure Requirements,

(c) Regulation 43-101 respecting Standards of Disclosure for Mineral Projects as it relates to a prospectus,

(d) Regulation 44-101 respecting Short Form Prospectus Distributions, other than, in Québec, items 21.1 and 21.2 or Form 44-101F3,

(e) Regulation 44-102 respecting Shelf Distributions, other than, in Québec, sections 1.1*c*, 1.2*b*, 2.1*c* and 2.2*b* in Appendix A of that instrument and sections 1.1*c*, 1.2*b*, 2.1*c*, 2.2*b* in Appendix B of that instrument,

(f) Regulation 44-103 respecting Post-Receipt Pricing, other than, in Québec, sections 3.2(1).7*c*, 3.2(1).8, 4.5(2).3*c* and 4.5(2).4,

(g) Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities as it relates to a prospectus,

(h) Regulation 52-107 as it applies to financial statements or financial information in a preliminary prospectus or prospectus,

(i) Regulation 81-101,

(j) the seed capital requirements,

(k) sections 8.1, 8.2(1) and 8.2(2) of Regulation 81-105 respecting Mutual Fund Sales Practices, and

(l) the requirements listed in Appendix D below the name of the jurisdiction;

"non-principal jurisdiction" means, for a person, the jurisdiction of a non-principal regulator;

"non-principal regulator" means, for a person, the securities regulatory authority or regulator of a jurisdiction other than the principal jurisdiction;

"participating dealer" has the same meaning as in Regulation 81-102;

"preliminary prospectus" includes any amendment to a preliminary prospectus;

"principal distributor" has the same meaning as in Regulation 81-102;

"prospectus" includes any amendment to a prospectus;

"principal jurisdiction" means, for a person, the jurisdiction of the principal regulator;

"principal regulator" means, for a person, the securities regulatory authority or regulator determined in accordance with Part 2;

"Regulation 31-101" means Regulation 31-101 respecting National Registration System;

"Regulation 33-105" means Regulation 33-105 respecting Underwriting Conflicts;

"Regulation 52-107" means Regulation 52-107 respecting Acceptable Accounting Principles, Auditing Standards and Reporting Currency;

"Regulation 52-110" means Regulation 52-110 respecting Audit Committees;

"Regulation 58-101" means Regulation 58-101 respecting Disclosure of Corporate Governance Practices;

"Regulation 81-101" means Regulation 81-101 respecting Mutual Fund Prospectus Disclosure;

"Regulation 81-102" means Regulation 81-102 respecting Mutual Funds;

"Regulation 81-104" means Regulation 81-104 respecting Commodity Pools;

"Regulation 81-106" means Regulation 81-106 respecting Investment Fund Continuous Disclosure;

"seed capital requirements" means

(a) in a jurisdiction other than British Columbia, Part 3 of Regulation 81-104, and

(b) in British Columbia, sections 3.1 and 3.2 of Regulation 81-102;

"unrestricted adviser" has the same meaning as in Regulation 31-101; and

"working office" has the same meaning as in Regulation 31-101.

1.2 **Language of documents - Québec**

In Québec, nothing in this Regulation shall be construed as relieving a person from requirements relating to the language of documents.

1.3 **References in Québec**

For Québec purposes, all referencing and complete titles of acts, regulations, instruments, policies and other relevant texts referred to in this Regulation are set out in Appendix E.

PART 2
PRINCIPAL REGULATOR

2.1 **Principal regulator for continuous disclosure**

(1) In this section and section 2.3, "participating principal jurisdiction" means British Columbia, Alberta, Saskatchewan, Manitoba, Québec, New Brunswick or Nova Scotia.

(2) For the purposes of Part 3, the principal regulator for a reporting issuer is the securities regulatory authority or regulator of the jurisdiction in which

(a) the issuer's head office is located, if the issuer is not an investment fund, or

(b) the investment fund manager's head office is located, if the issuer is an investment fund.

(3) Despite subsection (2), if the issuer is not a reporting issuer in the jurisdiction referred to in paragraph (2)*a* or *b*, or that jurisdiction is not a participating principal jurisdiction, the principal regulator for the reporting issuer is the securities regulatory authority or regulator in the participating principal jurisdiction with which the issuer has the most significant connection as of the date it first files a document under Part 3.

2.2 **Notice of principal regulator for continuous disclosure**

A reporting issuer relying on Part 3 must file a completed Form 11-101F1 in electronic format no later than its first filing under Part 3.

2.3 **Notice of change of principal regulator for continuous disclosure**

(1) A reporting issuer relying on Part 3 must file a completed Form 11-101F1 in electronic format if

(a) the issuer is not an investment fund and the location of the issuer's head office changes to another participating principal jurisdiction, or

(b) the issuer is an investment fund and the location of the investment fund manager's head office changes to another participating principal jurisdiction.

(2) For the purposes of subsection (1), the issuer must file the completed Form 11-101F1 at the same time the issuer is first required to file a document under a CD requirement following the change.

2.4 **Principal regulator for prospectuses**

(1) In this section,

"determination date" is the earlier of

(a) the date the issuer files a pre-filing application in any jurisdiction in connection with the prospectus filing, and

(b) the date the issuer files the preliminary prospectus under Part 4 in a jurisdiction; and

"participating principal jurisdiction" means

(a) British Columbia, Alberta, Saskatchewan, Manitoba, Québec, New Brunswick and Nova Scotia, and

(b) Prince Edward Island, Newfoundland and Labrador, Yukon, Northwest Territories and Nunavut if the issuer files the preliminary prospectus and prospectus in Ontario and Ontario is the principal reviewer of the prospectus under a mutual reliance review system.

(2) For the purposes of a prospectus filing under Part 4, an issuer's principal regulator is the securities regulatory authority or regulator of the jurisdiction in which

(a) the issuer's head office is located as of the determination date, if the issuer is not an investment fund, or

(b) the investment fund manager's head office is located as of the determination date, if the issuer is an investment fund.

(3) Despite subsection (2), if the jurisdiction referred to in paragraph (2)*a* or *b* is not a participating principal jurisdiction, the principal regulator for the issuer is the securities regulatory authority or regulator in the participating principal jurisdiction with which the issuer has the most significant connection as of the determination date.

2.5 **Principal regulator for registration**

For the purposes of Part 5, the principal regulator

(a) for a person, other than an individual, is the securities regulatory authority or regulator of the jurisdiction in which the person's head office is located, and

(b) for an individual is the securities regulatory authority or regulator of the jurisdiction in which the individual's working office is located.

2.6 **Notice of principal regulator for registration**

(1) As soon as practicable after relying on an exemption under Part 5, the person must file a completed Form 11-101F1.

(2) Subsection (1) does not apply if the person is required to file a completed Form 31-101F1 or Form 31-101F2 under Regulation 31-101.

2.7 **Notice of change of principal regulator for registration**

(1) A person relying on Part 5 must file a completed Form 11-101F1, as soon as practicable, if,

(a) for a person other than an individual, the person changes its head office to another principal jurisdiction, or

(b) for an individual, the location of the individual's working office changes to another principal jurisdiction.

(2) Subsection (1) does not apply if the person is required to file a completed Form 31-101F2 under Regulation 31-101.

2.8 **Administrative change of principal regulator**

Despite sections 2.1, 2.4 and 2.5, if an issuer or person receives written notice from a securities regulatory authority or regulator that specifies a principal regulator for the issuer or person, the principal regulator specified in the notice is the principal regulator for the issuer or person as of the later of

(a) the date the issuer or person receives the notice, and

(b) the effective date specified in the notice, if any.

PART 3
CONTINUOUS DISCLOSURE EXEMPTION

3.1 **Application**

(1) This Part does not apply to a reporting issuer in Ontario if,

(a) for an investment fund, the investment fund manager's head office is located in Ontario, or

(b) for an issuer that is not an investment fund, the issuer's head office is located in Ontario.

(2) Despite section 3.2(1), an investment fund is not exempt from a requirement in Appendix A unless the fund is subject to Regulation 81-106 in its principal jurisdiction.

3.2 **Continuous disclosure exemption**

(1) If the local jurisdiction is a non-principal jurisdiction, a CD requirement does not apply to a reporting issuer if the issuer

(a) files with or delivers to the non-principal regulator, at the same time and in the same manner, any document filed with or delivered to the principal regulator for the purpose of the CD requirement, if any, in the principal jurisdiction or under an exemption from the CD requirement in the principal jurisdiction,

(b) pays the fee that applies or would otherwise apply to the filing under the CD requirement unless no document is required to be filed in the principal jurisdiction,

(c) delivers to its securityholders in the local jurisdiction, at the same time and in the same manner, any document delivered to its securityholders in the principal jurisdiction for the purpose of the CD requirement in the principal jurisdiction or under an exemption from the CD requirement in the principal jurisdiction, and

(d) disseminates in the local jurisdiction, at the same time and in the same manner, any information disseminated in the principal jurisdiction for the purpose of the CD requirement in the principal jurisdiction or under an exemption from the CD requirement in the principal jurisdiction.

(2) If an issuer's principal jurisdiction is British Columbia and the issuer does not comply with Regulation 52-110 because it relies on the exemption under subsection (1), the issuer must disclose in the information it provides under BCI 52-509 that it is applying the audit committee rule that applies in British Columbia and that the rule differs from the audit committee rule in jurisdictions other than British Columbia.

3.3 **Meaning of independence in Regulation 58-101**

If an issuer's principal jurisdiction is British Columbia and the issuer applies the test for independence in section 1.2(2)*a* of Regulation 58-101, the issuer must disclose in the information it provides under Regulation 58-101 that it is applying the test of independence for directors

that applies in British Columbia and that test differs from the test of independence for directors that applies in jurisdictions other than British Columbia.

PART 4
PROSPECTUS-RELATED EXEMPTIONS

4.1 **Application**

This Part does not apply to an issuer if,

(a) for an investment fund, the investment fund manager's head office is located in Ontario, or

(b) for an issuer that is not an investment fund, the issuer's head office is located in Ontario.

4.2 **National prospectus rules exemption**

If the local jurisdiction is a non-principal jurisdiction, a requirement in the national prospectus rules does not apply to an issuer filing a preliminary prospectus and prospectus if

(a) the issuer files the preliminary prospectus and prospectus with the principal regulator,

(b) the principal regulator issues a receipt for the preliminary prospectus and prospectus, and

(c) the issuer files or delivers in the local jurisdiction any document filed or delivered in the principal jurisdiction under the requirement of the principal jurisdiction.

4.3 **Local prospectus-related exemption**

(1) This section does not apply to a mutual fund unless its securities are listed on an exchange or quoted on an over-the-counter market.

(2) If the local jurisdiction is a non-principal jurisdiction, the local prospectus-related requirements do not apply to an issuer filing a preliminary prospectus and prospectus if

(a) the issuer files the preliminary prospectus and prospectus with the principal regulator under the long form rule,

(b) the principal regulator issues a receipt for the preliminary prospectus and prospectus, and

(c) the issuer files or delivers in the local jurisdiction any document filed or delivered in the principal jurisdiction under the long form rule.

PART 5
REGISTRATION-RELATED EXEMPTIONS

5.1 **Interpretation**

In this Part, in Québec, "trade" has the same meaning as in section 1.6 of Regulation 45-106 respecting Prospectus and Registration Exemptions.

5.2 **Application**

This Part does not apply if,

(a) for a person other than an individual, the person's head office is located in Ontario, and

(b) for an individual, the individual's working office is located in Ontario.

5.3 **Mobility trading exemption - dealer**

If the local jurisdiction is a non-principal jurisdiction, the registration requirement does not apply to a person if the person

(a) is registered as a dealer in its principal jurisdiction,

(b) is trading with or for an eligible client,

(c) has 10 or fewer eligible clients in the local jurisdiction,

(d) has in aggregate $10,000,000 or less in assets under management for clients referred to in paragraph *c*, and

(e) complies with section 5.7.

5.4 **Mobility advising exemption – unrestricted adviser**

If the local jurisdiction is a non-principal jurisdiction, the registration requirement does not apply to a person if the person

(a) is registered as an unrestricted adviser in its principal jurisdiction,

(b) is advising an eligible client,

(c) has 10 or fewer eligible clients in the local jurisdiction,

(d) has in aggregate $10,000,000 or less in assets under management for clients referred to in paragraph *c*, and

(e) complies with section 5.7.

5.5 **Mobility trading exemption – individual**

If the local jurisdiction is a non-principal jurisdiction, the registration requirement does not apply to an individual if

(a) the individual is registered in its principal jurisdiction to trade on behalf of a dealer,

(b) the dealer is registered in its principal jurisdiction,

(c) in the local jurisdiction, the individual is trading with or on behalf of 5 or fewer eligible clients of the dealer,

(d) the dealer has in aggregate $5,000,000 or less in assets under management for eligible clients whom the individual referred to in paragraph *c* trades, and

(e) the individual complies with section 5.7.

5.6 **Mobility advising exemption – individual**

If the local jurisdiction is a non-principal jurisdiction, the registration requirement does not apply to an individual if

(a) the individual is registered in its principal jurisdiction to advise on behalf of an unrestricted adviser,

(b) the unrestricted adviser is registered in its principal jurisdiction,

(c) in the local jurisdiction, the individual is advising 5 or fewer eligible clients of the unrestricted adviser,

(d) the unrestricted adviser has in aggregate $5,000,000 or less in assets under management for eligible clients whom the individual referred to in paragraph *c* advises, and

(e) the individual complies with section 5.7.

5.7 **Conditions for mobility exemptions**

For the purposes of paragraphs 5.3*e*, 5.4*e*, 5.5*e* and 5.6*e*, the person must

(a) disclose to the eligible clients in the local jurisdiction, before it relies on an exemption in Part 5, that the person

i. exempt from the registration requirement in the local jurisdiction, and

ii. is not subject to requirements otherwise applicable under local securities legislation,

(b) act fairly, honestly and in good faith in the course of its dealings with the eligible clients, and

(c) not advertise for or solicit new clients in the local jurisdiction, except for advertising for or soliciting new clients for trades made in reliance on another registration exemption in the local jurisdiction.

5.8 **Regulation 81-104 exemption**

Part 4 of Regulation 81-104 does not apply to a mutual fund restricted individual, a principal distributor or a participating dealer if

(a) the mutual fund restricted individual, principal distributor or participating dealer is registered in its principal jurisdiction, and

(b) the local jurisdiction is a non-principal jurisdiction.

5.9 **Notification**

A person must, before relying on section 5.3, 5.4, 5.5, 5.6 or 5.8, give written notice of the exemption that it intends to rely on to the securities regulatory authority in the local jurisdiction.

PART 6
EFFECTIVE DATE

6.1 **Effective date**

This Regulation takes effect on September 19, 2005.

APPENDIX A

CD REQUIREMENTS
(s. 3.2)

British Columbia

Securities Act : sections 85 and 117

Securities Rules : sections 144 (except as it relates to fees), 145 (except as it relates to fees), 152 and 153 sections 2, 3 and 189 as they relate to a filing under another CD requirement

Alberta

Securities Act : sections 146, 149 (except as it relates to fees), 150, 152 and 157.1

Alberta Securities Commission Rules (General) : except as they relate to a prospectus, sections 143 to 169, 196 and 197

Saskatchewan

The Securities Act, 1988 : sections 84, 86 to 88, 90, 94 and 95

The Securities Regulations : section 117 to 138.1 and 175 as it relates to a filing under another CD requirement

Manitoba

Securities Act : sections 101(1), 102(1), 104, 106(3), 119, 120 (except as it relates to fees) and 121 to 130

Securities Regulation : sections 38 to 40 and 80 to 87

Québec

Securities Act : sections 73 (excluding the filing requirement of a statement of material change), 75 (excluding the filing requirement), 76, 77 (excluding the filing requirement), 78, 80 to 82.1, 83.1, 87, 105 (excluding the filing requirement), 106 and 107 (excluding the filing requirement)

Securities Regulation : sections 115.1 to 119, 119.4, 120 to 138 and 141 to 161

Regulations : No. 14, No. 48, Q-11, Q-17 (Title IV) and 62-102

A document filed with or delivered to the Autorité des marchés financiers, delivered to securityholders in Québec or disseminated in Québec under section 3.2 of the Regulation is deemed, for the purposes of securities legislation in Québec, to be a document filed, delivered or disseminated under Chapter II of Title III or section 84 of the Securities Act.

New Brunswick

Securities Act : sections 89(1) to (4), 90, 91, 100 and 101

Nova Scotia

Securities Act : sections 81, 83, 84 and 91

General Securities Rules : section 9, 140(2), 140(3) and 141

Newfoundland and Labrador

Securities Act : except as they relate to fees, sections 76, 78 to 80, 82, 86 and 87

Securities Regulations : sections 4 to 14 and 71 to 80

Yukon

Securities Act : section 22(5) except as it relates to filing a new or amended prospectus

APPENDIX B

LOCAL PROSPECTUS-RELATED REQUIREMENTS
(s. 4.3)

British Columbia

Securities Act : sections 63(2), and 63(3)

Securities Rules : sections 98, 107, 111 to 115, 118 and 119

sections 2, 3, and 189 as they relate to the filing of the preliminary prospectus and prospectus

The requirement in the following sections that a preliminary prospectus and prospectus be in the required form :

Securities Act, sections 61(2) and 62 and Securities Rules, sections 99, 122*b*, 122*c*, 123*b* and 123*c*

Alberta

Securities Act : sections 111 and 113 (except 113(1)*a*)

Alberta Securities Commission Rules (General) : sections 77(1)*a* to *d*, 85(3), 85(4), 86, 87, 93, 94, 97, 98, 103, 105, 107 to 109, 111, 114, 118 and 119

Saskatchewan

The Securities Act, 1988 : sections 59(1), 61(1)*b*, 61(2) and 69(1)

The Securities Regulations: sections 66 to 72, 75(1), 78 to 92, and 175 as it relates to the filing of the preliminary prospectus and prospectus

Manitoba

Securities Act: sections 39, 41(2), 41(3), 43 to 49, 64(9) and 65(8)

Securities Regulation: sections 8 to 37

Québec

Securities Regulations: sections 5, 9, 10, 13 (except the references to sections 33 to 33.2 and 37), 16, 17, 23, 27, 37.1, 40, 51 (paragraph 2), 53, 76 to 82 and 93

Regulations: No. 3, No. 14, No. 15, No. 29, No. 48, Q-2, Q-3, Q-11, Q-18, Q-28 (excluding requirements relating to Part 12 and item 33 of Schedule 1) and 46-201

New Brunswick

Securities Act: sections 72(1), 74(1) other than as it relates to the full, true and plain disclosure requirement, 74(2) and 74(4)

The requirement in the following sections that a preliminary prospectus and prospectus be in the form prescribed by regulation:

Securities Act: sections 71(1)*a* and 71(2)

Nova Scotia

Securities Act: sections 65(1)

General Securities Rules: sections 86, 87, 88, 89, 91, 92, 93, 94, 99, 101, 102, 103, 105, 107, 110, 111, 112 and 117

The requirement in the following sections that a preliminary prospectus and prospectus be in the required form:

Securities Act, sections 59 and 61 (other than as it relates to the full, true and plain disclosure requirement) and General Securities Rules, sections 95 and 116

Prince Edward Island

Securities Act: sections 8(2), 8.1(1) other than as it relates to the full, true and plain disclosure requirement, 8.1(2) and 8.7

Securities Act Regulations: sections 2, 10 and 21

Newfoundland and Labrador

Securities Act: sections 55(1), 57 other than as it relates to the full, true and plain disclosure requirement and 61

Securities Regulations: sections 22(4), 22(5), 28 to 30, 32, 34, 37 to 42, 45, 47, 48 and 52 to 54

Yukon

Securities Act: sections 22(2), 22(3), 22(4) other than as it relates to the full, true and plain disclosure requirement, 22(5) as it relates to a prospectus, 24(4) and 25(5)

Securities Regulations: sections 14(1), 15(1) and 18(1)

Northwest Territories

Securities Act: sections 27(2)*a*i other than as it relates to the filing requirement and any requirement to make full, true and plain disclosure, 29(4) and 30(5)

Nunavut

Securities Act: sections 27(2)*a*i other than as it relates to the filing requirement and any requirement to make full, true and plain disclosure, 29(4) and 30(5)

APPENDIX C

MODIFICATIONS TO OSC RULE 41-501

For the purposes of the definition of 'long form rule', a reference in Ontario Securities Commission Rule 41-501 to

"Act" means the securities legislation in the local jurisdiction;

"Commission" means the securities regulatory authority in the local jurisdiction;

"Director" means,

(a) except in Form 41-502F2, the regulator of the principal jurisdiction, and

(b) in Form 41-502F2, the regulator in the local jurisdiction;

"Form 40 to the Regulation" means Form 51-102F6 Statement of Executive Compensation;

"Ontario" means the local jurisdiction;

"section 57(1) of the Act" means,

(a) in British Columbia, section 67(1) of the Securities Act,

(b) in Alberta, section 114(1) or 115(1) of the Securities Act, as the case may be,

(c) in Saskatchewan, sections 62 and 63 of The Securities Act, 1988,

(d) in Manitoba, sections 40(2) and 55 of the Securities Act,

(e) in New Brunswick, sections 76(1), 76(3) and 77(1) of the Securities Act,

(f) in Nova Scotia, section 62(1) of the Securities Act,

(g) in Prince Edward Island, sections 8.3(1) and 8.4(1) of the Securities Act,

(h) in Newfoundland and Labrador, section 58 of the Securities Act,

(i) in Yukon, section 22(5) of the Securities Act,

(j) in Northwest Territories, section 27(4) of the Securities Act, and

(k) in Nunavut, section 27(4) of the Securities Act;

"section 62 of the Act",

(a) means in British Columbia, section 71 of the Securities Act,

(b) means in Alberta, section 121 of the Securities Act,

(c) means in Saskatchewan, section 71 of the Securities Act,

(d) means in Manitoba, section 56 of the Securities Act,

(e) means in New Brunswick, section 78 of the Securities Act,

(f) means in Nova Scotia, section 67 of the Securities Act,

(g) means in Prince Edward Island, section 8.9 of the Securities Act,

(h) means in Newfoundland and Labrador, section 63 of the Securities Act,

(i) in Yukon, does not apply,

(j) in Northwest Territories, does not apply, and

(k) in Nunavut, does not apply;

"section 67 of the Act",

(a) means in British Columbia, section 80 of the Securities Act,

(b) means in Alberta, section 125 of the Securities Act,

(c) means in Saskatchewan, section 75 of the Securities Act,

(d) means in Manitoba, section 38(4) of the Securities Act,

(e) means in New Brunswick, section 84 of the Securities Act,

(f) means in Nova Scotia, section 72 of the Securities Act,

(g) means in Prince Edward Island, section 8.11 of the Securities Act,

(h) means in Newfoundland and Labrador, section 68 of the Securities Act,

(i) in Yukon, does not apply,

(j) in Northwest Territories, does not apply, and

(k) in Nunavut, does not apply.

APPENDIX D

NATIONAL PROSPECTUS RULES
(s. 4.2)

British Columbia

Securities Act: sections 63(2), 63(3) and 68, and the form of certificate set out in section 69(1)

Securities Rules: sections 98, 98.2, 107, 111 to 115, 118 and 119

sections 2, 3 and 189 as they relate to the filing of the preliminary prospectus and prospectus

The requirement in the following sections that a preliminary prospectus and prospectus be in the required form:

Securities Act, sections 61(2) and 62 and Securities Rules, sections 99, 122*b*, 122*c*, 123*b* and 123*c*

Alberta

Securities Act: sections 111, 113 (except 113(1)*a*), 116 and the form of certificate set out in sections 117(1) and 117(2)

Alberta Securities Commission Rules (General): sections 77(1)*a* to *d*, 85(3), 85(4), 86, 87, 93, 94, 97, 98, 102, 103, 105, 107 to 109, 111, 114, 118 and 119

Saskatchewan

The Securities Act, 1988: sections 59(1), 61(1)*b*, 61(2), 66, the form of certificate set out in section 67 and 69(1)

The Securities Regulations: sections 66 to 72, 75(1), 78 to 92 and 175 as it relates to the filing of the preliminary prospectus and prospectus

Manitoba

Securities Act: sections 39, 41(2), 41(3), 43 to 49, 52, 53, 64(9) and 65(8)

Securities Regulation: sections 8 to 37

Québec

Securities Act: section 19 (paragraph 2)

Securities Regulations: sections 5, 9, 10, 13, 17, 23, 27, 33 to 33.2, 37, 37.1, 40, 51 (paragraph 2), 53, 60, 63, 76 to 79, 81, 82 and 93

Regulations: No. 3, No. 14, No. 29, No. 48, Q-2, Q-3, Q-11, Q-18, Q-28 and 46-201

New Brunswick

Securities Act: sections 72(1), 74(1) other than as it relates to the full, true and plain disclosure requirement, 74(2) and 74(4)

Implementing Instrument 41-802: sections 2.3*a*, 2.3*b* and 2.3*c*i as they relate to the form of certificate

The requirement in the following sections that a preliminary prospectus and prospectus be in the form prescribed by regulation:

Securities Act, sections 71(1)*a* and 71(2)

Nova Scotia

Securities Act: sections 63, 64 and 65(1)

General Securities Rules: sections 86, 87, 88, 89, 91, 92, 93, 94, 99, 101, 102, 103, 105, 107, 110, 111, 112 and 117

The requirement in the following sections that a preliminary prospectus and prospectus be in the required form:

Securities Act, sections 59 and 61(2) and General Securities Rules, sections 95 and 116

Prince Edward Island

Securities Act: sections 8(2), 8.1(1) other than as it relates to the full, true and plain disclosure requirement, 8.1(2), 8.5, 8.7 and the form of certificate set out in section 8.6

Securities Act Regulations: sections 2, 10 and 21

Newfoundland and Labrador

Securities Act: sections 55(1), 57 other than as it relates to the full, true and plain disclosure requirement, 59 and 61

Securities Regulations: sections 22(4), 22(5), 28 to 30, 32, 34, 37 to 42, 45, 47, 48 and 52 to 54

Yukon

Securities Act: sections 22(2), 22(3), 22(4) other than as it relates to the full, true and plain disclosure requirement, 22(5) as it relates to a prospectus, 24(4) and 25(5)

Securities Regulations: sections 14(1), 15(1) and 18(1)

Northwest Territories

Securities Act: sections 27(2)*a*i other than as it relates to the filing requirement and any requirement to make full, true and plain disclosure, 29(4) and 30(5)

Nunavut

Securities Act : sections 27(2)*a*i other than as it relates to the filing requirement and any requirement to make full, true and plain disclosure, 29(4) and 30(5)

APPENDIX E

REFERENCING OF ACTS, REGULATIONS, INSTRUMENTS AND POLICIES FOR QUÉBEC PURPOSES

British Columbia

- Securities Act (R.S.B.C. 1996, c. 418) ;
- Securities Rules (B.C. Reg. 194/97) ;
- B.C. Instrument 52-509 Audit Committees (B.C. Reg. 216/2005) ;
- National Instrument 41-101, Prospectus Disclosure Requirements (B.C. Reg. 423/2000).

Alberta

- Securities Act (R.S.A. 2000, c. S-4) ;
- Alberta Securities Commission Rules (General).

Saskatchewan

- The Securities Act, 1988 (S.S. 1988-89, c. S-42.2) ;
- The Securities Regulations (R.R.S. c. S-42.2 Reg. 1).

Manitoba

- Securities Act (C.C.S.M. c. S50) ;
- Securities Regulation (Man. Reg. 491/88 R).

Québec

- Securities Act (R.S.Q., c. V-1.1) ;
- National Policy 46-201, Escrow for Initial Public Offerings adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2003-C-0073 dated March 3, 2003 ;
- National Policy No. 48, Future-Oriented Financial Information adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0291 dated June 12, 2001 ;
- Securities Regulation enacted by Order-in-Council 660-83, 30 March 1983 (1983, *G.O.* 2, 1269) ;
- Regulation No. 3 respecting Unacceptable Auditors adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0293 dated June 12, 2001 ;
- Regulation No. 14 respecting Acceptability of Currencies in Material Filed with Securities Regulatory Authority adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0294 dated June 12, 2001 ;
- Regulation No. 15 respecting Conditions Precedent to Acceptance of Scholarship or Educational Plan Prospectuses adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0567 dated December 11, 2001 ;
- Regulation No. 29 respecting Mutual Funds Investing in Mortgages adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0266 dated June 12, 2001 ;
- Regulation Q-2 respecting Real Estate Financings adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0260 dated June 12, 2001 ;
- Regulation Q-3 respecting Options adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2003-C-0135 dated April 8, 2003 ;
- Regulation Q-11 respecting Future-Oriented Financial Information adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0290 dated June 12, 2001 ;
- Regulation Q-18 respecting Additional Information for Disclosure in Prospectus of Deposit-Taking Issuers adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0252 dated June 12, 2001 ;
- Regulation Q-25 respecting Real Estate Mutual Funds adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0425 dated September 11, 2001 ;
- Regulation Q-26 respecting Restriction on Trading During a Distribution by Prospectus adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2003-C-0077 dated March 3, 2003 ;

• Regulation Q-28 respecting General Prospectus Requirements adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0390 dated August 14, 2001;

• Regulation 31-101 respecting National Registration System approved by Ministerial Order No. 2005-13 dated August 2, 2005;

• Regulation 33-105 respecting Underwriting Conflicts approved by Ministerial Order No. 2005-14 dated August 2, 2005;

• Regulation 43-101 respecting Standards of Disclosure for Mineral Projects adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0199 dated May 22, 2001;

• Regulation 44-101 respecting Short Form Prospectus Distributions adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0394 dated August 14, 2001;

• Regulation 44-102 respecting Shelf Distributions adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0201 dated May 22, 2001;

• Regulation 44-103 respecting Post-Receipt Pricing adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0203 dated May 22, 2001;

• Regulation 45-106 respecting Prospectus and Registration Exemptions approved by Ministerial Order No. 2005-20 dated August 12, 2005;

• Regulation 51-101 respecting Standards of Disclosure for Oil and Gas Activities approved by Ministerial Order No. 2005-15 dated August 2, 2005;

• Regulation 51-102 respecting Continuous Disclosure Obligations approved by Ministerial Order No. 2005-03 dated May 19, 2005;

• Regulation 52-107 respecting Acceptable Accounting Principles, Auditing Standards and Reporting Currency approved by Ministerial Order No. 2005-08 dated May 19, 2005;

• Regulation 52-108 respecting Auditor Oversight approved by Ministerial Order No. 2005-16 dated August 2, 2005;

• Regulation 52-109 respecting Certification of Disclosure in Issuers' Annual and Interim Filings approved by Ministerial Order No. 2005-09 dated June 7, 2005;

• Regulation 52-110 respecting Audit Committees approved by Ministerial Order No. 2005-10 dated June 7, 2005;

• Regulation 54-101 respecting Communication with Beneficial Owners of Securities of a Reporting Issuer adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2003-C-0082 dated March 3, 2003;

• Regulation 58-101 respecting Disclosure of Corporate Governance Practices approved by Ministerial Order No. 2005-11 dated June 7, 2005;

• Regulation 62-102 respecting Disclosure of Outstanding Share Data adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0248 dated June 12, 2001;

• Regulation 81-101 Mutual Fund Prospectus Disclosure adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0283 dated June 12, 2001;

• Regulation 81-102 Mutual Funds adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0209 dated May 22, 2001;

• Regulation 81-104 respecting Commodity Pools adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2003-C-0075 dated March 18, 2003;

• Regulation 81-105 respecting Mutual Fund Sales Practices adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0212 dated May 22, 2001;

• Regulation 81-106 respecting Investment Fund Continuous Disclosure approved by Ministerial Order No. 2005-05 dated May 19, 2005.

New Brunswick

• Securities Act (S.N.B. 2004, c. S-5.5);

• 41-802, General Securities Rules of the New Brunswick Securities Commission.

Nova Scotia

• Securities Act (R.S.N.S. 1989, c. 418);

• General Securities Rules of the Nova Scotia Securities Commission.

Prince Edward Island

- Securities Act (R.S.P.E.I. 1988, c. S-3);
- General Regulations (P.E.I. Reg. EC165/89).

Newfoundland and Labrador

- Securities Act (R.S.N.L. 1990, c. S-13);
- Securities Regulations (C.N.L.R. 805/96).

Yukon

- Securities Act (R.S.Y. 2002, c. 201).

Northwest Territories

- Securities Act (R.S.N.W.T. 1988, c. S-5).

Nunavut

- Securities Act (R.S.N.W.T. 1988, c. S-5, as duplicated for Nunavut).

Ontario

- Rule 41-501, General Prospectus Requirements (2000, 23 O.S.C.B. (Supp) 765).

FORM 11-101F1

NOTICE OF PRINCIPAL REGULATOR UNDER REGULATION 11-101

1. Date: _____

2. Information about the person

SEDAR profile number (if applicable):

_____

NRD # (if applicable):

_____

Name:

_____

INSTRUCTIONS

(i) For a non-investment fund issuer, indicate the SEDAR profile number. For an investment fund issuer, indicate the SEDAR investment fund group profile number.

(ii) For a non-investment fund issuer, indicate the issuer's name. For an investment fund issuer, indicate the investment fund group name.

3. Principal regulator

The securities regulatory authority or regulator in the following jurisdiction is the principal regulator for the person.

4. Previous notice filed

If the person has previously filed a Form 11-101F1, indicate the principal regulator noted in the previous notice:

_____

5. Reasons for principal regulator

The principal regulator for the person is its principal regulator

(a) based on the location of its head office (for a non-investment fund issuer, dealer or unrestricted adviser), investment fund manager's head office (for an investment fund), or working office (for an individual) (check box), or ☐

(b) on the following basis [provide details]:

_____

_____

6. Change in principal regulator

If this notice is being filed for a change in the person's principal regulator, provide the details of the basis for the change in principal regulator.

_____

_____

7044

M.O., 2005-13

Order number V-1.1-2005-13 of the Minister of Finance, dated 2 August 2005

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, subpars. 1, 2, 3, 11, 25, 26, 33 and 34; 2004, c. 37)

CONCERNING the Regulation 31-101 respecting national registration system

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004;

WHEREAS subparagraphs 1, 2, 3, 11, 25, 26, 33 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority";

WHEREAS the draft Regulation 31-101 respecting national registration system was published in the Supplement to the weekly Bulletin of the Commission des valeurs mobilières du Québec, volume 35, No. 1 of January 9, 2004;

WHEREAS on January 7, 2005, by the decision No. 2005-PDG-0010, the Authority made the Regulation 31-101 respecting national registration system;

WHEREAS there is cause to approve this regulation with amendments;

CONSEQUENTLY, the Minister of Finance approves with amendments the Regulation 31-101 respecting national registration system appended hereto.

Québec, August 2, 2005

MICHEL AUDET,
Minister of Finance

Regulation 31-101 respecting national registration system

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (11), (25), (26), (33) and (34); 2004, c. 37)

PART 1
DEFINITIONS AND INTERPRETATION

1.1 **Definitions**

In this Regulation,

"filer" means a firm filer or an individual filer;

"filing requirements" means the requirements, as they apply to filers, contained in the securities legislation of the jurisdictions in which a filer is registered, approved or reviewed or submitting an application for registration, approval or review, pursuant to which the filer must file, as and when required, documents and information with the securities regulatory authorities or regulators of such jurisdictions in connection with the filer's fit and proper requirements, but does not mean any such requirements in connection with the filer's renewal of registration;

"firm filer" means a registered firm or a person or company submitting an application to become a registered firm;

"fit and proper requirements" means the requirements and prohibitions, as they apply to registered filers or non-registered individuals, contained in the securities legislation of the jurisdictions in which a registered filer is registered or in which a non-registered individual is approved or reviewed, to ensure the suitability of a filer to be registered or to be approved as a non-registered individual, namely as regards the filer's solvency, integrity and proficiency, but does not mean

(a) any requirements to pay fees in connection with a registration or approval, or

(b) any requirements as they apply to mutual fund dealers and their sponsored individuals who are registered in Québec, contained in the securities legislation of Québec, with respect to liability insurance;

"individual filer" means

(a) a registered individual,

(b) an individual submitting an application to become a registered individual, or

(c) a non-registered individual submitting, or on whose behalf a sponsoring firm is submitting, an application for the approval or review of the individual as director, partner, officer, compliance officer, branch manager or substantial holder of the sponsoring firm;

"investment dealer" means a person or company registered in a category referred to in Appendix A opposite the name of the local jurisdiction under the heading "Investment Dealer";

"MRRS MOU" means the Memorandum of Understanding relating to the Mutual Reliance Review System signed as of October 14, 1999, as amended, supplemented or replaced from time to time;

"mutual fund dealer" means a person or company registered in a category referred to in Appendix A opposite the name of the local jurisdiction under the heading "Mutual Fund Dealer";

"NRS" means the national registration system implemented pursuant to the MRRS MOU, this Regulation and Policy Statement 31-201 respecting National Registration System adopted by the Autorité des marchés financiers pursuant to decision No. 2005-PDG-0011 dated January 7, 2005, to facilitate the registration, approval or review in the jurisdiction of a non-principal regulator of investment dealers, mutual fund dealers, unrestricted advisers and their sponsored individuals;

"non-principal regulator" means, for a filer, a securities regulatory authority or regulator, other than the principal regulator, with whom the filer is registered, approved or reviewed or to whom the filer is submitting an application under NRS to be registered, approved or reviewed;

"non-registered individual" means, for a sponsoring firm, an individual other than a registered individual who is

(a) a director, partner, officer, compliance officer or branch manager of the firm, or,

(b) in Alberta, British Columbia and Ontario, a director, partner, officer or substantial holder of the firm;

"notice requirements" means the requirements, as they apply to registered individuals, non-registered individuals or registered firms, contained in the securities legislation of the jurisdictions in which a registered filer is registered or in which a non-registered individual is approved or reviewed, pursuant to which the registered filer or non-registered individual must notify, as and when required, the securities regulatory authorities or regulators of such jurisdictions of changes and events in connection with the filer's fit and proper requirements;

"NRS document" means the document issued by the principal regulator for an application made under NRS that evidences that a decision has been made by the principal regulator and the non-principal regulators that have not opted out of NRS for that application, and that evidences the terms and conditions of such decision;

"principal regulator" means,

(a) for a firm filer, the securities regulatory authority or regulator of the jurisdiction with which the firm filer has the most significant connection, and

(b) for an individual filer, the securities regulatory authority or regulator of the jurisdiction in which the individual filer's working office is located;

"registered filer" means a registered firm or registered individual;

"registered firm" means a person or company that is registered in at least one jurisdiction as an investment dealer, a mutual fund dealer or an unrestricted adviser;

"registered individual" means an individual that is registered in at least one jurisdiction to trade or advise on behalf of a registered firm;

"securities legislation" means,

(a) for a local jurisdiction other than Québec, the statute and other instruments referred to in Appendix B of Regulation entitled National Instrument 14-101, Definitions, adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0274 dated June 12, 2001, opposite the name of the local jurisdiction, and

(b) for Québec,

i. the statute and other instruments referred to in Appendix B of Regulation entitled National Instrument 14-101, Definitions opposite Québec,

ii. an Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) and the regulations under that Act and the blanket rulings and orders issued by the securities regulatory authority, and

iii. an Act respecting the Autorité des marchés financiers (R.S.Q., c. A-7.03) and the regulations under that Act and the blanket rulings and orders issued by the securities regulatory authority, but does not mean any regulation adopted by or for a self-regulatory organization;

"sponsored individual" means, for a firm filer,

(a) a registered individual who trades or advises on behalf of the firm filer,

(b) an individual submitting an application to become a registered individual who proposes to trade or advise on behalf of the firm filer, or

(c) a non-registered individual of the firm filer;

"sponsoring firm" means,

(a) for a registered individual, the registered firm on whose behalf the individual trades or advises,

(b) for an individual submitting an application to become a registered individual, the registered firm, or the person or company submitting an application to become a registered firm, on whose behalf the individual proposes to trade or advise,

(c) for a non-registered individual, the registered firm on whose behalf it acts, or

(d) for a non-registered individual of a person or company submitting an application to become a registered firm, the person or company that is submitting the application;

"substantial holder" means any individual who beneficially owns, whether directly or indirectly, or exercises control or direction over, ten percent or more of the voting securities of a firm filer;

"unrestricted adviser" means a person or company registered in a category referred to in Appendix A opposite the name of the local jurisdiction under the heading "Unrestricted Adviser"; and

"working office" means the office of the sponsoring firm from which an individual filer primarily works or proposes to primarily work.

1.2 **Interpretation**

(1) For the purposes of this Regulation, the term "registration" includes a reinstatement of registration or an amendment to registration, where appropriate.

(2) For the purposes of this Regulation, a category of registration in a jurisdiction corresponds to a category of registration in another jurisdiction if both categories permit the same or substantially the same advising or trading activity.

PART 2
APPLICATION

2.1 **Application of NRS to Firm Filers**

(1) A firm filer may elect to use the National Registration System if the firm filer

(a) has a business office in Canada, and

(b) is

i. a registered firm in the jurisdiction of its principal regulator and in at least one other jurisdiction,

ii. submitting an application to become a registered firm in the jurisdiction of its principal regulator and in at least one other jurisdiction, or

iii. a registered firm in the jurisdiction of its principal regulator and submitting an application to become a registered firm in at least one other jurisdiction, in all cases, in corresponding categories of registration.

(2) A firm filer elects to use NRS by submitting to the principal regulator and to all non-principal regulators a completed Form 31-101F1. A new completed Form 31-101F1 must be submitted to the principal regulator and all non-principal regulators when a registered firm is seeking registration in further jurisdictions.

(3) The National Registration System must be used for each application for registration submitted by a firm filer if the firm filer has elected to use NRS.

2.2 **Application of NRS to Individual Filers**

The National Registration System must be used for each application for registration, approval or review of an individual filer when

(a) the individual filer resides in Canada,

(b) the individual filer's sponsoring firm has elected to use NRS, and

(c) the individual filer, or the individual filer's sponsoring firm, is submitting the application to a non-principal regulator in a category of registration, approval or review which corresponds to the category in which the individual filer is registered or has been approved or reviewed, or for which the individual filer, or the individual filer's sponsoring firm, is submitting an application to be registered, approved or reviewed, in the jurisdiction of the individual filer's principal regulator.

2.3 **Notice of Change**

If the factors considered by a firm filer in determining the jurisdiction with which it has the most significant connection change, the firm filer must immediately notify its principal regulator of such change by submitting a completed Form 31-101F2.

PART 3
LOCAL EXEMPTIONS

3.1 **Exemptions from Non-Principal Regulator Requirements**

(1) A filer registered, approved or reviewed or submitting an application for registration, approval or review in a local jurisdiction under NRS, a firm filer electing to use NRS or an individual filer whose sponsoring firm has elected to use NRS, is exempt from the fit and proper requirements, notice requirements and filing requirements of the local jurisdiction if

(a) the regulator or securities regulatory authority of the local jurisdiction is a non-principal regulator,

(b) the filer complies with the applicable fit and proper requirements, notice requirements and filing requirements of the jurisdiction of the filer's principal regulator, and

(c) where the principal regulator of the firm filer is situate in Québec, the firm filer registered or submitting an application for registration as a mutual fund dealer maintains insurance or bonding with respect to registrable activities conducted in the local jurisdiction that meets the requirements prescribed by the rules of the self-regulatory organization of which the firm filer is or must be a member.

(2) A filer registered under NRS is exempt from the local requirement to hold a certificate of registration or to have received written notice of the registration before conducting an activity for which the filer must be registered, if the filer has received an NRS document from its principal regulator that evidences that it is registered in a category that permits the filer to carry on its activity.

3.2 **Temporary Exemption – Change of Principal Regulator**

If the principal regulator of a registered filer changes, the registered filer is exempt from the fit and proper requirements of the local jurisdiction of the redesignated principal regulator for a period of six months following the effective date of the change of principal regulator, provided that the registered filer continues to satisfy the fit and proper requirements applicable in the jurisdiction of its previous principal regulator during that period.

3.3 **Termination of Exemptions**

(1) The exemptions in subsection 3.1(1) and section 3.2 are no longer available to a registered filer or non-registered individual that ceases to be eligible under NRS or, for a registered firm, that elects to no longer use NRS.

(2) A filer shall cease to benefit from the exemption set forth in subsection 3.1(1) in any local jurisdiction where a non-principal regulator of the filer opts out of NRS on the filer's application, unless the non-principal regulator opts back in.

PART 4
TRANSITION

4.1 **Registrations or Approvals of Individual Filers in Québec**

An individual filer whose principal regulator is situated in Québec will not be exempt from the filing requirements contained in a regulation respecting the National Registration Database or a regulation respecting registration in this database applicable to a jurisdiction other than Québec and equivalent to Regulation 33-109Q respecting Registration Information approved by Ministerial Order No. 2004-06 dated December 2, 2004 and Regulation 31-102Q respecting the National Registration Database approved by Ministerial Order No. 2004-05 dated December 2, 2004, unless similar requirements are applicable in Québec to the individual filer.

PART 5
EXEMPTION

5.1 **Exemption**

(1) The regulator or securities regulatory authority may grant an exemption from this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario only the regulator may grant such an exemption.

(3) In Québec, this exemption is granted under section 263 of the Securities Act (R.S.Q., c. V-1.1).

PART 6
EFFECTIVE DATE

6.1 **Effective date**

This Regulation shall come into force on August 24, 2005.

APPENDIX A

REGISTRATION CATEGORY CONCORDANCE

	Investment Dealer	**Mutual Fund Dealer**	**Unrestricted adviser**
Alberta	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
British Columbia	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Manitoba	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
New Brunswick	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Newfoundland & Labrador	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Nova Scotia	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Ontario	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Prince Edward Island	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Québec	Dealer with an unrestricted practice	Firm in group-savings-plan brokerage	Adviser with an unrestricted practice
Saskatchewan	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Northwest Territories	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Nunavut	Investment dealer	Mutual fund dealer	Investment counsel or portfolio manager
Yukon	Broker	Broker	Broker

FORM 31-101F1

ELECTION TO USE NRS AND
DETERMINATION OF PRINCIPAL REGULATOR

General Instructions

1. A firm filer must use this form to notify its principal regulator and non-principal regulator(s) of its election to use and to have its individual filers use NRS for an application submitted in more than one jurisdiction or in a jurisdiction of a non-principal regulator.

2. This form must be filed in paper format with the firm filer's principal regulator and non-principal regulator(s) when submitted in connection with an application.

3. If this form is not submitted with a firm filer's application, it may be submitted with the filer's principal regulator and non-principal regulators by e-mail at the following addresses:

Alberta	nrs@seccom.ab.ca
British Columbia	Registration@bcsc.bc.ca
Manitoba	securities@gov.mb.ca
New Brunswick	information@nbsc-cvmnb.ca
Newfoundland & Labrador	skmurphy@gov.nl.ca
Nova Scotia	nrs@gov.ns.ca
Ontario	registration@osc.gov.on.ca
Prince Edward Island	mlgallant@gov.pe.ca
Québec	inscription@lautorite.qc.ca
Saskatchewan	dmurrison@sfsc.gov.sk.ca
Northwest Territories	ann_burry@gov.nt.ca
Nunavut	svangenne@gov.nu.ca
Yukon Territory	corporateaffairs@gov.yk.ca

1. Identification of Filer

NRD # (if applicable): _____

Firm Name: _____

2. Identification of Regulators

The undersigned firm is submitting an application or is registered in the following jurisdictions:

a) Jurisdiction of Principal Regulator:

_____

b) Jurisdiction(s) of Non-Principal Regulator(s):

_____

3. Reasons for Designation of Principal Regulator

Provide details on the factors listed under subsection 3.2(4) of NP 31-201 that are taken into consideration in the firm filer's determination of its principal regulator. Other factors may be considered if deemed relevant.

_____

_____

_____

_____

_____

Certification and Submission to Jurisdiction

I, the undersigned, certify on behalf of _____
_____ (the "Firm")
[Name of firm]

that all statements of fact provided in this notice are true and, by submitting this form, the Firm irrevocably and unconditionally submits itself to the non-exclusive jurisdiction of the judicial, quasi-judicial and administrative tribunals of each jurisdiction to which this form has been submitted and any administrative proceedings in that jurisdiction, in any action, investigation or administrative, disciplinary, criminal, quasi-criminal, penal or other proceeding (each, a proceeding) arising out of or relating to or concerning its activities as a registered filer under the securities legislation of the jurisdiction, and the Firm irrevocably waives any right to raise as a defence in any proceeding any alleged lack of jurisdiction to bring that proceeding.

_____

_____ Per: _____
Date Signature of autorized officer or partner

FORM 31-101F2

NOTICE OF CHANGE

General Instructions

1. This form must be submitted by a firm filer to notify its principal regulator of changes to the factors considered by the firm filer to determine the jurisdiction with which the firm filer has the most significant connection.

2. This form should be submitted with the filer's principal regulator by e-mail at the following address:

Alberta	nrs@seccom.ab.ca
British Columbia	registration@bcsc.bc.ca
Manitoba	securities@gov.mb.ca
New Brunswick	information@nbsc-cvmnb.ca
Newfoundland & Labrador	skmurphy@gov.nl.ca
Nova Scotia	nrs@gov.ns.ca
Ontario	registration@osc.gov.on.ca
Prince Edward Island	mlgallant@gov.pe.ca
Québec	inscription@lautorite.qc.ca
Saskatchewan	dmurrison@sfsc.gov.sk.ca
Northwest Territories	ann_burry@gov.nt.ca
Nunavut	svangenne@gov.nu.ca
Yukon Territory	corporateaffairs@gov.yk.ca

1. Identification of Filer

NRD # (if applicable): _____

Firm Name: _____

2. Details of Change

Provide details of the change to the factors considered by the firm filer to determine the jurisdiction with which the firm filer has the most significant connection.

_____

_____

_____

_____

Certification

I, the undersigned, on behalf of _____
_____ certify
[Name of firm]

that all statements of fact provided in this notice are true.

_____

_____ Per: _____
Date Signature of autorized officer or partner

7039

M.O., 2005-14

Order number V-1.1-2005-14 of the Minister of Finance, dated 2 August 2005

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, subpars. 1, 6, 8, 24, 26 and 34; 2004, c. 37)

CONCERNING the Regulation 33-105 respecting underwriting conflicts

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the Statutes of 2004;

WHEREAS subparagraphs 1, 6, 8, 24, 26 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority";

WHEREAS the draft Regulation 33-105 respecting underwriting conflicts was published in the Supplement to the Bulletin concerning securities of the Autorité des marchés financiers, volume 2, No. 24 of June 17, 2005;

WHEREAS on August 1st, 2005, by the decision No. 2005-PDG-0217, the Authority made the Regulation 33-105 respecting underwriting conflicts;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 33-105 respecting underwriting conflicts appended hereto.

August 2, 2005

MICHEL AUDET,
Minister of Finance

Regulation 33-105 respecting underwriting conflicts

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6), (8), (24), (26) and (34); 2004, c. 37)

PART 1
DEFINITIONS, INTERPRETATION AND APPLICATION

1.1 **Definitions**

In this Regulation:

"associated party" means, if used to indicate a relationship with a person or company:

(a) a trust or estate in which

i. that person or company has a substantial beneficial interest, unless that trust or estate is managed under discretionary authority by a person or company that is not a member of any professional group of which the first mentioned person or company is a member, or

ii. that person or company serves as trustee or in a similar capacity,

(b) an issuer in respect of which that person or company beneficially owns or controls, directly or indirectly, voting securities carrying more than 10% of the voting rights attached to all outstanding voting securities of the issuer, or

(c) a relative, including the spouse, of that person, or a relative of that person's spouse, if

i. the relative has the same home as that person, and

ii. the person has discretionary authority over the securities held by the relative;

"connected issuer" means, for a registrant,

(a) an issuer distributing securities, if the issuer or a related issuer of the issuer has a relationship with any of the following persons or companies that may lead a reasonable prospective purchaser of the securities to question if the registrant and the issuer are independent of each other for the distribution:

i. the registrant,

ii. a related issuer of the registrant,

iii. a director, officer or partner of the registrant,

iv. a director, officer or partner of a related issuer of the registrant, or

(b) a selling securityholder distributing securities, if the selling securityholder or a related issuer of the selling securityholder has a relationship with any of the following persons or companies that may lead a reasonable prospective purchaser of the securities to question if the registrant and the selling securityholder are independent of each other for the distribution:

i. the registrant,

ii. a related issuer of the registrant,

iii. a director, officer or partner of the registrant,

iv. a director, officer or partner of a related issuer of the registrant;

"direct underwriter" means, for a distribution,

(a) an underwriter that is in a contractual relationship with the issuer or selling securityholder to distribute the securities that are being offered in the distribution, or

(b) a dealer manager, if the distribution is a rights offering;

"foreign issuer" has the meaning ascribed to that term in National Instrument 71-101, The Multijurisdictional Disclosure System adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0282 dated June 12, 2001;

"independent underwriter" means, for a distribution, a direct underwriter that is not the issuer or the selling securityholder in the distribution and in respect of which neither the issuer nor the selling securityholder is a connected issuer or a related issuer;

"influential securityholder" means, in relation to an issuer,

(a) a person or company or professional group that

i. holds, has the power to direct the voting of, or has direct or indirect beneficial ownership of, voting securities entitling the person or company or professional group to cast more than 20% of the votes for the election or removal of directors of the issuer,

ii. holds, has the power to direct the voting of, or has direct or indirect beneficial ownership of, equity securities entitling the person or company or professional group to receive more than 20% of the dividends or distributions to the holders of the equity securities of the issuer, or more than 20% of the amount to be distributed to the holders of equity securities of the issuer on the liquidation or winding up of the issuer,

iii. controls or is a partner of the issuer if the issuer is a general partnership, or

iv. controls or is a general partner of the issuer if the issuer is a limited partnership,

(b) a person or company or professional group that

i. holds, has the power to direct the voting of, or has direct or indirect beneficial ownership of,

(A) voting securities entitling the person or company or professional group to cast more than 10% of the votes for the election or removal of directors of the issuer, or

(B) equity securities entitling the person or company or professional group to receive more than 10% of the dividends or distributions to the holders of the equity securities of the issuer, or more than 10% of the amount to be distributed to the holders of equity securities of the issuer on the liquidation or winding up of the issuer, and

ii. either

(A) together with its related issuers

I. is entitled to nominate at least 20% of the directors of the issuer or of a related issuer of the issuer, or

II. has officers, directors or employees who are also directors of the issuer or a related issuer of the issuer, constituting at least 20% of the directors of the issuer or of the related issuer, or

(B) the issuer, together with its related issuers,

I. is entitled to nominate at least 20% of the directors of the person or company or at least 20% of the directors of a related issuer of the person or company, or

II. has officers, directors or employees who are also directors of the person or company or a related issuer of the person or company, constituting at least 20% of the directors of the person or company or of the related issuer of the person or company, or

(c) a person or company

i. of which the issuer holds, has the power to direct the voting of, or has direct or indirect beneficial ownership of,

(A) voting securities entitling the issuer to cast more than 10% of the votes for the election or removal of directors of the person or company, or

(B) equity securities entitling the issuer to receive more than 10% of the dividends or distributions to the holders of the equity securities of the person or company, or more than 10% of the amount to be distributed to the holders of equity securities of the person or company on the liquidation or winding up of the person or company, and

ii. either

(A) that, together with its related issuers

I. is entitled to nominate at least 20% of the directors of the issuer or of a related issuer of the issuer, or

II. has officers, directors or employees who are also directors of the issuer or a related issuer of the issuer, constituting at least 20% of the directors of the issuer or of the related issuer, or

(B) of which the issuer, together with its related issuers

I. is entitled to nominate at least 20% of the directors of the person or company or at least 20% of the directors of a related issuer of the person or company, or

II. has officers, directors or employees who are also directors of the person or company or a related issuer of the person or company, constituting at least 20% of the directors of the person or company or of the related issuer of the person or company, or

(d) if a professional group is within paragraph *a* or *b*, the registrant of the professional group;

"professional group" means a group comprised of a registrant and all of the following persons or companies:

(a) any employee of the registrant,

(b) any partner, officer or director of the registrant,

(c) any affiliate of the registrant,

(d) any associated party of any person or company described in paragraphs *a* through *c* or of the registrant;

"registrant" means a person or company registered or required to be registered under securities legislation, other than as a director, officer, partner or salesperson;

"related issuer" means a party described in subsection 1.2(2); and

"special warrant" means a security that, by its terms or the terms of an accompanying contractual obligation, entitles or requires the holder to acquire another security without payment of material additional consideration and obliges the issuer of the special warrant or the other security to undertake efforts to file a prospectus to qualify the distribution of the other security.

1.2 **Interpretation**

(1) For the purposes of calculating a percentage of securities that are owned, held or under the direction of a person or company in the definition of "influential securityholder"

(a) the determination shall be made

i. first, by including in the calculation only voting securities or equity securities that are outstanding, and

ii. second, if the person or company is not an influential securityholder by reason of a calculation under subparagraph *i*, by including all voting securities or equity securities that would be outstanding if all outstanding securities that are convertible or exchangeable into voting securities or equity securities, and all outstanding rights to acquire securities that are convertible into, exchangeable for, or carry the right to acquire, voting securities or equity securities, are considered to have been converted, exchanged or exercised, as the case may be, and

(b) securities held by a registrant in its capacity as an underwriter in the course of a distribution are considered not to be securities that the registrant holds, has the power to direct the voting of, or has direct or indirect beneficial ownership of.

(2) A person or company is a "related issuer" of another person or company if

(a) the person or company is an influential securityholder of the other person or company,

(b) the other person or company is an influential securityholder of the person or company, or

(c) each of them is a related issuer of the same third person or company.

(3) Calculations of time required to be made in this Regulation in relation to a distribution" shall be made in relation to the date on which the underwriting or agency agreement for the distribution is signed.

1.3 **Application of Regulation**

This Regulation does not apply to a distribution of

(a) securities described in the provisions of securities legislation listed in Appendix A; or

(b) mutual fund securities;

(c) in Québec, the securities of reporting issuers incorporated under the following Acts:

i. An Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q. c. F-3.2.1);

ii. An Act to establish Fondaction, le Fonds de développement de la Confédération des syndicates nationaux pour la cooperation et l'emploi (R.S.Q., c. F-3.1.2);

iii. An Act constituting Capital régional et coopératif Desjardins (R.S.Q., c. C-6.1).

PART 2
RESTRICTIONS ON UNDERWRITING

2.1 **Restrictions on Underwriting**

(1) No registrant shall act as an underwriter in a distribution of securities in which it is the issuer or selling securityholder, or as a direct underwriter in a distribution of securities of or by a connected issuer or a related issuer of the registrant, unless the distribution is made under a prospectus or another document that, in either case, contains the information specified in Appendix C.

(2) For a distribution of special warrants or a distribution made under a prospectus no registrant shall act

(a) as an underwriter if the registrant is the issuer or selling securityholder in the distribution; or

(b) as a direct underwriter if a related issuer of the registrant is the issuer or selling securityholder in the distribution.

(3) Subsection (2) does not apply to a distribution

(a) in which

i. at least one registrant acting as direct underwriter acts as principal, so long as an independent underwriter underwrites not less than the lesser of

(A) 20% of the dollar value of the distribution, and

(B) the largest portion of the distribution underwritten by a registrant that is not an independent underwriter, or

ii. each registrant acting as direct underwriter acts as agent and is not obligated to act as principal, so long as an independent underwriter receives a portion of the total agents' fees equal to an amount not less than the lesser of

(A) 20% of the total agents' fees for the distribution, and

(B) the largest portion of the agents' fees paid or payable to a registrant that is not an independent underwriter; and

(b) the identity of the independent underwriter and disclosure of the role of the independent underwriter in the structuring and pricing of the distribution and in the due diligence activities performed by the underwriters for the distribution is contained in

i. a document relating to the special warrants that is delivered to the purchaser of the special warrants before that purchaser enters into a binding agreement of purchase and sale for the special warrants, for a distribution of special warrants, or

ii. the prospectus, for a distribution made under a prospectus.

2.2 **Calculation Rules**

The following rules shall be followed in calculating the size of a distribution and the amount of independent underwriter involvement required for purposes of subsection 2.1(3):

(a) For a distribution that is made entirely in Canada, the calculation shall be based on the aggregate dollar value of securities distributed in Canada or the aggregate agents' fees relating to the distribution in Canada, and the aggregate dollar value of the distribution underwritten, or aggregate dollar value of agents' fees received, by the independent underwriter in Canada.

(b) For a distribution that is made partly in Canada of securities of an issuer that is not a foreign issuer, the calculation shall be based on the aggregate dollar value of securities distributed in Canada and outside of Canada or the aggregate agents' fees relating to the distribution in Canada and outside of Canada, and the aggregate dollar value of the distribution underwritten, or aggregate dollar value of agents' fees received, by the independent underwriter in Canada and outside of Canada.

(c) For a distribution that is made partly in Canada by a foreign issuer and that is not exempt from the requirements of subsection 2.1(2) by subsection 2.1(3) or by section 3.2, the calculation shall be based on the dollar value of securities distributed in Canada or the agents' fees relating to the distribution paid or payable in Canada, and the dollar value of the distribution underwritten, or aggregate dollar value of agents' fees received, by the independent underwriter in Canada.

PART 3
NON-DISCRETIONARY EXEMPTIONS

3.1 **Exemption from Disclosure Requirement**

Subsection 2.1(1) does not apply to a distribution that

(a) is made under a document other than a prospectus if each of the purchasers of the securities

i. is a related issuer of the registrant,

ii. purchases as principal, and

iii. does not purchase as underwriter; or

(b) is made under section 2.8 of Regulation 45-102 respecting Resale of Securities approved by Ministerial Order No. 2005-21 dated August 12, 2005.

3.2 **Exemption from Independent Underwriter Requirement**

Subsection 2.1(2) does not apply to a distribution of securities of a foreign issuer if more than 85% of the aggregate dollar value of the distribution is made outside of Canada or if more than 85% of the agents' fees relating to the distribution are paid or payable outside of Canada.

PART 4
VALUATION REQUIREMENT

4.1 **Valuation Requirement**

A purchaser of securities offered in a distribution for which information is required to be given under subsection 2.1(1) shall be given a document that contains a summary of a valuation of the issuer by a member of the Canadian Institute of Chartered Business Valuators, a chartered accountant or by a registered dealer of which the issuer is not a related issuer, and that specifies a reasonable time and place at which the valuation may be inspected during the distribution, if

(a) the issuer in the distribution

i. is not a reporting issuer,

ii. is a registered dealer, or an issuer all or substantially all of whose assets are securities of a registered dealer,

iii. is issuing voting securities or equity securities, and

iv. is effecting the distribution other than under a prospectus; and

(b) there is no independent underwriter that satisfies subsection 2.1(3).

PART 5
EXEMPTION

5.1 **Exemption**

(1) The securities regulatory authority may grant an exemption from this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario only the regulator may grant such an exemption.

(3) In Québec, this exemption is granted pursuant to section 263 of the Securities Act (R.S.Q., c. V-1.1).

5.2 **Evidence of Exemption**

Except in Québec and without limiting the manner in which an exemption under section 5.1 may be evidenced, the issuance by the regulator of a receipt for a prospectus or an amendment to a prospectus is evidence of the granting of the exemption if

(a) the person or company that sought the exemption has delivered to the regulator, on or before the date that the preliminary prospectus or an amendment to the preliminary prospectus was filed, a letter or memorandum describing the matters relating to the exemption and indicating why consideration should be given to the granting of the exemption; and

(b) the regulator has not sent written notice to the contrary to the person or company that sought the exemption before, or concurrent with, the issuance of the receipt.

PART 6
EFFECTIVE DATE

6.1 **Effective Date**

This Regulation comes into force on August 24, 2005.

APPENDIX A

EXEMPT SECURITIES

Jurisdiction	Securities Legislation Reference
All	Sections 2.20, 2.21 and 2.34 to 2.39 of Regulation 45-106 respecting Prospectus and Registration Exemptions, approved by Ministerial Order No. 2005-20 dated August 12, 2005
Alberta	Section 87*h*, *h.1* and *h.2* of the Securities Act (R.S.A. 2000, c. S-4)
British Columbia	Section 46 of the Securities Act (R.S.B.C. 1996, c. 418)
Manitoba	Subsection 19*(2)g* and *h* of the Securities Act (C.C.S.M. c. S50)
Newfoundland and Labrador	Subsections 36(2)*h* and *i* of the Securities Act (R.S.N.L. 1990, c. S-13)
Nova Scotia	Clause 41(2)*i* of the Securities Act (R.S.N.S. 1989, c. 418)
Ontario	Section 2.4 to 2.6 of Rule 45-501 Ontario Prospectus and Registration Exemptions of the Ontario Securities Commission
Prince Edward Island	Subsection 2(4)*f* and *g* of the Securities Act (R.S.P.E.I. 1988, c. S-3)
Quebec	Section 41 of the Securities Act (R.S.Q., c. V-1.1)
Saskatchewan	Subsection 39(2)*i* and *j* of The Securities Act, 1988 (S.S. 1988-89, c. S-42.2)

APPENDIX C

REQUIRED INFORMATION

Required information for the front page of the prospectus or other document

1. A statement in bold type, naming the relevant registrant or registrants, that the issuer or the selling securityholder is a connected issuer or a related issuer of a registrant or registrants in connection with the distribution.

2. A summary, naming the relevant registrant or registrants, of the basis on which the issuer or selling securityholder is a connected issuer or a related issuer of the registrant or registrants.

3. A cross-reference to the applicable section in the body of the prospectus or other document where further information concerning the relationship between the issuer or selling securityholder and registrant or registrants is provided.

Required information for the body of the prospectus or other document

4. A statement, naming the relevant registrant or registrants, that the issuer or the selling securityholder is a connected issuer or a related issuer of a registrant or registrants for the distribution.

5. The basis on which the issuer or selling securityholder is a connected issuer or a related issuer for each registrant referred to in paragraph 4, including

(a) if the issuer or selling securityholder is a related issuer of the registrant, the details of the holding, power to direct voting, or direct or indirect beneficial ownership of, securities that cause the issuer or selling securityholder to be a related issuer;

(b) if the issuer or selling securityholder is a connected issuer of the registrant because of indebtedness, the disclosure required by paragraph 6 of this Appendix; and

(c) if the issuer or selling securityholder is a connected issuer of the registrant because of a relationship other than indebtedness, the details of that relationship.

6. If the issuer or selling securityholder is a connected issuer of the registrant because of indebtedness,

(a) the amount of the indebtedness;

(b) the extent to which the issuer or selling securityholder is in compliance with the terms of the agreement governing the indebtedness,

(c) the extent to which a related issuer has waived a breach of the agreement since its execution;

(d) the nature of any security for the indebtedness; and

(e) the extent to which the financial position of the issuer or selling securityholder or the value of the security has changed since the indebtedness was incurred.

7. The involvement of each registrant referred to in paragraph 4 and of each related issuer of the registrant in the decision to distribute the securities being offered and the determination of the terms of the distribution, including disclosure concerning whether the issue was required, suggested or consented to by the registrant or a related issuer of the registrant and, if so, on what basis.

8. The effect of the issue on each registrant referred to in paragraph 4 and each related issuer of that registrant, including

(a) information about the extent to which the proceeds of the issue will be applied, directly or indirectly, for the benefit of the registrant or a related issuer of the registrant, or

(b) if the proceeds will not be applied for the benefit of the registrant or a related issuer of the registrant, a statement to that effect.

9. If a portion of the proceeds of the distribution is to be directly or indirectly applied to or towards

(a) the payment of indebtedness or interest owed by the issuer, an associate or related issuer of the issuer, a person or company of which the issuer is an associate, the selling securityholder, an associate or related issuer of the selling securityholder, a person or company of which the selling securityholder is an associate, to the registrant or a related issuer of the registrant, or

(b) the redemption, purchase for cancellation or for treasury, or other retirement of shares other than equity securities of the issuer, an associate or related issuer of the issuer, a person or company of which the issuer is an associate, the selling securityholder, an associate or related issuer of the selling securityholder, or of a person or company of which the selling securityholder is an associate, held by the registrant or a related issuer of the registrant particulars of the indebtedness or shares in respect of which the payment is to be made and of the payment proposed to be made.

10. Any other material facts with respect to the relationship or connection between each registrant referred to in paragraph 4, a related issuer of each registrant and the issuer that are not required to be described by the foregoing.

Registrant as issuer or selling securityholder

11. If the registrant is the issuer or selling securityholder in the distribution, then the information required by this Appendix shall be provided to the extent applicable.

7040

M.O., 2005-15

Order number V-1.1-2005-15 of the Minister of Finance dated 2 August 2005

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, subpars. 1, 6, 8 and 34 ; 2004, c. 37)

CONCERNING the Regulation 51-101 respecting standards of disclosure for oil and gas activities

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the Statutes of 2004 ;

WHEREAS subparagraphs 1, 6, 8 and 34 of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs ;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication ;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation ;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing “Commission” wherever it appears by “Agency”, and making the necessary modifications ;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing “Agency” wherever it appears by “Authority” ;

WHEREAS the draft Regulation 51-101 respecting standards of disclosure for oil and gas activities was published in the Supplement to the weekly Bulletin of the Commission des valeurs mobilières du Québec, volume 34, No. 11 of March 21, 2003;

WHEREAS on August 1st, 2005, by the decision No. 2005-PDG-0211, the Authority made the Regulation 51-101 respecting standards of disclosure for oil and gas activities;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 51-101 respecting standards of disclosure for oil and gas activities appended hereto.

August 2, 2005

MICHEL AUDET,
Minister of Finance

Regulation 51-101 respecting standards of disclosure for oil and gas activities

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (6), (8) and (34); 2004, c. 37)

PART 1
APPLICATION AND TERMINOLOGY

1.1 **Definitions**

In this Regulation:

"annual information form" means:

(a) a "current AIF", within the meaning of Regulation 44-101 respecting Short Form Prospectus Distributions adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0394 dated August 14, 2001;

(b) in the case of a reporting issuer that is eligible to file, for the purpose of Part 3 of Regulation 44-101 respecting Short Form Prospectus Distributions, a current annual report on Form 10-K or Form 20-F under the 1934 Act, such a current annual report so filed; or

(c) a document prepared in Form 44-101F1 AIF of Regulation 44-101 respecting Short Form Prospectus Distributions and filed with the securities regulatory authority in the jurisdiction in accordance with securities legislation of the jurisdiction other than the Regulation;

"BOEs" means barrels of oil equivalent;

"CICA" means The Canadian Institute of Chartered Accountants;

"CICA Accounting Guideline 5" means Accounting Guideline AcG-5 "Full cost accounting in the oil and gas industry" included in the CICA Handbook, as amended from time to time;

"COGE Handbook" means the "Canadian Oil and Gas Evaluation Handbook" prepared jointly by The Society of Petroleum Evaluation Engineers (Calgary Chapter) and the Canadian Institute of Mining, Metallurgy & Petroleum (Petroleum Society), as amended from time to time;

"constant prices and costs" means the prices and costs used in an estimate that are:

(a) the reporting issuer's prices and costs as at the effective date of the estimation, held constant throughout the estimated lives of the properties to which the estimate applies;

(b) if, and only to the extent that, there are fixed or presently determinable future prices or costs to which the reporting issuer is legally bound by a contractual or other obligation to supply a physical product, including those for an extension period of a contract that is likely to be extended, those prices or costs rather than the prices and costs referred to in subparagraph *a*;

"effective date", in respect of information, means the date as at which, or for the period ended on which, the information is provided;

"FAS 19" means United States Financial Accounting Standards Board Statement of Financial Accounting Standards No. 19 "Financial Accounting and Reporting by Oil and Gas Producing Companies", as amended from time to time;

"forecast prices and costs" means future prices and costs that are:

(a) generally accepted as being a reasonable outlook of the future;

(b) if, and only to the extent that, there are fixed or presently determinable future prices or costs to which the reporting issuer is legally bound by a contractual or other obligation to supply a physical product, including

those for an extension period of a contract that is likely to be extended, those prices or costs rather than the prices and costs referred to in subparagraph *a*;

"foreign geographic area" means a geographic area outside North America within one country or including all or portions of a number of countries;

"independent", in respect of the relationship between a reporting issuer and a qualified reserves evaluator or auditor, has the meaning set out in the COGE Handbook;

"McfGEs" means thousand cubic feet of gas equivalent;

"oil and gas activities"

(a) include:

i. the search for crude oil or natural gas in their natural states and original locations;

ii. the acquisition of property rights or properties for the purpose of further exploring for or removing oil or gas from reservoirs on those properties;

iii. the construction, drilling and production activities necessary to retrieve oil and gas from their natural reservoirs, and the acquisition, construction, installation and maintenance of field gathering and storage systems including lifting the oil and gas to the surface and gathering, treating, field processing and field storage; and

iv. the extraction of hydrocarbons from oil sands, shale, coal or other non-conventional sources and activities similar to those referred to in clauses *i*, *ii* and *iii* undertaken with a view to such extraction; but

(b) do not include:

i. transporting, refining or marketing oil or gas;

ii. activities relating to the extraction of natural resources other than oil and gas and their by-products; or

iii. the extraction of geothermal steam or of hydrocarbons as a by-product of the extraction of geothermal steam or associated geothermal resources;

"preparation date", in respect of written disclosure, means the most recent date to which information relating to the period ending on the effective date was considered in the preparation of the disclosure;

"production group" means one of the following together, in each case, with associated by-products:

(a) light and medium crude oil (combined);

(b) heavy oil;

(c) associated gas and non-associated gas (combined); and

(d) bitumen, synthetic oil or other products from non-conventional oil and gas activities;

"product type" means one of the following:

(a) in respect of conventional oil and gas activities:

i. light and medium crude oil (combined);

ii. heavy oil;

iii. natural gas excluding natural gas liquids; or

iv. natural gas liquids; and

(b) in respect of non-conventional oil and gas activities:

i. synthetic oil;

ii. bitumen;

iii. coal bed methane; or

iv. hydrates;

"professional organization" means a self-regulatory organization of engineers, geologists, other geoscientists or other professionals whose professional practice includes reserves evaluations or reserves audits, that:

(a) admits members primarily on the basis of their educational qualifications;

(b) requires its members to comply with the professional standards of competence and ethics prescribed by the organization that are relevant to the estimation, evaluation, review or audit of reserves data;

(c) has disciplinary powers, including the power to suspend or expel a member; and

(d) is either:

i. given authority or recognition by statute in a Canadian jurisdiction; or

ii. accepted for this purpose by the securities regulatory authority;

"qualified reserves auditor" means an individual who:

(a) in respect of particular reserves data or related information, possesses professional qualifications and experience appropriate for the estimation, evaluation, review and audit of the reserves data and related information; and

(b) is a member in good standing of a professional organization;

"qualified reserves evaluator" means an individual who:

(a) in respect of particular reserves data or related information, possesses professional qualifications and experience appropriate for the estimation, evaluation and review of the reserves data and related information; and

(b) is a member in good standing of a professional organization;

"qualified reserves evaluator or auditor" means a qualified reserves auditor or a qualified reserves evaluator;

"reserves data" means the following estimates, as at the last day of the reporting issuer's most recent financial year:

(a) proved reserves and related future net revenue estimated:

i. using constant prices and costs as at the last day of that financial year; and

ii. using forecast prices and costs; and

(b) probable reserves and related future net revenue estimated using forecast prices and costs; and

"supporting filing" means a document filed by a reporting issuer with a securities regulatory authority.

1.2 **COGE Handbook Definitions**

(1) Terms used in this Regulation but not defined in this Regulation, in National Instrument 14-101, Definitions, adopted by the Commission des valeurs mobilières du Québec pursuant to decision No. 2001-C-0274 dated June 12, 2001 or the securities statute in the jurisdiction concerned, and defined or interpreted in the COGE Handbook, have the meaning or interpretation ascribed to those terms in the COGE Handbook.

(2) In the event of a conflict or inconsistency between the definition of a term in this Regulation, National Instrument 14-101, Definitions or the securities statute in the jurisdiction concerned and the meaning ascribed to the term in the COGE Handbook, the definition in this Regulation, National Instrument 14-101, Definitions or the securities statute in the jurisdiction concerned, as the case may be, shall apply.

1.3 **Applies to Reporting Issuers Only**

This Regulation applies only to reporting issuers engaged, directly or indirectly, in oil and gas activities.

1.4 **Materiality Standard**

(1) This Regulation applies only in respect of information that is material in respect of a reporting issuer.

(2) Information is material in respect of a reporting issuer if it would be likely to influence a decision by a reasonable investor to buy, hold or sell a security of the reporting issuer.

PART 2
ANNUAL FILING REQUIREMENTS

2.1 **Reserves Data and Other Oil and Gas Information**

A reporting issuer shall, not later than the date on which it is required by securities legislation to file audited financial statements for its most recent financial year, file with the securities regulatory authority the following:

1. A statement of the reserves data and other information specified in Form 51-101F1, Statement of Reserves Data and Other Oil and Gas Information as at the last day of the reporting issuer's most recent financial year and for the financial year then ended;

2. A report by a qualified reserves evaluator or auditor in accordance with Form 51-101F2, Report on Reserves Data by Independent Qualified Reserves Evaluator or Auditor that is:

(a) included in, or filed concurrently with, the document filed under item 1; and

(b) executed by one or more qualified reserves evaluators or auditors each of whom is independent of the reporting issuer, who shall in the aggregate have:

i. evaluated or audited at least 75 percent of the future net revenue (calculated using a discount rate of 10 percent) attributable to proved plus probable reserves, as reported in the statement filed or to be filed under item 1 ; and

ii. reviewed the balance of such future net revenue ; and

3. A report of management and directors in accordance with Form 51-101F3, Report of Management and Directors on Oil and Gas Disclosure that

(a) refers to the information filed or to be filed under items 1 and 2 ;

(b) confirms the responsibility of management of the reporting issuer for the content and filing of the statement referred to in item 1 and for the filing of the report referred to in item 1 ;

(c) confirms the role of the board of directors in connection with the information referred to in paragraph *b* ;

(d) is contained in, or filed concurrently with, the statement filed under item 1 ; and

(e) is executed by two senior officers and two directors of the reporting issuer.

2.2 **News Release to Announce Filing**

A reporting issuer shall, concurrently with filing a statement and reports under section 2.1, disseminate a news release announcing that filing and indicating where a copy of the filed information can be found for viewing by electronic means.

2.3 **Inclusion in Annual Information Form**

The requirements of section 2.1 may be satisfied by including the information specified in section 2.1 in an annual information form filed within the time specified in section 2.1.

2.4 **Reservation in Report of Qualified Reserves Evaluator or Auditor**

(1) If a qualified reserves evaluator or auditor cannot report on reserves data without reservation, the reporting issuer shall ensure that the report of the qualified reserves evaluator or auditor prepared for the purpose of item 2 of section 2.1 sets out the cause of the reservation and the effect, if known to the qualified reserves evaluator or auditor, on the reserves data.

(2) A report containing a reservation, the cause of which can be removed by the reporting issuer, does not satisfy the requirements of item 2 of section 2.1.

PART 3
RESPONSIBILITIES OF REPORTING ISSUERS AND DIRECTORS

3.1 **Interpretation**

A reference to a board of directors in this Part means, for a reporting issuer that does not have a board of directors, those individuals whose authority and duties in respect of that reporting issuer are similar to those of a board of directors.

3.2 **Reporting Issuer to Appoint Independent Qualified Reserves Evaluator or Auditor**

A reporting issuer shall appoint one or more independent qualified reserves evaluators or auditors to report to the board of directors of the reporting issuer on its reserves data.

3.3 **Reporting Issuer to Make Information Available to Qualified Reserves Evaluator or Auditor**

A reporting issuer shall make available to the qualified reserves evaluators or auditors that it appoints under section 3.2 all information reasonably necessary to enable the qualified reserves evaluators or auditors to provide a report that will satisfy the applicable requirements of this Regulation.

3.4 **Certain Responsibilities of Board of Directors**

The board of directors of a reporting issuer shall

(a) review, with reasonable frequency, the reporting issuer's procedures relating to the disclosure of information with respect to oil and gas activities, including its procedures for complying with the disclosure requirements and restrictions of this Regulation ;

(b) review each appointment under section 3.2 and, in the case of any proposed change in such appointment, determine the reasons for the proposal and whether there have been disputes between the appointed qualified reserves evaluator or auditor and management of the reporting issuer ;

(c) review, with reasonable frequency, the reporting issuer's procedures for providing information to the qualified reserves evaluators or auditors who report on reserves data for the purposes of this Regulation ;

(d) before approving the filing of reserves data and the report of the qualified reserves evaluators or auditors thereon referred to in section 2.1, meet with management and each qualified reserves evaluator or auditor appointed under section 3.2, to

i. determine whether any restrictions affect the ability of the qualified reserves evaluator or auditor to report on reserves data without reservation; and

ii. review the reserves data and the report of the qualified reserves evaluator or auditor thereon; and

(e) review and approve

i. the content and filing, under section 2.1, of the statement referred to in item 1 of section 2.1;

ii. the filing, under section 2.1, of the report referred to in item 2 of section 2.1; and

iii. the content and filing, under section 2.1, of the report referred to in item 3 of section 2.1.

3.5 **Reserves Committee**

(1) The board of directors of a reporting issuer may, subject to subsection (2), delegate the responsibilities set out in section 3.4 to a committee of the board of directors, provided that a majority of the members of the committee

(a) are individuals who are not and have not been, during the preceding 12 months:

i. an officer or employee of the reporting issuer or of an affiliate of the reporting issuer;

ii. a person who beneficially owns 10 percent or more of the outstanding voting securities of the reporting issuer; or

iii. a relative of a person referred to in clause *a i* or *ii*, residing in the same home as that person; and

(b) are free from any business or other relationship which could reasonably be seen to interfere with the exercise of their independent judgement.

(2) Despite subsection (1), a board of directors of a reporting issuer shall not delegate its responsibility under paragraph 3.4(1)*e* to approve the content or the filing of information.

(3) A board of directors that has delegated responsibility to a committee pursuant to subsection (1) shall solicit the recommendation of that committee as to whether to approve the content and filing of information for the purpose of paragraph 3.4(1)*e.*

PART 4
MEASUREMENT

4.1 **Accounting Methods**

A reporting issuer engaged in oil and gas activities that discloses financial statements prepared in accordance with Canadian GAAP shall use

(a) the full cost method of accounting, applying CICA Accounting Guideline 5; or

(b) the successful efforts method of accounting, applying FAS 19.

4.2 **Requirements for Disclosed Reserves Data**

(1) A reporting issuer shall ensure that estimates of reserves or future net revenue contained in a document filed with the securities regulatory authority under this Regulation satisfy the following requirements:

(a) the estimates shall be

i. prepared or audited by a qualified reserves evaluator or auditor;

ii. prepared or audited in accordance with the COGE Handbook; and

iii. estimated assuming that development of each property in respect of which the estimate is made will occur, without regard to the likely availability to the reporting issuer of funding required for that development;

(b) for the purpose of determining whether reserves should be attributed to a particular undrilled property, reasonably estimated future abandonment and reclamation costs related to the property shall be taken into account; and

(c) aggregate future net revenue shall be estimated deducting

i. reasonably estimated future well abandonment costs; and

ii. future income tax expenses (unless otherwise specified in this Regulation, Form 51-101F1, Statement of Reserves Data and Other Oil and Gas Information or Form 51-101F2, Report on Reserves Data by Independent Qualified Reserves Evaluator or Auditor).

(2) The date or period with respect to which the effects of an event or transaction are recorded in a reporting issuer's annual financial statements shall be the same as the date or period with respect to which they are first reflected in the reporting issuer's annual reserves data disclosure under Part 2.

PART 5
REQUIREMENTS APPLICABLE TO ALL DISCLOSURE

5.1 **Application of Part 5**

This Part applies to disclosure made by or on behalf of a reporting issuer

(a) to the public ;

(b) in any document filed with a securities regulatory authority ; or

(c) in other circumstances in which, at the time of making the disclosure, the reporting issuer knows, or ought reasonably to know, that the disclosure is or will become available to the public.

5.2 **Consistency with Reserves Data and Other Information**

If a reporting issuer makes disclosure of information of a type that is required to be included in a statement filed with a securities regulatory authority under item 1 of section 2.1, the information shall be

(a) prepared in accordance with Part 4 ; and

(b) consistent with the corresponding information, if any, contained in the statement most recently filed by the reporting issuer with the securities regulatory authority under item 1 of section 2.1, except to the extent that such statement has been supplemented or superseded by a report of a material change filed by the reporting issuer with the securities regulatory authority.

5.3 **Reserves and Resources Classification**

Disclosure of reserves or resources shall be consistent with the reserves and resources terminology and categories set out in the COGE Handbook.

5.4 **Oil and Gas Reserves and Sales**

Disclosure of reserves or of sales of oil, gas or associated by-products shall be made only in respect of marketable quantities, reflecting prices for the product in the condition (upgraded or not upgraded, processed or unprocessed) in which it is to be, or was, sold.

5.5 **Natural Gas By-Products**

Disclosure concerning natural gas by-products (including natural gas liquids and sulphur) shall be made in respect only of volumes that have been or are to be recovered prior to the point at which marketable gas is measured.

5.6 **Future Net Revenue Not Fair Value**

Disclosure of an estimate of future net revenue, whether calculated without discount or using a discount rate, shall include a statement to the effect that the estimated values disclosed do not represent fair market value.

5.7 **Consent of Qualified Reserves Evaluator or Auditor**

(1) A reporting issuer shall not disclose a report referred to in item 2 of section 2.1 that has been delivered to the board of directors of the reporting issuer by a qualified reserves evaluator or auditor pursuant to an appointment under section 3.2, or disclose information derived from the report or the identity of the qualified reserves evaluator or auditor, without the written consent of that qualified reserves evaluator or auditor.

(2) Subsection (1) does not apply to

(a) the filing of that report by a reporting issuer under section 2.1 ;

(b) the use of or reference to that report in another document filed by the reporting issuer under section 2.1 ; or

(c) the identification of the report or of the qualified reserves evaluator or auditor in a news release referred to in section 2.2.

5.8 **Disclosure of Less Than All Reserves**

If a reporting issuer that has more than one property makes written disclosure of any reserves attributable to a particular property

(a) the disclosure shall include a cautionary statement to the effect that

"The estimates of reserves and future net revenue for individual properties may not reflect the same confidence level as estimates of reserves and future net revenue for all properties, due to the effects of aggregation"; and

(b) the document containing the disclosure of any reserves attributable to one property shall also disclose total reserves of the same classification for all properties of the reporting issuer in the same country (or, if appropriate and not misleading, in the same foreign geographic area).

5.9 **Disclosure Concerning Prospects**

If a reporting issuer discloses anticipated results from a prospect, the reporting issuer shall also disclose in writing, in the same document or in a supporting filing, in respect of the prospect

(a) the location and basin name;

(b) the reporting issuer's gross and net interest in the property, expressed in units of area (acres or hectares);

(c) in the case of undeveloped property in which the reporting issuer holds a leasehold interest, the expiry date of that interest;

(d) the name, geologic age and lithology of the target zone;

(e) the distance to the nearest analogous commercial production;

(f) the product types reasonably expected;

(g) the range of pool or field sizes;

(h) the depth of the target zone;

(i) the estimated cost to drill and test a well to the target depth;

(j) reasonably expected drilling commencement and completion dates;

(k) the anticipated prices to be received for each product type reasonably expected;

(l) reasonably expected marketing and transportation arrangements;

(m) the identity and relevant experience of the operator;

(n) risks and the probability of success; and

(o) the applicable information specified in section 5.10.

5.10 **Estimates of Fair Value of an Unproved Property, Prospect or Resource**

(1) If a reporting issuer discloses in writing an estimate of the fair value of an unproved property, prospect or resource, or discloses expected results from a prospect, the disclosure shall include all positive and negative factors relevant to the estimate or expectation.

(2) If a reporting issuer discloses in writing an estimate of the fair value of an unproved property, prospect or resource

(a) in the case of an estimate of the fair value of an unproved property, except as provided in paragraph *b*, the estimate shall be based on the first applicable item listed below, and that item shall be described as the basis of the estimate in the document containing the disclosure or in a supporting filing:

1. the acquisition cost to the reporting issuer, provided that there have been no material changes in the unproved property, the surrounding properties, or the general oil and gas economic climate since acquisition;

2. recent sales by others of interests in the same unproved property;

3. terms and conditions, expressed in monetary terms, of recent farm-in agreements related to the unproved property;

4. terms and conditions, expressed in monetary terms, of recent work commitments related to the unproved property;

5. recent sales of similar properties in the same general area;

(b) in the case of an estimate of fair value to which none of the items listed in paragraph *a* applies

i. the estimate shall be prepared or accepted by a professional valuator (who is not a "related party" of the reporting issuer within the meaning of the term as used in the CICA Handbook) applying valuation standards established by the professional body of which the valuator is a member and from which the valuator derives professional standing;

ii. the estimate shall consist of at least three values that reflect a range of reasonable likelihoods (the low value being conservative, the middle value being the median and the high value being optimistic) reflecting courses of action expected to be followed by the reporting issuer;

iii. the estimate, and the identities of the professional valuator and of the professional body referred to in subparagraph *i*, shall be set out in the document containing the disclosure or in a supporting filing; and

iv. the reporting issuer shall obtain from the professional valuator referred to in subparagraph *i*

(A) a report on the estimate that does not contain

(I) a disclaimer that materially detracts from the usefulness of the estimate; or

(II) a statement that the report may not be relied on; and

(B) the professional valuator's written consent to the disclosure of the report by the reporting issuer to the public.

5.11 **Net Asset Value and Net Asset Value per Share**

Written disclosure of net asset value or net asset value per share shall include a description of the methods used to value assets and liabilities and the number of shares used in the calculation.

5.12 **Reserve Replacement**

Written disclosure concerning reserve replacement shall include an explanation of the method of calculation applied.

5.13 **Netbacks**

Written disclosure of a netback

(a) shall include separate netbacks for each product type by country (or, if appropriate and not misleading, by foreign geographic area);

(b) shall reflect netbacks calculated by subtracting royalties and operating costs from revenues; and

(c) shall state the method of calculation.

5.14 **BOEs and McfGEs**

If written disclosure includes information expressed in BOEs, McfGEs or other units of equivalency between oil and gas

(a) the information shall be presented

i. in the case of BOEs, using BOEs derived by converting gas to oil in the ratio of six thousand cubic feet of gas to one barrel of oil (6 Mcf:1 bbl);

ii. in the case of McfGEs, using McfGEs derived by converting oil to gas in the ratio of one barrel of oil to six thousand cubic feet of gas (1 bbl:6 Mcf); and

iii. with the conversion ratio stated;

(b) if the information is also presented using BOEs or McfGEs derived using a conversion ratio other than a ratio specified in paragraph *a*, the disclosure shall state that other conversion ratio and explain why it has been chosen;

(c) if the information is presented using a unit of equivalency other than BOEs or McfGEs, the disclosure shall identify the unit, state the conversion ratio used and explain why it has been chosen; and

(d) the disclosure shall include a cautionary statement to the effect that:

"BOEs [or 'McfGEs' or other applicable units of equivalency] may be misleading, particularly if used in isolation. A BOE conversion ratio of 6 Mcf: 1 bbl [or 'An McfGE conversion ratio of 1 bbl: 6 Mcf'] is based on an energy equivalency conversion method primarily applicable at the burner tip and does not represent a value equivalency at the wellhead".

5.15 **Finding and Development Costs**

If written disclosure is made of finding and development costs

(a) those costs shall be calculated using the following two methods, in each case after eliminating the effects of acquisitions and dispositions:

Method 1: $\frac{a+b+c}{x}$

Method 2: $\frac{a+b+d}{y}$

where a = exploration costs incurred in the most recent financial year
b = development costs incurred in the most recent financial year
c = the change during the most recent financial year in estimated future development costs relating to proved reserves
d = the change during the most recent financial year in estimated future development costs relating to proved reserves and probable reserves
x = additions to proved reserves during the most recent financial year, expressed in BOEs or other unit of equivalency
y = additions to proved reserves and probable reserves during the most recent financial year, expressed in BOEs or other unit of equivalency

(b) the disclosure shall include

i. the results of both methods of calculation under paragraph *a* and a description of those methods;

ii. if the disclosure also includes a result derived using any other method of calculation, a description of that method and the reason for its use;

iii. for each result, comparative information for the most recent financial year, the second most recent financial year and the averages for the three most recent financial years;

iv. a cautionary statement to the effect that:

"The aggregate of the exploration and development costs incurred in the most recent financial year and the change during that year in estimated future development costs generally will not reflect total finding and development costs related to reserves additions for that year"; and

v. the cautionary statement required under paragraph 5.14*d*.

PART 6
MATERIAL CHANGE DISCLOSURE

6.1 **Material Change from Information Filed under Part 2**

(1) This Part applies in respect of a material change that, had it occurred on or before the effective date of information included in the statement most recently filed by a reporting issuer under item 1 of section 2.1, would have resulted in a significant change in the information contained in the statement.

(2) In addition to any other requirement of securities legislation governing disclosure of a material change, disclosure of a material change referred to in subsection (1) shall

(a) identify the statement filed under Part 2 that contains the original information referred to in subsection (1); and

(b) discuss the reporting issuer's reasonable expectation of how the material change, had it occurred on or before the effective date referred to in subsection (1), would have affected the reserves data or other information contained in the document identified under paragraph *a*.

PART 7
OTHER INFORMATION

7.1 **Information to be Furnished on Request**

A reporting issuer shall, on the request of the regulator, and in Québec the securities regulatory authority, deliver additional information with respect to the content of a document filed under this Regulation.

PART 8
EXEMPTIONS

8.1 **Authority to Grant Exemption**

(1) The regulator or the securities regulatory authority may grant an exemption from this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario only the regulator may grant an exemption.

(3) In Québec, this exemption is granted under section 263 of the Securities Act (R.S.Q., c. V-1.1).

PART 9
REGULATION IN FORCE

9.1 **Coming Into Force**

This Regulation comes into force on August 24, 2005.

FORM 51-101F1
STATEMENT OF RESERVES DATA AND OTHER OIL AND GAS INFORMATION

This is the form referred to in subparagraph 1 of section 2.1 of the Regulation.

GENERAL INSTRUCTIONS

(1) Terms for which a meaning is given in the Regulation have the same meaning in this Form.

(2) Unless otherwise specified in this Form, information under item 1 of section 2.1 of the Regulation shall be provided as at the last day of the reporting issuer's most recent financial year or for its financial year then ended.

(3) It is not necessary to include the headings or numbering, or to follow the ordering of Items, in this Form. Information may be provided in tables.

(4) To the extent that any Item or any component of an Item specified in this Form does not apply to a reporting issuer and its activities and operations, or is not material, no reference need be made to that Item or component. It is not necessary to state that such an Item or component is "not applicable" or "not material". Materiality is discussed in the Regulation and its Policy Statement to the Regulation.

(5) This Form sets out minimum requirements. A reporting issuer may provide additional information not required in this Form provided that it is not misleading and not inconsistent with the requirements of the Regulation, and provided that material information required to be disclosed is not omitted.

(6) A reporting issuer may satisfy the requirement of this Form for disclosure of information "by country" by instead providing information by foreign geographic area in respect of countries outside North America as may be appropriate for meaningful disclosure in the circumstances.

PART 1
DATE OF STATEMENT

Item 1.1 Relevant Dates

1. Date the statement.

2. Disclose the effective date of the information being provided.

3. Disclose the preparation date of the information being provided.

INSTRUCTIONS

(1) For the purpose of Part 2 of the Regulation, and consistent with the definition of reserves data and General Instruction 2 of this Form, the effective date to be disclosed under section 2 of Item 1.1 is the last day of the reporting issuer's most recent financial year. It is the date of the balance sheet for the reporting issuer's most recent financial year (for example, "as at December 31, 20xx") and the ending date of the reporting issuer's most recent annual statement of income (for example, "for the year ended December 31, 20xx").

(2) The same effective date applies to reserves of each category reported and to related future net revenue. References to a change in an item of information, such as changes in production or a change in reserves, mean changes in respect of that item during the year ended on the effective date.

(3) The preparation date, in respect of written disclosure, means the most recent date to which information relating to the period ending on the effective date was considered in the preparation of the disclosure. The preparation date is a date subsequent to the effective date because it takes time after the end of the financial year to assemble the information for that completed year that is needed to prepare the required disclosure as at the end of the financial year.

(4) Because of the interrelationship between certain of the reporting issuer's reserves data and other information referred to in this Form and certain of the information included in its financial statements, the reporting issuer should ensure that its financial auditor and its qualified reserves evaluators or auditors are kept apprised of relevant events and transactions, and should facilitate communication between them.

(5) If the reporting issuer provides information as at a date more recent than the effective date, in addition to the information required as at the effective date, also disclose the date as at which that additional information is provided. The provision of such additional information does not relieve the reporting issuer of the obligation to provide information as at the effective date.

PART 2
DISCLOSURE OF RESERVES DATA

Item 2.1 Reserves Data (Constant Prices and Costs)

1. Breakdown of Proved Reserves (Constant Case) – Disclose, by country and in the aggregate, reserves, gross and net, estimated using constant prices and costs, , for each product type, in the following categories :

(a) proved developed producing reserves;

(b) proved developed non-producing reserves;

(c) proved undeveloped reserves; and

(d) proved reserves (in total).

2. Net Present Value of Future Net Revenue (Constant Case) – Disclose, by country and in the aggregate, the net present value of future net revenue attributable to the reserves categories referred to in section 1 of this Item, estimated using constant prices and costs, before and after deducting future income tax expenses, calculated without discount and using a discount rate of 10 percent.

3. Additional Information Concerning Future Net Revenue (Constant Case)

(a) This section 3 applies to future net revenue attributable to proved reserves (in total) estimated using constant prices and costs.

(b) Disclose, by country and in the aggregate, the following elements of future net revenue estimated using constant prices and costs and calculated without discount:

i. revenue;

ii. royalties;

iii. operating costs;

iv. development costs;

v. abandonment and reclamation costs;

vi. future net revenue before deducting future income tax expenses;

vii. future income tax expenses; and

viii. future net revenue after deducting future income tax expenses.

(c) Disclose, by production group, the net present value of future net revenue (before deducting future income tax expenses) estimated using constant prices and costs and calculated using a discount rate of 10 percent.

Item 2.2 Reserves Data (Forecast Prices and Costs)

1. Breakdown of Reserves (Forecast Case) – Disclose, by country and in the aggregate, reserves, gross and net, estimated using forecast prices and costs, for each product type, in the following categories:

(a) proved developed producing reserves;

(b) proved developed non-producing reserves;

(c) proved undeveloped reserves;

(d) proved reserves (in total);

(e) probable reserves (in total);

(f) proved plus probable reserves (in total); and

(g) if the reporting issuer discloses an estimate of possible reserves in the statement:

i. possible reserves (in total); and

ii. proved plus probable plus possible reserves (in total).

2. Net Present Value of Future Net Revenue (Forecast Case) – Disclose, by country and in the aggregate, the net present value of future net revenue attributable to the reserves categories referred to in section 1 of this Item, estimated using forecast prices and costs, before and after deducting future income tax expenses, calculated without discount and using discount rates of 5 percent, 10 percent, 15 percent and 20 percent.

3. Additional Information Concerning Future Net Revenue (Forecast Case)

(a) This section 3 applies to future net revenue attributable to each of the following reserves categories estimated using forecast prices and costs:

i. proved reserves (in total);

ii. proved plus probable reserves (in total); and

iii. if paragraph 1*g* of this Item applies, proved plus probable plus possible reserves (in total).

(b) Disclose, by country and in the aggregate, the following elements of future net revenue estimated using forecast prices and costs and calculated without discount:

i. revenue;

ii. royalties;

iii. operating costs;

iv. development costs;

v. abandonment and reclamation costs;

vi. future net revenue before deducting future income tax expenses;

vii. future income tax expenses; and

viii. future net revenue after deducting future income tax expenses.

(c) Disclose, by production group, the net present value of future net revenue (before deducting future income tax expenses) estimated using forecast prices and costs and calculated using a discount rate of 10 percent.

Item 2.3 Reserves Disclosure Varies with Accounting

In determining reserves to be disclosed:

(a) Consolidated Financial Disclosure – if the reporting issuer files consolidated financial statements:

i. include 100 percent of reserves attributable to the parent company and 100 percent of the reserves attributable to its consolidated subsidiaries (whether or not wholly-owned); and

ii. if a significant portion of reserves referred to in clause *i* is attributable to a consolidated subsidiary in which there is a significant minority interest, disclose that fact and the approximate portion of such reserves attributable to the minority interest;

(b) Proportionate Consolidation – if the reporting issuer files financial statements in which investments are proportionately consolidated, the reporting issuer's disclosed reserves must include the reporting issuer's proportionate share of investees' oil and gas reserves; and

(c) Equity Accounting – if the reporting issuer files financial statements in which investments are accounted for by the equity method, do not include investees' oil and gas reserves in disclosed reserves of the reporting issuer, but disclose the reporting issuer's share of investees' oil and gas reserves separately.

Item 2.4 Future Net Revenue Disclosure Varies with Accounting

1. Consolidated Financial Disclosure – If the reporting issuer files consolidated financial statements, and if a significant portion of the reporting issuer's economic interest in future net revenue is attributable to a consolidated subsidiary in which there is a significant minority interest, disclose that fact and the approximate portion of the economic interest in future net revenue attributable to the minority interest.

2. Equity Accounting – If the reporting issuer files financial statements in which investments are accounted for by the equity method, do not include investees' future net revenue in disclosed future net revenue of the reporting issuer, but disclose the reporting issuer's share of investees' future net revenue separately, by country and in the aggregate.

INSTRUCTIONS

(1) Do not include, in reserves, oil or gas that is subject to purchase under a long-term supply, purchase or similar agreement. However, if the reporting issuer is a party to such an agreement with a government or governmental authority, and participates in the operation of the properties in which the oil or gas is situated or otherwise serves as "producer" of the reserves (in contrast to being an independent purchaser, broker, dealer or importer), disclose separately the reporting issuer's interest in the reserves that are subject to such agreements at the effective date and the net quantity of oil or gas received by the reporting issuer under the agreement during the year ended on the effective date.

(2) Future net revenue includes the portion attributable to the reporting issuer's interest under an agreement referred to in Instruction 1.

(3) In the disclosure of "abandonment and reclamation costs" referred to in clause 3(b)(v) of Item 2.1 and in clause 3(b)(v) of Item 2.2 include, at minimum, well abandonment costs. The response to Item 6.4 will disclose total abandonment and reclamation costs and (in response to paragraph (d) of Item 6.4) the portion of total abandonment and reclamation costs, if any, not disclosed under clause 3(b)(v) of Item 2.1 and clause 3(b)(v) of Item 2.2.

PART 3
PRICING ASSUMPTIONS

Item 3.1 Constant Prices Used in Estimates

For each product type, disclose the benchmark reference prices for the countries or regions in which the reporting issuer operates, as at the last day of the reporting issuer's most recent financial year, reflected in the reserves data disclosed in response to Item 2.1.

Item 3.2 Forecast Prices Used in Estimates

1. For each product type, disclose:

(a) the pricing assumptions used in estimating reserves data disclosed in response to Item 2.2:

i. for each of at least the following five financial years; and

ii. generally, for subsequent periods; and

(b) the reporting issuer's weighted average historical prices for the most recent financial year.

2. The disclosure in response to section 1 shall include the benchmark reference pricing schedules for the countries or regions in which the reporting issuer operates, and inflation and other forecast factors used.

3. If the pricing assumptions specified in response to section 1 were provided by a qualified reserves evaluator or auditor who is independent of the reporting issuer, disclose that fact and identify the qualified reserves evaluator or auditor.

INSTRUCTIONS

(1) Benchmark reference prices may be obtained from sources such as public product trading exchanges or prices posted by purchasers.

(2) The defined terms "constant prices and costs" and "forecast prices and costs" include any fixed or presently determinable future prices or costs to which the reporting issuer is legally bound by a contractual or other obligation to supply a physical product, including those for an extension period of a contract that is likely to be extended. In effect, such contractually committed prices override benchmark reference prices for the purpose of estimating reserves data. To ensure that disclosure under this Part is not misleading, the disclosure should reflect such contractually committed prices.

(3) Under subsection 5.7(1) of the Regulation, the reporting issuer must obtain the written consent of the qualified reserves evaluator or auditor to disclose his or her identity in response to section 3 of this Item.

PART 4
RECONCILIATIONS OF CHANGES IN RESERVES AND FUTURE NET REVENUE

Item 4.1 Reserves Reconciliation

1. Provide the information specified in section 2 of this Item in respect of the following reserves categories:

(a) net proved reserves (in total);

(b) net probable reserves (in total); and

(c) net proved plus probable reserves (in total).

2. Disclose changes between the reserves estimates made as at the effective date and the corresponding estimates ("prior-year estimates") made as at the last day of the preceding financial year of the reporting issuer:

(a) by country;

(b) for each of the following:

i. light and medium crude oil (combined);

ii. heavy oil;

iii. associated gas and non-associated gas (combined); and

iv. synthetic oil and other products from non-conventional oil and gas activities;

(c) separately identifying and explaining:

i. extensions;

ii. improved recovery;

iii. technical revisions;

iv. discoveries;

v. acquisitions;

vi. dispositions;

vii. economic factors; and

viii. production.

INSTRUCTIONS

(1) The reconciliation required under this Item 4.1 may be provided in respect of reserves estimated using either constant prices and costs or forecast prices and costs, with the price and cost case indicated in the disclosure.

(2) For the purpose of this Item 4.1, it is sufficient to provide the information in respect of the products specified in paragraph 2(b), excluding solution gas, natural gas liquids and other associated by-products.

(3) The COGE Handbook provides guidance on the preparation of the reconciliation required under this Item 4.1.

Item 4.2 Future Net Revenue Reconciliation

1. Provide the information specified in section 2 of this Item in respect of estimates of future net revenue (estimated using constant prices and costs and calculated using a discount rate of 10 percent) attributable to net proved reserves (in total).

2. Disclose changes between the future net revenue estimates referred to in section 1 made as at the effective date and the corresponding estimates ("prior-year estimates") made as at the last day of the preceding financial year of the reporting issuer:

(a) by country;

(b) separately identifying and explaining:

i. sales and transfers of oil, gas or other product types produced during the period net of production costs and royalties;

ii. net change in sales and transfer prices and in production costs and royalties related to future production;

iii. changes in previously estimated development costs incurred during the period;

iv. changes in estimated future development costs;

v. net change resulting from extensions and improved recovery;

vi. net change resulting from discoveries;

vii. changes resulting from acquisitions of reserves;

viii. changes resulting from dispositions of reserves;

ix. net change resulting from revisions in quantity estimates;

x. accretion of discount (10 percent of discounted future net revenue at the beginning of the financial year);

xi. net change in income taxes; and

xii. any other significant factors.

INSTRUCTIONS

(1) For the purpose of this Part 4, compute the effects of changes in prices and costs before the effects of changes in volumes, so that, in respect of constant prices and costs, volumes are reflected at prices as at the effective date.

(2) Except in respect of clause 2(b)(xi) of Item 4.2, the information to be provided under this Part is pre-tax information.

(3) For the purpose of clause 2(b)(xi) of Item 4.2, a "net change in income taxes" includes both income taxes incurred during the period and changes in estimated future income tax expenses.

PART 5
ADDITIONAL INFORMATION RELATING TO RESERVES DATA

Item 5.1 Undeveloped Reserves

1. For proved undeveloped reserves:

(a) disclose for each product type the volumes of proved undeveloped reserves that were first attributed in each of the most recent five financial years and, in the aggregate, before that time; or

(b) discuss generally the basis on which the reporting issuer attributes proved undeveloped reserves, its plans (including timing) for developing the proved undeveloped reserves and, if applicable, its reasons for not planning to develop particular proved undeveloped reserves during the following two years.

2. For probable undeveloped reserves:

(a) disclose for each product type the volumes of probable undeveloped reserves that were first attributed in each of the most recent five financial years and, in the aggregate, before that time; or

(b) discuss generally the basis on which the reporting issuer attributes probable undeveloped reserves, its plans (including timing) for developing the probable undeveloped reserves and, if applicable, its reasons for not planning to develop particular probable undeveloped reserves during the following two years.

Item 5.2 Significant Factors or Uncertainties

1. Identify and discuss important economic factors or significant uncertainties that affect particular components of the reserves data.

2. Section 1 does not apply if the information is disclosed in the reporting issuer's financial statements for the financial year ended on the effective date.

INSTRUCTION

Examples of information that could warrant disclosure under this Item 5.2 include unusually high expected development costs or operating costs, the need to build a major pipeline or other major facility before production of reserves can begin, or contractual obligations to produce and sell a significant portion of production at prices substantially below those which could be realized but for those contractual obligations.

Item 5.3 Future Development Costs

1. Requirements:

(a) Provide the information specified in paragraph 1*(b)* in respect of development costs deducted in the estimation of future net revenue attributable to each of the following reserves categories:

i. proved reserves (in total) estimated using constant prices and costs;

ii. proved reserves (in total) estimated using forecast prices and costs; and

iii. proved plus probable reserves (in total) estimated using forecast prices and costs.

(b) Disclose, by country, the amount of development costs estimated:

i. in total, calculated using no discount and using a discount rate of 10 percent; and

ii. by year for each of the first five years estimated.

2. Discuss the reporting issuer's expectations as to:

(a) the sources (including internally-generated cash flow, debt or equity financing, farm-outs or similar arrangements) and costs of funding for estimated future development costs; and

(b) the effect of those costs of funding on disclosed reserves or future net revenue.

3. If the reporting issuer expects that the costs of funding referred to in section 2, could make development of a property uneconomic for that reporting issuer, disclose that expectation and its plans for the property.

PART 6
OTHER OIL AND GAS INFORMATION

Item 6.1 Oil and Gas Properties and Wells

1. Identify and describe generally the reporting issuer's important properties, plants, facilities and installations:

(a) identifying their location (province, territory or state if in Canada or the United States, and country otherwise);

(b) indicating whether they are located onshore or offshore;

(c) in respect of properties to which reserves have been attributed and which are capable of producing but which are not producing, disclosing how long they have been in that condition and discussing the general proximity of pipelines or other means of transportation; and

(d) describing any statutory or other mandatory relinquishments, surrenders, back-ins or changes in ownership.

2. State, separately for oil wells and gas wells, the number of the reporting issuer's producing wells and non-producing wells, expressed in terms of both gross wells and net wells, by location (province, territory or state if in Canada or the United States, and country otherwise).

Item 6.2 Properties With No Attributed Reserves

1. For unproved properties disclose:

(a) the gross area (acres or hectares) in which the reporting issuer has an interest;

(b) the interest of the reporting issuer therein expressed in terms of net area (acres or hectares);

(c) the location, by country; and

(d) the existence, nature (including any bonding requirements), timing and cost (specified or estimated) of any work commitments.

2. Disclose, by country, the net area (acres or hectares) of unproved property for which the reporting issuer expects its rights to explore, develop and exploit to expire within one year.

Item 6.3 Forward Contracts

1. If the reporting issuer is bound by an agreement (including a transportation agreement), directly or through an aggregator, under which it may be precluded from fully realizing, or may be protected from the full effect of, future market prices for oil or gas, describe generally the agreement, discussing dates or time periods and summaries or ranges of volumes and contracted or reasonably estimated values.

2. Section 1 does not apply to agreements disclosed by the reporting issuer

(a) as financial instruments, in accordance with Section 3860 of the CICA Handbook; or

(b) as contractual obligations or commitments, in accordance with Section 3280 of the CICA Handbook.

3. If the reporting issuer's transportation obligations or commitments for future physical deliveries of oil or gas exceed the reporting issuer's expected related future production from its proved reserves, estimated using forecast prices and costs and disclosed under Part 2, discuss such excess, giving information about the amount of the excess, dates or time periods, volumes and reasonably estimated value.

Item 6.4 Additional Information Concerning Abandonment and Reclamation Costs

In respect of abandonment and reclamation costs for surface leases, wells, facilities and pipelines, disclose:

(a) how the reporting issuer estimates such costs;

(b) the number of net wells for which the reporting issuer expects to incur such costs;

(c) the total amount of such costs, net of estimated salvage value, expected to be incurred, calculated without discount and using a discount rate of 10 percent;

(d) the portion, if any, of the amounts disclosed under paragraph *c* of this Item 6.4 that was not deducted as abandonment and reclamation costs in estimating the future net revenue disclosed under Part 2; and

(e) the portion, if any, of the amounts disclosed under paragraph *c* of this Item 6.4 that the reporting issuer expects to pay in the next three financial years, in total.

INSTRUCTION

Item 6.4 supplements the information disclosed in response to clause 3(b)(v) of Item 2.1 and clause 3(b)(v) of Item 2.2. The response to paragraph (d) of Item 6.4 should enable a reader of this statement and of the reporting issuer's financial statements for the financial year ending on the effective date to understand both the reporting issuer's estimated total abandonment and reclamation costs, and what portions of that total are, and are not, reflected in the disclosed reserves data.

Item 6.5 Tax Horizon

If the reporting issuer is not required to pay income taxes for its most recently completed financial year, discuss its estimate of when income taxes may become payable.

Item 6.6 Costs Incurred

1. Disclose each of the following, by country, for the most recent financial year (irrespective of whether such costs were capitalized or charged to expense when incurred):

(a) property acquisition costs, separately for proved properties and unproved properties;

(b) exploration costs; and

(c) development costs.

2. For the purpose of this Item 6.6, if the reporting issuer files financial statements in which investments are accounted for by the equity method, disclose by country the reporting issuer's share of investees' *i* property acquisition costs, *ii* exploration costs and *iii* development costs incurred in the most recent financial year.

Item 6.7 Exploration and Development Activities

1. Disclose, by country and separately for exploratory wells and development wells:

(a) the number of gross wells and net wells completed in the reporting issuer's most recent financial year; and

(b) for each category of wells for which information is disclosed under paragraph *a*, the number completed as oil wells, gas wells and service wells and the number that were dry holes.

2. Describe generally the reporting issuer's most important current and likely exploration and development activities, by country.

Item 6.8 Production Estimates

1. Disclose, by country, for each product type, the volume of production estimated for the first year reflected in the estimates of future net revenue disclosed under Items 2.1 and 2.2.

2. If one field accounts for 20 percent or more of the estimated production disclosed under section 1, identify that field and disclose the volume of production estimated for the field for that year.

Item 6.9 Production History

1. To the extent not previously disclosed in financial statements filed by the reporting issuer, disclose, for each quarter of its most recent financial year, by country for each product type:

(a) the reporting issuer's share of average daily production volume, before deduction of royalties; and

(b) as an average per unit of volume (for example, $/bbl or $/Mcf):

i. the prices received;

ii. royalties paid;

iii. production costs; and

iv. the resulting netback.

2. For each important field, and in total, disclose the reporting issuer's production volumes for the most recent financial year, for each product type.

INSTRUCTION

In providing information for each product type for the purpose of Item 6.9, it is not necessary to allocate among multiple product types attributable to a single well, reservoir or other reserves entity. It is sufficient to provide the information in respect of the principal product type attributable to the well, reservoir or other reserves entity.

FORM 51-101F2
REPORT ON RESERVES DATA BY INDEPENDENT QUALIFIED RESERVES EVALUATOR OR AUDITOR

This is the form referred to in subparagraph 2 of section 2.1 of the Regulation.

1. Terms to which a meaning is ascribed in the Regulation have the same meaning in this Form.

2. The report on reserves data referred to in item 2 of section 2.1 of the Regulation, to be executed by one or more qualified reserves evaluators or auditors independent of the reporting issuer, shall in all material respects be as follows:

Report on Reserves Data

To the board of directors of [name of reporting issuer] (the "Company"):

1. We have [audited] [evaluated] [and reviewed] the Company's reserves data as at [last day of the reporting issuer's most recently completed financial year]. The reserves data consist of the following:

(a) with respect to proved reserves and proved plus probable oil and gas reserves:

i. proved and proved plus probable oil and gas reserves estimated as at [last day of the reporting issuer's most recently completed financial year] using forecast prices and costs; and

ii. the related estimated future net revenue; and

(b) with respect to proved oil and gas reserves:

i. proved oil and gas reserves estimated as at [last day of the reporting issuer's most recently completed financial year] using constant prices and costs; and

ii. the related estimated future net revenue.

2. The reserves data are the responsibility of the Company's management. Our responsibility is to express an opinion on the reserves data based on our [audit] [evaluation] [and review].

We carried out our [audit] [evaluation] [and review] in accordance with standards set out in the Canadian Oil and Gas Evaluation Handbook (the "COGE Handbook") prepared jointly by the Society of Petroleum Evaluation Engineers (Calgary Chapter) and the Canadian Institute of Mining, Metallurgy & Petroleum (Petroleum Society).

3. Those standards require that we plan and perform an [audit] [evaluation] [and review] to obtain reasonable assurance as to whether the reserves data are free of material misstatement. An [audit] [evaluation] [and review] also includes assessing whether the reserves data are in accordance with principles and definitions presented in the COGE Handbook.

4. The following table sets forth the estimated future net revenue (before deduction of income taxes) attributed to proved plus probable reserves, estimated using forecast prices and costs and calculated using a discount rate of 10 percent, included in the reserves data of the Company [audited] [evaluated] [and reviewed] by us for the year ended xxx xx, 20xx, and identifies the respective portions thereof that we have [audited] [evaluated] [and reviewed] and reported on to the Company's [management/board of directors]:

Independent Qualified Reserves Evaluator or Auditor	**Description and Preparation Date of [Audit/ Evaluation/ Review] Report**	**Location of Reserves (Country or Foreign Geographic Area)**	**Net Present Value of Future Net Revenue (before income taxes, 10% discount rate**			
			Audited	**Evaluated**	**Reviewed**	**Total**
Evaluator A	xxx xx, 20xx	xxxx	$xxx	$xxx	$xxx	$xxx
Evaluator B	xxx xx, 20xx	xxxx	xxx	xxx	xxx	xxx
Totals			$xxx	$xxx	$xxx	$xxx[1]

[1] This amount should be the amount disclosed by the reporting issuer in its statement of reserves data filed under subparagraph 1 of section 2.1 of the Regulation, as its future net revenue (before deducting future income tax expenses) attributable to proved plus probable reserves, estimated using forecast prices and costs and calculated using a discount rate of 10 percent (required by section 2 of Item 2.2 of Form 51-101F1).

5. In our opinion, the reserves data respectively [audited] [evaluated] by us have, in all material respects, been determined and are in accordance with the COGE Handbook. We express no opinion on the reserves data that we reviewed but did not audit or evaluate.

6. We have no responsibility to update our reports referred to in paragraph 4 for events and circumstances occurring after their respective preparation dates.

7. Because the reserves data are based on judgements regarding future events, actual results will vary and the variations may be material.

Executed as to our report referred to above:

Evaluator A, City, Province or State / Country, Execution Date _____[signed]

Evaluator B, City, Province or State / Country, Execution Date _____[signed]

FORM 51-101F3
REPORT OF MANAGEMENT AND DIRECTORS ON OIL AND GAS DISCLOSURE

This is the form referred to in subparagraph 3 of section 2.1 of the Regulation.

1. Terms to which a meaning is ascribed in the Regulation have the same meaning in this Form.

2. The report referred to in item 3 of section 2.1 of the Regulation shall in all material respects be as follows:

Report of Management and Directors on Reserves Data and Other Information

Management of [name of reporting issuer] (the "Company") are responsible for the preparation and disclosure of information with respect to the Company's oil and gas activities in accordance with securities regulatory requirements. This information includes reserves data, which consist of the following:

(a) with respect to proved reserves and proved plus probable oil and gas reserves:

i. proved and proved plus probable oil and gas reserves estimated as at [last day of the reporting issuer's most recently completed financial year] using forecast prices and costs; and

ii. the related estimated future net revenue; and

(b) with respect to proved oil and gas reserves:

i. proved oil and gas reserves estimated as at [last day of the reporting issuer's most recently completed financial year] using constant prices and costs; and

ii. the related estimated future net revenue.

[An] independent [qualified reserves evaluator[s] or qualified reserves auditor[s]] [has / have] [audited] [evaluated] [and reviewed] the Company's reserves data. The report of the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]] [is presented below / will be filed with securities regulatory authorities concurrently with this report].

The [Reserves Committee of the] board of directors of the Company has

(a) reviewed the Company's procedures for providing information to the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]];

(b) met with the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]] to determine whether any restrictions affected the ability of the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]] to report without reservation [and, because of the proposal to change the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]], to inquire whether there had been disputes between the previous independent [qualified reserves evaluator[s] or qualified reserves auditor[s] and management]; and

(c) reviewed the reserves data with management and the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]].

The [Reserves Committee of the] board of directors has reviewed the Company's procedures for assembling and reporting other information associated with oil and gas activities and has reviewed that information with management. The board of directors has [, on the recommendation of the Reserves Committee,] approved

(a) the content and filing with securities regulatory authorities of the reserves data and other oil and gas information;

(b) the filing of the report of the independent [qualified reserves evaluator[s] or qualified reserves auditor[s]] on the reserves data; and

(c) the content and filing of this report.

Because the reserves data are based on judgements regarding future events, actual results will vary and the variations may be material.

_____

[signature, name and title of chief executive officer]

_____

[signature, name and title of a senior officer other than the chief executive officer]

_____

[signature, name of a director]

_____

[signature, name of a director]

[Date]

7041

M.O., 2005-16

Order number V-1.1-2005-16 of the Minister of Finance dated 2 August 2005

Securities Act
(R.S.Q., c. V-1.1; 2004, c. 37)

CONCERNING the Regulation 52-108 respecting auditor oversight

WHEREAS the Securities Act (R.S.Q., c. V-1.1) has been amended by the chapter 37 of the statutes of 2004;

WHEREAS subparagraphs 9°, 19° and 19.1° of section 331.1 of the Securities Act stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS sections 691 and 696 of chapter 45 of the statutes of 2002 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Commission" wherever it appears by "Agency", and making the necessary modifications;

WHEREAS sections 37 and 38 of chapter 37 of the statutes of 2004 stipulate, in particular, that sections 331.1 and 331.2 of the Securities Act are amended by replacing "Agency" wherever it appears by "Authority";

WHEREAS the draft Regulation 52-108 respecting auditor oversight was published in the Supplement to the weekly Bulletin of the Commission des valeurs mobilières du Québec, volume 35, No. 2 of January 16, 2004;

WHEREAS on August 1st, 2005, by the decision No. 2005-PDG-0220, the Authority made the Regulation 52-108 respecting auditor oversight;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation 52-108 respecting auditor oversight appended hereto.

August 2, 2005

MICHEL AUDET,
Minister of Finance

Regulation 52-108 respecting auditor oversight

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (9), (19) and (19.1); 2004, c. 37)

PART 1
DEFINITIONS AND APPLICATION

1.1 **Definitions**

In this Regulation

"CPAB" means the Canadian Public Accountability Board, a corporation without share capital under the Canada Corporations Act (S.C. R.S. 1970, c. C-32) by Letters Patent dated April 15, 2003, and any of its successors;

"participation agreement" means a written agreement between the CPAB and a public accounting firm in connection with the CPAB's program of participating audit firm practice inspections and practice requirements;

"participating audit firm" means a public accounting firm that has entered into a participation agreement and that has not had its participant status terminated, or, if its participant status was terminated, has been reinstated in accordance with CPAB by-laws; and

"public accounting firm" means a sole proprietorship, partnership, corporation or other legal entity engaged in the business of providing services as public accountants.

1.2 **Application and Transition**

(1) This Regulation applies to reporting issuers and public accounting firms.

(2) Section 2.1 and Part 3 do not apply in Alberta, British Columbia, Manitoba and Québec.

(3) Part 2 does not apply unless

(a) the CPAB's prescribed time period for the public accounting firm to submit a participation agreement has expired, and

(b) the auditor's report prepared by the public accounting firm is dated on or after August 24, 2005.

PART 2
AUDITOR OVERSIGHT

2.1 **Public accounting firms**

A public accounting firm that prepares an auditor's report with respect to the financial statements of a reporting issuer must be, as of the date of its auditor's report,

(a) a participating audit firm, and

(b) in compliance with any restrictions or sanctions imposed by the CPAB.

2.2 **Reporting Issuers**

A reporting issuer that files its financial statements accompanied by an auditor's report must ensure that the auditor's report has been prepared by a public accounting firm that is, as of the date of the auditor's report,

(a) a participating audit firm, and

(b) in compliance with any restrictions or sanctions imposed by the CPAB.

PART 3
NOTICE

3.1 **Notice of Restrictions**

(1) A participating audit firm that is appointed to prepare an auditor's report with respect to the financial statements of a reporting issuer must, if the CPAB imposes restrictions on the participating audit firm intended to address defects in its quality control systems, provide notice to the regulator.

(2) The notice required under subsection (1) must be in writing and include a complete description of

(a) the defects in the quality control systems identified by the CPAB, and

(b) the restrictions imposed by the CPAB, including the date the restrictions were imposed and the time period within which the participating audit firm agreed to address the defects.

(3) The notice required under subsection (1) must be delivered within 2 business days of the restrictions being imposed.

3.2 **Idem**

(1) A participating audit firm that is subject to CPAB restrictions intended to address defects in its quality control systems and that is informed by the CPAB that it failed to address defects in its quality control systems, to the satisfaction of the CPAB, within the agreed upon time period, must provide notice to

(a) the audit committee of each reporting issuer for which it is appointed to prepare an auditor's report, or, if a reporting issuer does not have an audit committee, the board of directors or the person or persons responsible for reviewing and approving the reporting issuer's financial statements before they are filed, and

(b) the regulator, if the participating audit firm is appointed to prepare an auditor's report with respect to the financial statements of a reporting issuer.

(2) The notice required under subsection (1) must be in writing and include a complete description of

(a) the defects in the quality control systems identified by the CPAB,

(b) the restrictions imposed by the CPAB that were intended to address defects in its quality control systems, including the date the restrictions were imposed and the time period within which the participating audit firm agreed to address the defects, and

(c) the reasons it was unable to address the defects to the satisfaction of the CPAB.

(3) The notice required under subsection (1) must be delivered within 10 business days of the participating audit firm being informed by the CPAB that it has failed to address the defects in its quality control systems.

3.3 **Notice of Sanctions**

(1) A participating audit firm that is subject to sanctions imposed by the CPAB must provide notice to

(a) the audit committee of each reporting issuer for which it is appointed to prepare an auditor's report, or, if a reporting issuer does not have an audit committee, the board of directors or the person or persons responsible for reviewing and approving the reporting issuer's financial statements before they are filed, and

(b) the regulator, if the participating audit firm is appointed to prepare an auditor's report with respect to the financial statements of a reporting issuer.

(2) The notice required under subsection (1) must be in writing and include a complete description of the sanctions imposed by the CPAB, including the date the sanctions were imposed.

(3) The notice required under subsection (1) must be delivered within 10 business days of the sanctions being imposed.

3.4 **Notice of Restrictions and Sanctions Prior to Appointment**

(1) Prior to accepting an appointment to prepare an auditor's report with respect to the financial statements of a reporting issuer, a participating audit firm must provide notice in accordance with

(a) subsections 3.2(1) and 3.2(2), if the CPAB informed the participating audit firm within the 12-month period immediately preceding the expected date of appointment that it failed to address defects in its quality control systems to the satisfaction of the CPAB, and

(b) subsections 3.3(1) and 3.3(2), if the CPAB imposed sanctions on the participating audit firm within the 12-month period immediately preceding the expected date of appointment.

(2) For the purposes of subsection (1), the references to "is appointed" contained in subsections 3.2(1) and 3.3(1) shall mean "is expected to be appointed."

(3) A participating audit firm is not required to provide notice under subsection (1) if, pursuant to a notice provided under sections 3.2 or 3.3, the reporting issuer and regulator have been provided notice of the participating audit firm's failure to address the defects in its quality control systems to the satisfaction of the CPAB and of the sanctions imposed by the CPAB.

PART 4
EXEMPTION

4.1 **Exemption**

(1) The regulator or the securities regulatory authority may grant an exemption from this Regulation, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

(2) Despite subsection (1), in Ontario, only the regulator may grant such an exemption.

(3) In Québec, the exemption is granted under section 263 of the Securities Act (R.S.Q., c. V-1.1).

PART 5
EFFECTIVE DATE

5.1 **Effective Date**

This Regulation comes into force on August 24, 2005.

7042

Draft Regulations

Draft Regulation

An Act respecting farm-loan insurance and forestry-loan insurance
(R.S.Q., c. A-29.1)

Regulation
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes a consequential amendment to subject the financing authorized under the Regulation respecting the Forest Management Funding Program to payment of the insurance charges paid annually by the Government to the Fonds d'assurance-prêts agricoles et forestiers.

The draft Regulation has no impact on citizens or enterprises, other than forest producers. The latter are to comply with the rules set out in the Regulation respecting the Forest Management Funding Program to be entitled to the financial support offered by La Financière agricole du Québec.

Further information on the draft Regulation may be obtained by contacting Jean-Marc Lacasse, Directeur de la gestion des produits financiers, La Financière agricole du Québec, 930, chemin Sainte-Foy, 3e étage, Québec (Québec) G1S 4Y6; telephone: (418) 643-2599; fax: (418) 646-9712; e-mail: j-marc.lacasse@fadq.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Norman Johnston, Vice-President, Financing, La Financière agricole du Québec, 930, chemin Sainte-Foy, 4e étage, Québec (Québec) G1S 4Y6.

YVON VALLIÈRES,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance *

An Act respecting farm-loan insurance and forestry-loan insurance
(R.S.Q., c. A-29.1, s. 24)

1. Section 2 of the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance is amended by replacing "the Forest Management Funding Program established under the Forest Act (R.S.Q., c. F-4.1)" in the second paragraph by "the Regulation respecting the Forest Management Funding Program made by Order in Council (*insert the number of the Order in Council*) dated (*insert the date on which the Order in Council is made*) or the Forest Management Funding Program made by Order in Council 384-97 dated 26 March 1997 established under the Forest Act (R.S.Q., c. F-4.1)".

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7031

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1; 2004, c. 6)

Forest Management Funding Program

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the Forest Management Funding Program, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

* The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1) was last amended by the regulation made by Order in Council 206-2002 dated 6 March 2002 (2002, *G.O.* 2, 1613). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

The purpose of the draft Regulation is to adapt the Forest Management Funding Program to the legislative amendments made by chapter 6 of the Statutes of 2004 and to harmonize the program with the prevailing terms and conditions for farm financing.

The draft Regulation contains amendments that are consequential to the replacement of the Société de financement agricole by La Financière agricole du Québec.

The draft Regulation has no impact on citizens or enterprises, other than forest producers. Forest producers will have to comply with the rules set out in the Regulation in order to be entitled to the financial assistance offered by La Financière agricole du Québec.

Further information on the draft Regulation may be obtained by contacting Jean-Marc Lacasse, Directeur de la gestion des produits financiers, La Financière agricole du Québec, 930, chemin Sainte-Foy, 3e étage, Québec (Québec) G1S 4Y6; telephone: (418) 643-2599; fax: (418) 646-1096; e-mail: j-marc.lacasse@fadq.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,
Minister of Natural Resources and Wildlife

Regulation respecting the Forest Management Funding Program

Forest Act
(R.S.Q., c. F-4.1, ss. 124.37 and 172.2; 2004, c. 6, s. 6)

1. The Forest Management Funding Program is established to encourage the establishment, maintenance or development of forest production units of 60 hectares or more.

La Financière agricole du Québec, hereinafter referred to as the agency, administers the Program and, for that purpose, determines the assistance that may be granted to forest producers.

2. In this Regulation,

"forest producer" means a certified forest producer under section 120 of the Forest Act (R.S.Q., c. F-4.1); (*producteur forestier*)

"forest production unit" means the area of all the production units owned or operated by a forest producer or a person associated with the project.

The following are considered to be forest producers:

(1) a natural person who or a legal person or a body which, without being a forest producer, is composed of at least one forest producer or one person holding an interest in a forest producer; and

(2) a natural person who, without being a forest producer, acquires at least a 20% interest in a forest producer and subsequently any shares in the forest producer; (*unité de production forestière*)

"hypothecary interest rate" means,

(1) in the case of a lender who offers such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling; and

(2) in the case of a lender who does not offer such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling from the Fédération des caisses Desjardins du Québec, the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce or the Bank of Montréal; (*taux d'intérêt hypothécaire*)

"interim interest rate" means the prime lending rate plus 1/2%; (*taux d'intérêt intérimaire*)

"lender" means

(1) a savings and credit union governed by the Act respecting financial services cooperatives (R.S.Q., c. C-67.3);

(2) the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce, the Bank of Montréal, the Bank of Nova Scotia, the Toronto Dominion Bank or the Laurentian Bank of Canada;

(3) a person to whom all or part of the purchase price of forest assets, of interests in a forest producer or of non-voting or preferred shares in a forest producer is owed; and

(4) any other person authorized by the agency to act as a lender under subparagraph 3 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec (R.S.Q., c. L-0.1); (*prêteur*)

"loan" means a loan, including a loan taken over by another borrower and all or part of the purchase price of forest assets, of interests in a forest producer or of non-

voting or preferred shares in a forest producer, as the case may be, covered by a loan granted by a lender under this Program, under the Forest Management Funding Program established by Order in Council 384-97 dated 26 March 1997 (1997, *G.O.* 2, 1422), under the Act to promote forest credit by private institutions (R.S.Q., c. C-78.1) or under the Forestry Credit Act (R.S.Q., c. C-78); (*prêt*)

"prime lending rate" means the applicable prime lending rate among

(1) the prime lending rate of a lender who offers a prime rate;

(2) in the case of a savings and credit union affiliated with the Fédération des caisses Desjardins du Québec, the prime rate of the Caisse centrale Desjardins du Québec; or

(3) in all other cases, the prime rate offered by the majority of the following financial institutions: the Fédération des caisses Desjardins du Québec, the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce and the Bank of Montréal. (*taux d'intérêt préférentiel*).

3. For the purposes of the Program, the following constitute an interest in a forest producer:

(1) the rights held in a forest production unit if the forest producer is composed of one or more natural persons;

(2) the voting shares if the forest producer is a company;

(3) the shares held by the partners if the forest producer is a general or limited partnership;

(4) the shares if the forest producer is a cooperative; and

(5) the rights held in a forest production unit, the voting shares, the shares held by the partners, or the shares if the forest producer is composed of a combination of natural persons, companies, general or limited partnerships or cooperatives.

4. Financial assistance under the Program is in the form of a loan.

A loan may be granted by a lender to a forest producer who satisfies the conditions of the Program and the conditions under subparagraph 1 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec.

5. A loan may be granted only for

(1) the establishment, maintenance or development by a forest producer of a forest production unit under forest management covering a total of 60 hectares or more;

(2) the purchase by a forest producer composed of not more than four natural persons of machinery or equipment to be used exclusively for a forest management activity in the producer's forest production unit or in the forest production units belonging to those natural persons; and

(3) the acquisition or redemption of an interest in a forest producer, and the acquisition or redemption of any share in the forest producer.

The following are excluded from the Program:

(1) activities for which financial assistance may be provided under the Program for farm financing established by the agency by Resolution 46 adopted on 14 September 2001;

(2) activities related to forest seedling production and to the acquisition of assets for the processing of timber into firewood for commercial purposes;

(3) the purchase of machinery or equipment to be used for the processing of timber; and

(4) the holders of wood processing plant operating permits that authorize annual timber consumption of rough timber for peeling, sawing or pulp and paper production in excess of 2,000 cubic metres.

6. An application for a loan must be submitted in writing and be accompanied by the information and documents required by section 30 of the Act respecting La Financière agricole du Québec.

7. To be eligible for a loan, a forest producer must demonstrate,

(1) if the forest producer is a natural person, that he or she is of full age, is domiciled in Canada and is a Canadian citizen or permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) if the forest producer is a legal person, that it has its head office and principal establishment in Canada; or

(3) if the forest producer is composed of more than one person, that all persons satisfy the conditions set out in subparagraphs 1 and 2.

The forest producer must also

(1) demonstrate that a forest management plan has been prepared in accordance with paragraph 1 of section 120 of the Forest Act for the forest area covered by the forest producer's application;

(2) need the financial assistance applied for, having regard to the forest producer's overall financial situation, to establish, maintain or develop a forest production unit;

(3) be able to meet the financial obligations;

(4) have the necessary resources to carry out the project; and

(5) provide any guarantees required by the agency pursuant to subparagraph 1 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec.

8. The maximum term of a loan is 30 years.

9. The maximum amount of loans granted to a forest producer under the Program is $750,000.

The balance on the loans granted to the borrower under the Program, under the Forest Management Funding Program established by Order in Council 384-97 dated 26 March 1997 (1997, *G.O.* 2, 1422), under the Act to promote forest credit by private institutions and under the Forestry Credit Act is taken into account in the calculation of that amount. Despite the foregoing, debts that have devolved on the borrower by succession after the last loan was granted are not taken into account in the calculation.

10. Every borrower must, for the entire term of the loan, continue to satisfy the conditions that made the borrower eligible for the loan.

11. A lender who grants a loan under the Program is insured under the Fonds d'assurance-prêts agricoles et forestiers for the entire term of the loan pursuant to section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1).

12. The interest rate on a loan may not exceed, at the option of the borrower,

(1) the hypothecary interest rate less the reduction in the interest rate provided for in section 14; or

(2) the prime lending rate.

Until the loan is fully disbursed, the interest rate cannot exceed the interim interest rate for a period that cannot exceed fifteen months following the date on which a loan certificate is issued by the agency under subparagraph 1 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec, after which the applicable interest rate must be one of the interest rates described in the first paragraph.

The prime lending rate and the interim interest rate are to be adjusted whenever the prime lending rate is changed.

13. The hypothecary interest rate on a loan may be adjusted on the expiry of each period of 12, 24, 36, 48, 60 or 84 months agreed between the lender and the borrower. The borrower may at that time again exercise the interest rate option under the first paragraph of section 12.

14. The hypothecary interest rate on a loan is reduced as set out in the table below:

Term of loan	Reduction
12 months	0.30%
24 months	0.35%
36 months	0.40%
48 months	0.45%
60 months	0.50%
84 months	0.60%

Despite the first paragraph, where in a calendar month the difference between the average rate of residential hypothecs for a term of five years and the average yield of Canadian five-year bonds, according to the generic rate published by Bloomberg L.P., is less than 1.75%, the reduction in the hypothecary interest rate provided for in the first paragraph is suspended for the following three months for all loans whose interest rate is determined during that period. The reductions are reinstated in the month following a period of three consecutive months during which that difference is equal to or greater than 1.75%. When the interest rate on a loan is determined, it remains applicable for the term chosen by the borrower.

15. If the lender is a person to whom all or part of the purchase price of forest assets, of interests in a forest producer or of non-voting or preferred shares in a forest producer is owed, the interest rate may be set for a

period not exceeding ten years, if the parties so agree. That interest rate may not exceed, for the chosen term, the current hypothecary interest rate of any of the financial institutions listed in paragraph 2 of the definition of "hypothecary interest rate" in section 2.

16. Interest on a loan is capitalized monthly not in advance, regardless of the payment schedule agreed to by the parties.

17. No amount of money may be charged to a borrower by a lender for services offered free of charge by the lender in the normal course of business or for services provided by the agency.

18. This Regulation replaces the Forest Management Funding Program established under Order in Council 384-97 dated 26 March 1997.

The provisions of the replaced program continue to apply to loans authorized by the agency before the date of coming into force of this Regulation and to applications for financial assistance received before that date and that have not been decided by the agency.

19. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7030

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1; 2004, c. 6)

Forestry fund
— Contributions
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting contributions to the forestry fund, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to set, as of 1 January 2006, the rate per cubic metre of timber used to establish the contribution to be paid to the forestry fund on the prescribed dates by holders of a timber supply and forest management agreement, a forest management agreement, a forest management contract or an auxiliary timber supply guarantee agreement. It sets a rate per cubic metre of timber applicable to the volume of timber acquired from the holder of a timber supply and forest management agreement by the holder of a wood processing plant operating permit, in accordance with section 92.0.2 of the Forest Act (R.S.Q., c. F-4.1), amended by section 4 of chapter 6 of the Statutes of 2004. It also sets a rate per cubic metre of timber applicable to the volume of round timber indicated in the accreditation of the holder of a wood processing plant operating permit that enables the permit holder to obtain a management permit in a management unit to supply the permit holder's plant, in particular where a volume of timber is made available following a person's waiver of the right provided for in a reservation agreement or by reason of the failure by the person to exercise that right in a previous year, under sections 92.0.3 and 92.0.11 of the Forest Act, amended by section 5 of chapter 6 of the Statutes of 2004.

One of the effects of the draft Regulation on businesses, including small and medium-sized businesses, will be to increase their current contribution to the forestry fund by approximately $740,000 per year ($185,000 in 2005-2006) for similar volumes.

Further information on the draft Regulation may be obtained by contacting Daniel St-Onge, Direction de la coordination sectorielle, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4; telephone: (418) 627-8658; fax: (418) 528-1278.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Paule Têtu, Associate Deputy Minister for Forêt Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4.

PIERRE CORBEIL,
Minister of Natural Resources and Wildlife

Regulation to amend the Regulation respecting contributions to the forestry fund *

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4, 92.0.2, 92.0.11, 95.2.1, 104.5 and 172, 1st par., subpars. 18.2 and 18.2.1; S.Q. 2004, c. 6, ss. 4, 5 and 11)

1. The Regulation respecting contributions to the forestry fund is amended in section 2 by replacing "$0.1725" by "$0.1775".

2. Section 3.3 is amended by replacing "$0.69" by "$0.71".

3. This Regulation comes into force on 1 January 2006.

7032.

Draft Regulation

An Act respecting the Bibliothèque nationale du Québec
(R.S.Q., c. B-2.2; 2004, c. 25)

Legal deposit of films

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the legal deposit of films, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to specify the requirements for the legal deposit, in particular as regards exemptions, standards of quality and information to be provided by depositors on the containers of films and on the descriptive cards.

Further information may be obtained by contacting Yvan Fortin, Direction des médias, de l'audiovisuel et du multimédia, 225, Grande Allée Est, bloc C, 3e étage, Québec (Québec) G1R 5G5; telephone: (418) 380-2307, extension 7368; e-mail: yvan.fortin@mcc.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Culture and Communications, 225, Grande Allée Est, bloc A, 1er étage, Québec (Québec) G1R 5G5.

LINE BEAUCHAMP,
Minister of Culture and Communications

Regulation respecting the legal deposit of films

An Act respecting the Bibliothèque nationale du Québec
(R.S.Q., c. B-2.2, s. 20.10, amended by 2004, c. 25, s. 22)

1. The following are exempt from mandatory deposit:

(1) films produced without direct or indirect financial support from the State; and

(2) films released on a photochemical medium larger than 35 millimetres.

2. In the field of television production, only copies of the programs selected according to the table in Schedule 1 are to be deposited.

3. For a film released on a photochemical medium, the producer must deposit a new copy of the film made under optimal calibration conditions.

For a film that is not released on that medium, the producer must deposit a copy recorded on a medium that ensures screenings of optimum quality.

4. The producer must indicate on the container of the film deposited the film's title and the date of its first public exhibition.

The producer must also include a descriptive card indicating the film's title, the name of the producer, the date of the film's first exhibition, and the number of documents deposited and their medium and format.

5. Any contravention of section 3 or 4 is punishable under section 20.12.1 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.2).

6. This Regulation comes into force on the date of coming into force of section 21 of the Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions (2004, c. 25).

* The Regulation respecting contributions to the forestry fund, made by Order in Council 328-2002 dated 20 March 2002 (2002, *G.O.* 2, 1673), was last amended by the regulation made by Order in Council 454-2005 dated 11 May 2005 (2005, *G.O.* 2, 1219). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

SCHEDULE 1
(s. 2)

TELEVISION PRODUCTIONS

Table of programs selected for legal deposit purposes

Category	Type of production	Programs to be deposited
Fiction	Weekly fiction series, including animated series and youth fiction	Deposit of all programs
	Daily fiction series, including animated series and youth fiction	Deposit of the first and last week's programs and one program from each week, alternating broadcast days
	Drama program	Deposit of the program
Documentaries	Documentary program	Deposit of the program
	Documentary series	Deposit of all programs
TV magazine programs	Weekly magazine programs, including youth magazine programs	Deposit of the first and last programs and five other programs over the season
	Daily magazine programs, including youth magazine programs	Deposit of the first and last week's programs and two other weeks' programs over the season
Educational games, quizzes or contests for children under 13	Weekly	Deposit of the first and last programs of the season
	Daily	Deposit of the first and last week's programs
Other variety shows	Weekly variety shows, including youth variety shows	Deposit of the first and last programs and five other programs over the season
	Daily variety shows, including youth variety shows	Deposit of the first and last week's programs and two other weeks' programs over the season
	Televised show	Deposit of the program

7033

Draft Regulation

Travel Agents Act
(R.S.Q., c. A-10; 2002, c. 55)

Travel agents
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting travel agents, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of this Regulation is to provide exemptions from the contribution to the Fonds d'indemnisation des clients des agents de voyages

— for legal persons and public authorities provided that they have requested an exemption and waived the indemnification or reimbursement guaranteed by the fund; and

— for representations and international organizations and persons working for such representations and organizations that would be entitled to the reimbursement of the contribution collected by retail travel agents.

The Regulation has no impact on travel agents or the public doing business with travel agents.

Further information may be obtained by contacting Maryse Côté, Office de la protection du consommateur, Village olympique, 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: (514) 873-3247; fax: (514) 864-2400.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, Sainte-Foy (Québec) G1V 4M1.

YVON MARCOUX,
Minister of Justice

Regulation to amend the Regulation respecting travel agents *

Travel Agents Act
(R.S.Q., c. A-10, s. 36, 1st par., subpars. *c*.1, *h* and *n*; 2002, c. 55, s. 25)

1. Section 18 of the Regulation respecting travel agents is amended by replacing paragraph *g* of subsection 2 by the following:

"*(g)* the amount of the contribution to the Fonds d'indemnisation des clients des agents de voyages or, where applicable, the number of the certificate of exemption issued by the president.".

2. Section 39 is amended by replacing the first paragraph by the following:

"**39.** Subject to sections 39.1 and 39.2, the customers of retail travel agents in Québec are required to contribute to the fund.".

3. The following is inserted after section 39:

"**39.1.** Section 39 does not apply to a customer who is a legal person or a public authority that has obtained a certificate of exemption from the contribution.

The certificate of exemption is issued by the president on written request.

39.2. The following customers are entitled to reimbursement of the contribution referred to in section 39:

(a) diplomatic missions and consular posts established in Canada;

(b) international government organizations that have entered into an agreement with the Government relating to their establishment in Québec;

(c) permanent missions of foreign States accredited with an international organization referred to in subparagraph *b*;

(d) international non-government organizations having a tax exemption pursuant to an agreement with the Government relating to their establishment in Québec;

* The Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1) was last amended by the regulation made by Order in Council 1153-2004 dated 5 December 2004 (2004, *G.O.* 2, 3592). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 March 2005.

(e) offices of a province, a State or a similar division of a foreign State recognized by the Minister of Finance;

(f) persons working for those representations or international organizations if the persons

i. are registered with the Ministère des Relations internationales;

ii. are not Canadian citizens or permanent residents of Canada;

iii. have to reside in Canada by virtue of their functions; and

iv. do not operate an enterprise in Canada and do not hold an office or employment other than the position with the representation or international organization.

The president shall reimburse the contribution out of the indemnity fund at the request of the Minister of International Relations who certifies the conformity of the request.".

4. Section 43.2 is amended

(1) by adding the following after subparagraph *f*:

"*(g)* the sums necessary to reimburse the contributions in accordance with section 39.2.";

(2) by inserting the following after the first paragraph:

"The indemnifications and reimbursements provided for in subparagraphs *a* to *d* of the first paragraph do not apply to the cases provided for in sections 39.1 and 39.2.".

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7029

Index

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified