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Laws and Regulations

Volume 138

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Legal deposit—1st Quarter 1968
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PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 13 DECEMBER 2005

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 13 December 2005*

This day, at one minute past nine o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 68 An Act to repeal the Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel
- 119 An Act respecting the Ministère du Tourisme
- 126 Budget Act giving effect to the Budget Speech delivered on 21 April 2005 and to certain other budget statements
- 129 An Act to amend the Act respecting owners and operators of heavy vehicles and other legislative provisions
- 130 An Act to amend the Act respecting prescription drug insurance and other legislative provisions
- 131 An Act to amend the Courts of Justice Act and the Act respecting municipal courts

- 135 An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry
- 226 An Act respecting Municipalité de Sacré-Cœur
- 235 An Act respecting Ville de Trois-Rivières
- 237 An Act respecting Municipalité de Saint-Donat
- 240 An Act respecting Ville de Chandler
- 241 An Act respecting Ville de Grande-Rivière

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 16 DECEMBER 2005

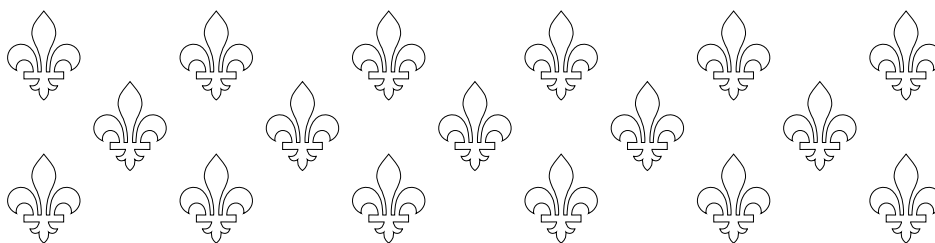
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 16 December 2005*

This day, at five minutes past one o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 142 An Act respecting conditions of employment in the public sector
- 120 An Act to abolish certain public bodies and transfer administrative responsibilities
- 121 An Act to amend the Mining Act
- 123 An Act respecting tax-exempt status for certain payments made in accordance with the Partnership Agreement on Economic and Community Development in Nunavik
- 124 Educational Childcare Act
- 128 An Act to amend the Act respecting roads
- 133 An Act to insert article 1974.1 in the Civil Code (*modified title*)

- 134 An Act to again amend various legislative provisions concerning municipal affairs
- 136 An Act to amend the Act respecting insurance and the Act respecting trust companies and savings companies
- 234 An Act respecting the continuance of the Conférence des coopératives forestières du Québec as a federation of cooperatives
- 238 An Act to again amend the charter of Les Filles de Jésus (Trois-Rivières)
- 239 An Act to provide for the continuance of the Conseil de la coopération du Québec as a cooperative and the amalgamation by absorption of the Fondation pour l'éducation à la coopération and the Association pour l'éducation des jeunes coopératrices et coopérateurs
- 242 An Act to authorize the adoption of Marie Danielle Viviane Flynn by Paul-Aimé Sauriol

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 109

(2005, chapter 34)

An Act respecting the Director of Criminal and Penal Prosecutions

Introduced 11 May 2005

Passage in principle 31 May 2005

Passage 1 December 2005

Assented to 6 December 2005

**Québec Official Publisher
2005**

EXPLANATORY NOTES

This bill creates the office of Director of Criminal and Penal Prosecutions and provides that the Director is to direct all criminal and penal prosecutions in Québec on behalf of the State under the general authority of the Minister of Justice and Attorney General. The Director is to exercise the functions conferred on the office by this bill, with the independence provided for in this bill. The Director is by virtue of office Deputy Attorney General.

The bill provides rules on the appointment and term of the Director and the Deputy Director. It also provides that the Director is the chief executive officer of an agency.

The bill specifies the functions and powers of the Director and defines the Director's relationship with the Attorney General and the Minister of Justice. The Director acts as prosecutor in criminal and penal proceedings and exercises the functions appropriate to the mission of the office, while the Minister of Justice is responsible for establishing the public policy of the State in justice matters, including with regard to criminal and penal matters. The Attorney General may take charge of or intervene in a matter that comes under the Director's responsibility, but is in that case required to notify the Director and publish a notice of intent to take charge of the matter, or instructions on the conduct of the matter.

In addition, the bill provides that the instructions concerning the conduct of prosecutions issued and published by the Director for the benefit of the prosecutors under the Director's authority can also be made applicable, with the necessary modifications determined after taking into account the opinion of designated prosecutors, to any attorney acting for the prosecution in criminal or penal proceedings, including before municipal courts.

Finally, the bill broadens the scope of article 95 of the Code of Civil Procedure in order that the Attorney General be notified when the State is sued for compensation for a violation or negation of fundamental rights and freedoms.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001);
- Charter of the French language (R.S.Q., chapter C-11);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Highway Safety Code (R.S.Q., chapter C-24.2);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Police Act (R.S.Q., chapter P-13.1);

- Youth Protection Act (R.S.Q., chapter P-34.1);
- Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);
- Consumer Protection Act (R.S.Q., chapter P-40.1);
- Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2);
- Act respecting the collection of certain debts (R.S.Q., chapter R-2.2);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Fire Safety Act (R.S.Q., chapter S-3.4);
- Act respecting transportation services by taxi (R.S.Q., chapter S-6.01);
- Act respecting Attorney General’s prosecutors (R.S.Q., chapter S-35);
- Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011).

Bill 109

AN ACT RESPECTING THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

CREATION OF OFFICE OF DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS AND APPOINTMENT OF DIRECTOR

1. This Act creates the office of Director of Criminal and Penal Prosecutions.

Under the general authority of the Minister of Justice and Attorney General, the Director directs all criminal and penal prosecutions in Québec on behalf of the State. The Director exercises the functions conferred on the Director of Criminal and Penal Prosecutions by this Act, with the independence provided for in this Act.

The Director is by virtue of office “Deputy Attorney General” for criminal and penal prosecutions. The Director is also the lawful deputy of the Attorney General of Québec within the meaning of the Criminal Code, as are the prosecutors under the Director’s authority.

2. On the recommendation of the Minister of Justice, the Government appoints the Director from among advocates with at least ten years’ practice. The person recommended must be chosen from a list of persons declared qualified to hold the office by the selection committee formed for that purpose.

3. During the year that precedes the end of the Director’s term or as soon as the office becomes vacant, the Minister publishes a notice inviting the members of Québec’s legal community to apply for the office of Director or to propose the name of a person they consider qualified to hold that office, in accordance with the procedure the Minister determines.

The Minister also forms a selection committee. The committee is made up of the Deputy Minister of Justice and four other members including an advocate recommended by the Bâtonnier of the Province of Québec, a professor of law recommended by the deans of Québec’s law faculties, a person recommended by bodies representing the municipal sector and a person chosen by the Minister from among persons active in crime victims support organizations.

The committee promptly evaluates the candidates' aptitude on the basis of their knowledge, particularly in criminal and penal law, their experience and their qualifications, according to the criteria determined by government regulation. Without delay, the committee presents to the Minister a report in which it lists the candidates it has met whom it considers qualified to hold the office of Director. All information and documents regarding the candidates and the proceedings of the committee are confidential.

The members of the committee receive no remuneration except in the cases and on the conditions that may be determined by the Government. They are, however, entitled to the reimbursement of expenses to the extent determined by the Government.

4. The Director is appointed for a non-renewable seven-year term. At the expiry of the term, the Director remains in office until replaced. The Director may resign at any time by giving written notice to the Minister of Justice.

5. On the recommendation of the Minister of Justice, the Government appoints a Deputy Director from among criminal and penal prosecuting attorneys with at least ten years' practice as advocates. The Government also determines the length of the Deputy Director's term, which may not be shorter than five years nor longer than seven.

The person recommended must be chosen from a list of persons declared qualified to hold the office by a selection committee formed for that purpose and made up of the Deputy Minister of Justice, a person recommended by the Bâtonnier of the Province of Québec and the Director, following the issue of a notice inviting criminal and penal prosecuting attorneys to apply.

The Deputy Director may resign at any time by giving written notice to the Director. At the expiry of the term, the Deputy Director remains in office until replaced.

6. The Director and the Deputy Director cannot be dismissed or suspended without remuneration by the Government except for cause, on the recommendation of the Minister after receiving a report from the Commission de la fonction publique. The suspension may not exceed three months.

In an urgent situation requiring prompt intervention, or in a presumed case of serious fault, the Minister may provisionally relieve the Director or the Deputy Director from their duties with remuneration.

7. The Government determines the remuneration, employment benefits and other conditions of employment of the Director and the Deputy Director on the recommendation of the Minister of Justice; their remuneration, once set, cannot be reduced.

8. Before entering office, the Director and the Deputy Director take the oath provided in Schedule 1 before the chief judge of the Court of Québec.

9. The Director defines the duties of the Deputy Director. If the Director is absent or unable to act or if the position of Director is vacant, the Deputy Director replaces the Director.

If the Deputy Director is absent or unable to act, the Government appoints a person to replace the Deputy Director for as long as the latter is absent or unable to act, and determines the person's remuneration. The replacement may not exceed six months.

10. The Director and the Deputy Director must exercise their functions on a full-time basis.

They may not engage in any partisan political activity.

11. An act, document or writing is binding on or may be attributed to the Director only if it is signed by the Director or by the Deputy Director or, to the extent provided in the delegation of signature instrument, by a member of the Director's personnel. The delegation instrument must be published in the *Gazette officielle du Québec* but takes effect upon its signing by the Director.

In any civil or penal proceedings, any document purporting to be signed by the Director or Deputy Director is evidence of its contents and of the capacity of the signatory, in the absence of proof to the contrary.

12. The Director is the chief executive officer of an agency.

The head office of the Director is in the territory of Ville de Québec. A notice of the location of the head office is published in the *Gazette officielle du Québec*.

CHAPTER II

FUNCTIONS AND POWERS OF DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

13. The Director has the following functions:

(1) to act as prosecutor in proceedings under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46), the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1) or any other federal Act or rule of law in respect of which the Attorney General of Québec has the authority to act as prosecutor;

(2) to act as prosecutor in proceedings under the Code of Penal Procedure (R.S.Q., chapter C-25.1).

The Director also exercises any other function appropriate to the Director's mission, including authorizing a prosecution, instituting an appeal and intervening in proceedings to which the Director is not a party if, in the

Director's opinion, it is required in the interests of justice. Finally, the Director exercises any other function conferred on the Director by the Attorney General or the Minister of Justice.

14. When seized of a case, the Director carries out on behalf of the Attorney General the responsibilities conferred on the latter by the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) regarding the custody and management of property seized, restrained or forfeited pursuant to federal legislation. The Director also carries out the responsibilities conferred on the Attorney General by that Act regarding the disposition of such property, to the extent specified by the Attorney General.

Subject to the rules set out in an order of seizure or restraint, the Director, in carrying out these responsibilities, acts as administrator of the property of others entrusted with full administration; however, the Director must comply with any directions given by the Minister of Justice or the Attorney General as beneficiary of the administration, regarding such matters as the intervals at which remittance of the sums administered by the Director must be made to the Minister of Justice or Attorney General, and rendering of account by the Director.

15. The Director must

(1) inform the Attorney General, as soon as possible, of any appeal brought before the Supreme Court of Canada and of any appeal brought before the Court of Appeal when the appeal raises questions of general interest beyond the scope of those usually raised in criminal and penal prosecutions;

(2) inform the Attorney General, as soon as possible, of any case that could raise questions of general interest or require the intervention of the Minister of Justice or Attorney General; and

(3) when constitutional questions are raised before the courts, see to it that the provisions of articles 95 and 95.1 of the Code of Civil Procedure (R.S.Q., chapter C-25) are respected.

The Director must also, in criminal and penal proceedings, take the measures needed to ensure that the legitimate interests of crime victims are taken into account and that witnesses are respected and protected.

16. The Director may delegate to one or more persons under the Director's authority a function essential to the carrying out of the Director's responsibilities; these persons act under the Director's supervision.

However, the Director may not delegate the powers of the Deputy Attorney General under the Criminal Code, which powers may be exercised by the Deputy Director when replacing the Director.

17. The Director may participate in the inquiries held by a coroner or fire investigation commissioner and by a person vested with the powers of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37) at their request. The Director may also intervene on the Director's own initiative.

18. The Director issues instructions with respect to criminal and penal prosecutions for the benefit of the prosecutors under the Director's authority. The instructions must incorporate the policies and measures established by the Minister of Justice, and the Director ensures that they are accessible to the public.

These instructions apply, with the necessary modifications determined after taking into account the opinion of designated prosecutors, including municipalities, to any attorney acting for the prosecution in criminal or penal proceedings, including before municipal courts. The Director publishes a notice in the *Gazette officielle du Québec* indicating the date as of which an instruction applies to one or more designated prosecutors. Subsequently, if the Director must intervene in criminal or penal proceedings because the instructions were not complied with, the prosecutor concerned must assume the costs.

The Director supervises proceedings instituted by private prosecutors and, if the interests of justice so require, acts as advisor, intervenes, conducts the proceedings or terminates them.

19. At the request of the Attorney General, the Director provides expertise on the administration of the Acts within the Director's jurisdiction, in particular by issuing advisory opinions.

The Director may submit recommendations to the Attorney General regarding the administration of those Acts.

20. The Director may advise peace officers and persons entrusted with law enforcement on all aspects of an investigation or criminal or penal proceedings. The Director may require such peace officers or persons to conduct further investigation into cases referred to the Director.

The Director may also bring to the attention of the Deputy Minister of Public Security any situation which, in the Director's opinion, requires a police investigation.

21. The Director may, in accordance with the applicable legislative provisions, enter into an agreement with holders of similar positions with the federal government or with a provincial or territorial government, particularly to provide that a party to the agreement may act as prosecutor in certain prosecutions.

The Director may also enter into an agreement with government departments, or, with the Minister's authorization, with municipalities, bodies or persons having the power to institute criminal or penal proceedings, to provide that the Director will act in their name as prosecutor. The Director may also enter into a service agreement in any area to facilitate the exercise of the Director's functions or to provide them with a product or service related to the Director's expertise, provided this does not interfere with the Director's functions.

22. The policies developed and the measures implemented by the Minister of Justice concerning the general conduct of criminal and penal proceedings must be aimed particularly at ensuring that the legitimate interests of the victims of crime are taken into account, that witnesses are respected and protected, that criminal and penal prosecuting attorneys are present and assigned throughout the territory of Québec, that certain types of proceedings are processed and that non-judicial approaches or alternatives to prosecution are applied.

The policies and measures are published by the Minister of Justice in the *Gazette officielle du Québec* and are brought to the Director's attention.

The Minister of Justice may ask the Director for any information needed to carry out this responsibility.

23. When a matter comes under the Director's responsibility, the Attorney General may only take charge of the matter or give instructions on its conduct after consulting the Director.

In such a case, the Attorney General is required to give the Director a notice of intent to take charge of the matter or instructions on the conduct of the matter, and publish the notice of intent or instructions in the *Gazette officielle du Québec* without delay. Publication may be delayed, however, if the Director considers that it may undermine the interests of justice or public policy.

The Director is required to turn the matter over to the Attorney General or act on the Attorney General's instructions and to provide any information the Attorney General requires within the time specified.

24. When, in the Attorney General's opinion, proceedings raise questions of public interest beyond the scope of those usually raised in criminal and penal prosecutions, the Attorney General may, after notifying the Director, intervene in first instance or in appeal without further formality.

CHAPTER III

DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS PERSONNEL

DIVISION I

CRIMINAL AND PENAL PROSECUTING ATTORNEYS

§1. — *Appointment and functions*

25. The Director appoints criminal and penal prosecuting attorneys in accordance with this Act from among advocates authorized by law to practise in Québec, who are empowered to represent the Director in the exercise of the functions of office.

Criminal and penal prosecuting attorneys perform, under the Director's authority, the duties and functions determined by the Director. When acting as prosecutors, they are deemed to be authorized to act in the Director's name and are not required to prove such authorization.

Before entering office, criminal and penal prosecuting attorneys must take the oath provided in Schedule 2 before the Director or the Deputy Director.

Except where inconsistent with the provisions of this Act, the Public Service Act (R.S.Q., chapter F-3.1.1) applies to criminal and penal prosecuting attorneys. The provisions of that Act concerning standards of ethics and discipline also apply to casual attorneys.

26. The Director may appoint, from among criminal and penal prosecuting attorneys, one or more chief attorneys and assistant chief attorneys. The Director determines their duties and functions in addition to those which they must perform as attorneys.

The Government may, by an order made on the recommendation of the Director, determine the rules, standards and scales applicable to the appointment, remuneration, employment benefits and other conditions of employment of chief attorneys and assistant chief attorneys.

27. A criminal and penal prosecuting attorney must attend exclusively to the duties of office and may not hold any other function, office or employment unless so authorized by the Director. A criminal and penal prosecuting attorney thus authorized to work for the Ministère de la Justice or another department, a body or a third party retains the status of criminal and penal prosecuting attorney, regardless of the nature of the function, office or employment held or, if applicable, of the conditions and term of the service agreement.

28. The Director may specially appoint any advocate authorized by law to practise in Québec to represent the Director before the courts of criminal or penal jurisdiction.

Persons appointed under the first paragraph are deemed to be criminal and penal prosecuting attorneys, but only for the purposes of the mandate given to them.

§2. — *Exercise of certain political activities*

29. No criminal and penal prosecuting attorney may, while holding that status, be a candidate in a federal, provincial, municipal or school election.

Nor may a criminal and penal prosecuting attorney be a member of a political party, pay a contribution to a political party, to a political party authority or to a candidate in such an election or engage in other political partisan activity in favour of or against a political party or a candidate in such an election. A criminal and penal prosecuting attorney may, however, attend a political rally.

30. A criminal and penal prosecuting attorney who intends to engage in a political activity must inform the Director without delay. After consultation with the attorney concerned, the Director or a person so authorized in writing by the Director reclassifies the attorney to a class of positions in the public service for which the minimum conditions of eligibility are equivalent to those of the class to which the attorney belongs and for which the salary level is substantially equivalent. Reclassification must be effected as soon as possible, in time to enable the person reclassified to engage in the political activity. Upon reclassification, the person may engage in the political activity.

If the attorney fails to inform the Director, the Director reclassifies the attorney as soon as the Director becomes aware that the attorney has engaged in a political activity.

A reclassification may not entail a reduction in the regular salary or employment benefits to which the attorney was entitled prior to reclassification.

31. Nothing prevents a person who has been reclassified and who no longer engages in political activities from applying for a position as criminal and penal prosecuting attorney.

DIVISION II

OTHER DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS PERSONNEL

32. The personnel of the Director of Criminal and Penal Prosecutions, other than the criminal and penal prosecuting attorneys, are appointed in accordance with the Public Service Act.

CHAPTER IV

FINANCIAL PROVISIONS, ACCOUNTS AND REPORTS

33. At least once a year, the Director submits budgetary estimates for the next fiscal year to the Minister of Justice; the form and content of the estimates and the submission schedule are determined by the Minister.

34. The fiscal year of the Director ends on 31 March.

35. Sections 30 and 31 of the Financial Administration Act (R.S.Q., chapter A-6.001) do not apply to the appropriations granted for the administration of this Act.

36. Not later than 31 July each year, the Director submits the Director's annual management report to the Minister of Justice, who lays it before the National Assembly.

The report must contain all information required by the Minister and give an account of the policies and measures established by the Attorney General and the notices of intent and instructions received from the Attorney General under sections 22 and 23.

CHAPTER V

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

37. Section 59 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by replacing "Attorney General" in the third line of subparagraph 1 of the second paragraph by "Director of Criminal and Penal Prosecutions".

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

38. Section 429.24 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is replaced by the following section:

"429.24. The rules pertaining to the notices provided for in article 95 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to applications submitted to the Commission des lésions professionnelles."

FINANCIAL ADMINISTRATION ACT

39. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting “Director of Criminal and Penal Prosecutions” in alphabetical order.

ACT RESPECTING PREARRANGED FUNERAL SERVICES AND SEPULTURES

40. Section 80 of the Act respecting prearranged funeral services and sepultures (R.S.Q., chapter A-23.001) is amended by replacing “instituting” in the third line of the first paragraph by “the Director of Criminal and Penal Prosecutions has instituted”.

CHARTER OF THE FRENCH LANGUAGE

41. Section 207 of the Charter of the French language (R.S.Q., chapter C-11) is replaced by the following section:

“207. The Attorney General, the Director of Criminal and Penal Prosecutions or a person either of them has authorized shall institute penal prosecutions under this Act. The Attorney General shall bring all other proceedings necessary for the enforcement of this Act.”

CHARTER OF HUMAN RIGHTS AND FREEDOMS

42. Section 71 of the Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by adding “and to the Director of Criminal and Penal Prosecutions” at the end of subparagraph 9 of the second paragraph.

CODE OF CIVIL PROCEDURE

43. Article 95 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended

(1) by inserting the following paragraph after the first paragraph:

“Such notice is also required when a person sues the State or the Public Administration for compensation for a violation or negation of the person’s fundamental rights and freedoms under the Charter of human rights and freedoms or the Canadian charter of rights and freedoms.”;

(2) by replacing the second paragraph by the following paragraph:

“The notice shall set forth, in a precise manner, the nature of the pretensions and the grounds relied upon. It is to be accompanied with a copy of the proceedings and served by the person who intends to raise the question not later than 30 days before the date of the hearing. Only the Attorney General may waive such notice.”;

(3) by replacing the last paragraph by the following paragraphs:

“No application may be determined by the court unless the notice has been validly given, and the court shall adjudicate only upon the grounds set forth in the notice.

The notices referred to in this article are also served on the Attorney General of Canada when the provision concerned comes under federal jurisdiction. They are also served on the Director of Criminal and Penal Prosecutions when the provision relates to a criminal or penal matter.”

44. The Code is amended by inserting the following article after article 95:

“95.1. In criminal or penal matters, the notice referred to in the second paragraph of article 95 is not required when the compensation sought relates to the disclosure or exclusion of evidence or the period of time elapsed since the accusation, or in the cases determined by order of the Minister of Justice published in the *Gazette officielle du Québec*.

In all other cases, the notice must be served at least 10 days before the date the application for compensation is heard. Otherwise, the court orders the notice to be served and postpones the hearing, unless the Attorney General waives such notice or shortens the period of notice because the court judges it necessary to prevent irreparable harm to the person applying for compensation or a third party.”

CODE OF PENAL PROCEDURE

45. Article 9 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by inserting the following paragraph after paragraph 1:

“(1.1) the Director of Criminal and Penal Prosecutions;”.

46. Article 11 of the Code is amended

(1) by replacing the first line of the first paragraph by the following:

“11. The Attorney General or the Director of Criminal and Penal Prosecutions may”;

(2) by inserting “or of the Director of Criminal and Penal Prosecutions” after “Attorney General” in the second line of the second paragraph.

47. Article 34 of the Code is replaced by the following article:

“34. When a question referred to in articles 95 and 95.1 of the Code of Civil Procedure (chapter C-25) arises, the notice periods prescribed in those articles may not operate to delay the release of the defendant or a witness.”

48. Article 70 of the Code is amended

(1) by replacing “Attorney General’s prosecutor” in the first line of the first paragraph by “criminal and penal prosecuting attorney”;

(2) by replacing “his name” in the second line of the first paragraph by “the name of the Director of Criminal and Penal Prosecutions”;

(3) by inserting “or by the Director of Criminal and Penal Prosecutions” after “Attorney General” in the first line of the second paragraph.

49. Article 70.1 of the Code is amended by replacing “Attorney General’s prosecutor” in the first line by “Director of Criminal and Penal Prosecutions or a criminal and penal prosecuting attorney”.

50. Article 291 of the Code is amended by replacing the words that precede “sufficient interest” by “The appellant or respondent in Superior Court and, even if they were not parties to the proceedings, the Attorney General and the Director of Criminal and Penal Prosecutions may, if they show”.

LABOUR CODE

51. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing subparagraph 4 of paragraph 1 by the following subparagraph:

“(4) a criminal and penal prosecuting attorney”.

52. Schedule I to the Code is amended by replacing “Act respecting Attorney General’s prosecutors” in paragraph 26 by “Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys”.

**ACT RESPECTING ELECTIONS AND REFERENDUMS
IN MUNICIPALITIES**

53. Section 62 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended

(1) by replacing paragraph 6 by the following paragraph:

“(6) criminal and penal prosecuting attorneys”;

(2) by adding the following paragraph after paragraph 7:

“(8) the Director of Criminal and Penal Prosecutions.”

PUBLIC SERVICE ACT

54. Section 115 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended by adding the following subparagraph after subparagraph 2 of the first paragraph:

“(3) report to the Minister of Justice, after conducting an inquiry, on whether there is sufficient cause to dismiss the Director of Criminal and Penal Prosecutions or the Deputy Director of Criminal and Penal Prosecutions or suspend the Director or Deputy Director without remuneration as provided for in section 6 of the Act respecting the Director of Criminal and Penal Prosecutions (2005, chapter 34).”

ACT RESPECTING ADMINISTRATIVE JUSTICE

55. Section 112 of the Act respecting administrative justice (R.S.Q., chapter J-3) is replaced by the following section:

“**112.** The rules pertaining to the notices provided for in article 95 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to motions presented before the Tribunal.”

ACT TO ENSURE THAT ESSENTIAL SERVICES ARE MAINTAINED IN THE HEALTH AND SOCIAL SERVICES SECTOR

56. Section 17 of the Act to ensure that essential services are maintained in the health and social services sector (R.S.Q., chapter M-1.1) is amended by replacing “or by a person generally or specially authorized by him” by “, the Director of Criminal and Penal Prosecutions or a person either of them has generally or specially authorized”.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

57. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), amended by section 42 of chapter 24 of the statutes of 2005, is again amended

(1) by replacing the first line and paragraph *a* by the following:

“**3.** The Minister of Justice is the legal adviser of the Lieutenant-Governor and the legal member of the Conseil exécutif du Québec.

The Minister:

(*a*) is responsible for establishing the public policy of the State in justice matters;”;

(2) by inserting the following paragraph after paragraph *c*:

“(c.1) develops policies and implements measures with regard to criminal and penal matters;”.

58. Section 4 of the Act is amended

(1) by replacing paragraph *b.1* by the following paragraph:

“(b.1) may, in accordance with the law, act in penal matters to see to the enforcement of the laws and regulations of Québec; the Attorney General may also, in that respect, authorize a person in writing to act on behalf of the Attorney General;”;

(2) by striking out “, in particular, by his action before the courts,” in paragraph *c*.

59. Section 6 of the Act is amended by adding “, except where criminal and penal prosecutions are concerned” at the end of subsection 2.

ACT RESPECTING THE MINISTÈRE DU REVENU

60. Section 69.0.0.13 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing “or to the Attorney General” in the third line of the first paragraph by “, to the Attorney General or to the Director of Criminal and Penal Prosecutions”.

61. Section 69.0.2 of the Act is amended by replacing “Attorney General’s prosecutor” in the second line of the third paragraph by “Director of Criminal and Penal Prosecutions”.

YOUTH PROTECTION ACT

62. Section 81 of the Youth Protection Act (R.S.Q., chapter P-34.1) is amended by replacing “or the Attorney General” in the first line of the second paragraph by “, the Attorney General or the Director of Criminal and Penal Prosecutions”.

63. Section 96 of the Act is amended by replacing subparagraph *c* of the first paragraph by the following subparagraphs:

“(c) the advocates of the parties;

“(c.1) the Attorney General, the Director of Criminal and Penal Prosecutions or a person either of them has authorized;”.

64. Section 101 of the Act is amended by inserting “, the Director of Criminal and Penal Prosecutions” after “Attorney General” in the second line.

CONSUMER PROTECTION ACT

65. Section 290 of the Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by replacing “instituting” in the second line of the first paragraph by “the Director of Criminal and Penal Prosecutions has instituted”.

ACT RESPECTING THE DETERMINATION OF THE CAUSES AND CIRCUMSTANCES OF DEATH

66. Section 99 of the Act respecting the determination of the causes and circumstances of death (R.S.Q., chapter R-0.2) is amended by replacing “Attorney General’s prosecutor for the judicial district where the dead body was found” by “Director of Criminal and Penal Prosecutions”.

67. Section 131 of the Act is amended by replacing “an Attorney General’s prosecutor” by “the Director of Criminal and Penal Prosecutions”.

68. Section 135 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) to the Director of Criminal and Penal Prosecutions or to the advocate designated by the Attorney General to represent the Attorney General;”.

69. Section 150 of the Act is amended by replacing “Attorney General’s prosecutor” by “Director of Criminal and Penal Prosecutions”.

70. Section 151 of the Act is amended by replacing “Attorney General’s prosecutor” by “Director of Criminal and Penal Prosecutions”.

71. Section 152 of the Act is amended by replacing “Attorney General’s prosecutor” by “Director of Criminal and Penal Prosecutions”.

72. Section 153 of the Act is amended by replacing “Attorney General’s Prosecutor” by “Director of Criminal and Penal Prosecutions”.

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

73. Section 63 of the Act respecting the collection of certain debts (R.S.Q., chapter R-2.2) is amended by replacing “instituting” in the second line of the first paragraph by “the Director of Criminal and Penal Prosecutions has instituted”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

74. Section 19.2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing “An Attorney General’s prosecutor” by “A criminal and penal prosecuting attorney”.

75. Division I of Schedule I to the Act is amended by replacing “Attorney General’s Prosecutor” in paragraph 2 of section 2 by “criminal and penal prosecuting attorney”.

ACT RESPECTING ATTORNEY GENERAL’S PROSECUTORS

76. The title of the Act respecting Attorney General’s prosecutors (R.S.Q., chapter S-35) is replaced by the following title:

“ACT RESPECTING THE COLLECTIVE BARGAINING PLAN
OF CRIMINAL AND PENAL PROSECUTING ATTORNEYS”.

77. Divisions I and II of the Act, which comprise sections 1 to 9 and 9.1 to 9.11, are repealed.

78. The heading of Division III of the Act is replaced by the following heading:

“PROVISIONS RESPECTING THE COLLECTIVE BARGAINING
PLAN”.

79. Section 10 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“**10.** The Director of Criminal and Penal Prosecutions shall recognize as the exclusive representative of all criminal and penal prosecuting attorneys appointed under section 25 of the Act respecting the Director of Criminal and Penal Prosecutions (2005, chapter 34) for labour relations purposes, an association comprising more than half of those attorneys, except chief attorneys, assistant chief attorneys and attorneys the Director of Criminal and Penal Prosecutions considers appropriate to exclude owing to their confidential functions related to labour relations.”;

(2) by replacing “Attorney General or an association of prosecutors” in the first line of the second paragraph by “Director or an association of attorneys”;

(3) by replacing “Attorney General” in the first line of the third paragraph by “Director”.

80. Section 12 of the Act is amended

(1) by replacing “Attorney General” in the first line of the first paragraph by “Director”;

(2) by replacing “prosecutors” in the last line of the first paragraph by “attorneys”;

(3) by replacing “Minister of Justice, the Deputy Minister of Justice or the latter’s” in the second line of the second paragraph by “Director or the Director’s”;

(4) by replacing “a prosecutor” in subparagraph 1 of the second paragraph by “an attorney”.

81. Section 18 of the Act is amended

(1) by replacing “Attorney General” in the second line by “Director”;

(2) by replacing “prosecutors” in the fourth line by “attorneys”.

82. The Schedule to the Act is repealed.

83. In all other sections of the Act, the words “prosecutor”, “prosecutors”, “chief prosecutors” and “assistant chief prosecutors” are replaced by the words “attorney”, “attorneys”, “chief attorneys” and “assistant chief attorneys”.

LOBBYING TRANSPARENCY AND ETHICS ACT

84. Section 43 of the Lobbying Transparency and Ethics Act (R.S.Q., chapter T-11.011) is amended by replacing “Attorney General” at the end by “Director of Criminal and Penal Prosecutions”.

85. The term “Attorney General” is replaced by the term “Director of Criminal and Penal Prosecutions” everywhere it appears in the following provisions:

(1) sections 177 and 208.2 of the Charter of the French language (R.S.Q., chapter C-11);

(2) sections 112, 587.1 and 594 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(3) articles 10, 301 and 311 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(4) section 22.1 of the Master Electricians Act (R.S.Q., chapter M-3);

(5) section 21.1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4);

(6) sections 178 and 288 of the Police Act (R.S.Q., chapter P-13.1);

(7) sections 72.6 and 72.7 of the Youth Protection Act (R.S.Q., chapter P-34.1);

(8) section 18 of the Act respecting the protection of personal information in the private sector (R.S.Q., chapter P-39.1);

(9) section 123.4.3 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

(10) sections 108, 113, 119, 120 and 130 of the Fire Safety Act (R.S.Q., chapter S-3.4); and

(11) section 125 of the Act respecting transportation services by taxi (R.S.Q., chapter S-6.01).

86. Depending on the context, the expressions “or the Director of Criminal and Penal Prosecutions”, “or by the Director of Criminal and Penal Prosecutions”, “or of the Director of Criminal and Penal Prosecutions”, or “or to the Director of Criminal and Penal Prosecutions” are inserted after “Attorney General” in the following provisions:

(1) section 474 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

(2) articles 69, 268, 278, 299 and 366 of the Code of Penal Procedure (R.S.Q., chapter C-25.1);

(3) sections 280 and 460 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);

(4) sections 72.1, 72.2 and 72.3 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31); and

(5) section 246 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1).

87. Unless the context requires otherwise and with the necessary modifications, in any other Act or in any document,

(1) a reference to any of sections 1 to 9.11 of the Act respecting Attorney General’s prosecutors (R.S.Q., chapter S-35) is a reference to the corresponding provision of this Act;

(2) a reference to any provision of the Act respecting Attorney General’s prosecutors, other than those referred to in paragraph 1, is a reference to the corresponding provision of the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys;

(3) a reference to the Act respecting Attorney General’s prosecutors is, according to the subject matter, a reference to this Act or to the Act respecting the collective bargaining plan of criminal and penal prosecuting attorneys; and

(4) the terms “Attorney General’s prosecutor”, “chief prosecutor” and “assistant chief prosecutor” and the word “prosecutor”, when it means “Attorney General’s prosecutor”, become, respectively, “criminal and penal prosecuting attorney”, “chief attorney”, “assistant chief attorney” and “attorney”.

88. The orders determining the rules, standards and scales applicable to the appointment, remuneration, employment benefits and other conditions of employment applicable to chief Attorney General’s prosecutors and assistant chief Attorney General’s prosecutors that are in force when this Act comes into force remain in force as regards chief attorneys and assistant chief attorneys.

89. Despite sections 2 and 4, the associate deputy minister for public prosecutions at the Ministère de la Justice in office on (*insert the date preceding the date of coming into force of this section*) becomes the Director of Criminal and Penal Prosecutions and acts as such until 1 January 2008 or, after that date, until a Director is appointed in accordance with this Act.

90. An Attorney General’s prosecutor appointed under section 1 of the Act respecting Attorney General’s prosecutors (R.S.Q., chapter S-35) in office on (*insert the date preceding the date of coming into force of this section*) is deemed to have been appointed a criminal and penal prosecuting attorney under section 25 of this Act.

A person authorized under paragraph *b.1* of section 4 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19) is deemed authorized under section 16 of this Act.

A person designated under section 9 of the Act respecting Attorney General’s prosecutors is deemed designated under section 28 of this Act.

91. Employees of the Ministère de la Justice who, on (*insert the date preceding the date of coming into force of this section*), are assigned to the functions devolved upon the Director of Criminal and Penal Prosecutions under this Act become, without further formality, employees of the Director.

92. The Director of Criminal and Penal Prosecutions, when replacing the Attorney General, the Deputy Attorney General or the Deputy Minister of Justice in criminal and penal matters or in matters related to the administration of this Act, acquires the rights and assumes the obligations of the Attorney General.

93. Any criminal or penal proceedings to which the Attorney General is a party are continued by the Director of Criminal and Penal Prosecutions without further formality.

94. The Minister of Justice is responsible for the administration of this Act.

95. The provisions of this Act come into force on the date or dates to be set by the Government.

SCHEDULE 1

(Section 8)

I declare under oath that I will fulfill the duties of the office of Director of Criminal and Penal Prosecutions (or Deputy Director of Criminal and Penal Prosecutions) honestly, objectively, impartially and justly and that I will not accept any money or benefit for what I have done or may do in the discharge of my duties of office other than what is allowed me according to law.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the discharge of my duties.

(Signature)

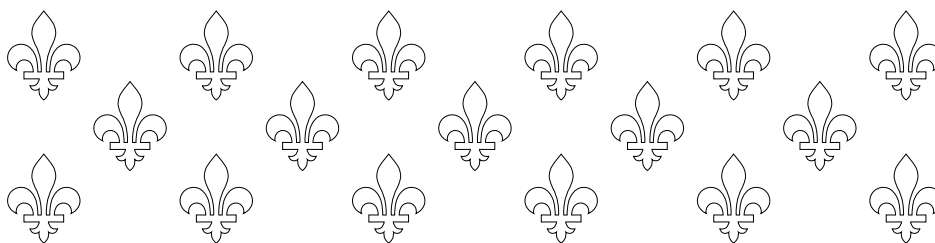
SCHEDULE 2

(Section 25)

I declare under oath that I will fulfill the duties of the office of criminal and penal prosecuting attorney honestly, objectively, impartially and justly and that I will not accept any money or benefit for what I have done or may do in the discharge of my duties of office other than what is allowed me according to law.

I further declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge in or in connection with the discharge of my duties.

(Signature)



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 127
(2005, chapter 35)

**An Act to amend the Act respecting
financial services cooperatives and
the Act respecting the Mouvement
Desjardins**

**Introduced 3 November 2005
Passage in principle 17 November 2005
Passage 2 December 2005
Assented to 6 December 2005**

**Québec Official Publisher
2005**

EXPLANATORY NOTES

This bill amends the Act respecting financial services cooperatives to redefine the functions of the board of audit and ethics of a credit union, focusing them on the supervision of the ethics, professional conduct and cooperative activity of the credit union. To that end, the name “board of audit and ethics” is replaced by “board of supervision”. The bill also provides that the board of directors of a credit union must constitute an audit committee whose functions are determined by the Act.

Under the bill, a financial services cooperative may determine the procedures applicable to members’ rights during a meeting and the conditions governing advance polls.

In addition, the bill introduces changes enabling a financial services cooperative to use a name outside Québec that is different from that currently used.

Lastly, the bill contains consequential amendments to the Act respecting financial services cooperatives and the Act respecting the Mouvement Desjardins.

Bill 127

AN ACT TO AMEND THE ACT RESPECTING FINANCIAL SERVICES COOPERATIVES AND THE ACT RESPECTING THE MOUVEMENT DESJARDINS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 5 of the Act respecting financial services cooperatives (R.S.Q., chapter C-67.3) is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) to promote economic and social education and education in the cooperative field.”

2. Section 18 of the Act is amended

(1) by replacing “words “credit union” or” in the fourth paragraph by “word”;

(2) by adding the following paragraph at the end:

“Despite the first and second paragraphs, the name under which a financial services cooperative may identify itself in a language other than French when using that name outside Québec or on its instruments, invoices or goods or services purchase orders or in its contracts to be used outside Québec may contain solely a distinctive name and an expression describing its activities. It may also contain any expression authorized under this Act.”

3. Section 101 of the Act is amended by inserting “and professional conduct” after “ethics” in the third line of the second paragraph.

4. Section 124 of the Act is amended

(1) by replacing “rules adopted by the board of ethics” in the first paragraph by “rules of ethics and professional conduct adopted by the board of ethics and professional conduct” and by replacing “board of audit and ethics” in that paragraph by “board of supervision”;

(2) by replacing “rules adopted by the board of ethics” in the second paragraph by “rules of ethics and professional conduct adopted by the board of ethics and professional conduct”.

5. Section 130 of the Act is amended by inserting “and professional conduct” after “ethics” in the first and second paragraphs.

6. Section 131.4 of the Act is amended by replacing “258” in the first paragraph by “243.1”.

7. The Act is amended by inserting the following section after section 217:

“217.1. If authorized by the by-laws of the credit union, the board of directors may establish the terms and conditions under which members may participate in a meeting by means of communications equipment enabling them to communicate with each other instantaneously and vote, provided that equipment is authorized by the federation.

If authorized by the by-laws of the credit union, the board of directors may also establish the terms and conditions governing advance polling in the context of a decision to be made or an election to be held at a meeting.”

8. Section 243 of the Act is amended

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

“(1) ensure that the operations of the credit union and the credit union itself are in compliance with the applicable Acts, regulations, standards, rules of ethics and professional conduct, orders and written instructions;”;

(2) by inserting “ensure that the credit union adheres to sound and prudent management practices and,” before “where” in paragraph 2;

(3) by replacing “board of audit and ethics” in paragraph 3 by “board of supervision”;

(4) by adding the following paragraphs at the end:

“(12) ensure that the internal affairs and the activities of the credit union are inspected in accordance with this Act; and

“(13) ensure that the executive committee, the audit committee and the special committees of the credit union act in accordance with their powers and duties and with any applicable Acts, regulations, standards and rules of ethics and professional conduct.”

9. The Act is amended by inserting the following section after section 243:

“243.1. The board of directors shall also receive complaints from members, inform the board of supervision when a complaint has to do with the rules of ethics or professional conduct, and reply to the complainant.

A complainant who is not satisfied with the board's reply may file a complaint with the federation.

The federation may make recommendations to the credit union in connection with a complaint filed with it."

10. The Act is amended by inserting the following section after section 253:

"253.1. The board of directors shall also establish an audit committee made up of at least three board members, excluding the director general of the credit union.

The functions of the audit committee are:

(1) to examine the reports of the federation's inspection and audit services and report to the board of directors;

(2) to follow up its recommendations and the implementation of measures taken under paragraph 1;

(3) to examine the audited annual financial statements and recommend their adoption by the board of directors.

The committee may also exercise any other function determined by the board of directors.

The committee is authorized to use any information relevant to the performance of its duties. For that purpose, section 263 applies to the audit committee."

11. Section 255 of the Act is amended by inserting "and professional conduct" after "ethics" in the second paragraph.

12. Section 257 of the Act is replaced by the following section:

"257. The function of the board of supervision is to oversee the operations of the credit union from an ethical, professional and cooperative point of view.

The board of supervision shall, in particular,

(1) ensure that the rules of ethics and professional conduct adopted by the board of ethics and professional conduct of the federation or, where the credit union is not a member of a federation, by the board of supervision itself, are observed;

(2) ensure that the credit union officers carry out their responsibilities properly;

(3) ensure that the rights of the members are respected;

(4) ensure that the credit union promotes economic and social education and education in the cooperative field;

(5) ensure that the credit union promotes cooperation between its members, between its members and the credit union and between the credit union and other cooperative bodies;

(6) ensure that the credit union's commitment to the community is carried out efficiently and in conformity with its cooperative values;

(7) ensure that cooperative values are integrated into the credit union's management and commercial practices;

(8) ensure that the admission of members and the suspension or expulsion of members are in compliance with the applicable legislative provisions and the by-laws of the credit union."

13. Section 258 of the Act is repealed.

14. Section 259 of the Act is amended

(1) by replacing "board of audit and ethics" in the first and second paragraphs by "board of supervision";

(2) by replacing "board of ethics" in the first paragraph by "board of ethics and professional conduct";

(3) by inserting "of ethics and professional conduct" after "rules" in the first line of the second paragraph.

15. The Act is amended by inserting the following section after section 260:

"260.1. The credit union may, by by-law, divide its members into groups and grant each group the right to elect a specified number of members of the board of supervision.

No member of the board of supervision thus elected shall be dismissed except by the members of the credit union who have the right to elect that member.

The by-laws of the credit union may also prescribe the number of members of the board of supervision elected by the members of such a group."

16. Section 266 of the Act is amended

(1) by replacing "board of audit and ethics" in the first paragraph by "board of supervision";

(2) by replacing “board of ethics” in the second paragraph by “board of ethics and professional conduct” and by striking out the last sentence of that paragraph;

(3) by replacing “board of ethics” in the third paragraph by “board of ethics and professional conduct” and by inserting “and professional conduct” after “rules of ethics” in that paragraph.

17. Section 267 of the Act is amended by replacing “rule of ethics, the board of audit and ethics” in the second line by “rule of ethics and professional conduct, the board of supervision” and by inserting “and professional conduct” after “rules of ethics” in the fourth line.

18. Section 268 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“268. The board of supervision shall notify the board of directors and the federation immediately, in writing, if it believes that the credit union is contravening a rule of ethics or professional conduct.”;

(2) by replacing “board of audit and ethics” in the second paragraph by “board of supervision”.

19. Section 270 of the Act is amended

(1) by replacing “board of audit and ethics” in the first paragraph by “board of supervision”;

(2) by replacing “rules of ethics and standards” in the second paragraph by “rules of ethics and professional conduct”.

20. The Act is amended by inserting the following section after section 294:

“294.1. If authorized by the by-laws of the federation, the board of directors may establish the terms and conditions under which members may participate in a meeting by means of communications equipment enabling them to communicate with each other instantaneously and vote.

If authorized by the by-laws of the federation, the board of directors may also establish the terms and conditions governing advance polling in the context of a decision to be made or an election to be held at a meeting.”

21. Section 325 of the Act is amended

(1) by inserting “and professional conduct” after “ethics” in paragraph 1;

(2) by replacing “board of ethics” in paragraph 3 by “board of ethics and professional conduct”.

22. Section 336 of the Act is amended

- (1) by replacing “board of audit and ethics” in the second line by “board of supervision”;
- (2) by inserting “or professional conduct” after “ethics” in the third line;
- (3) by inserting “and professional conduct” after “rules of ethics” in the fourth line.

23. Section 343 of the Act is amended by inserting “and professional conduct” after “ethics” in the second paragraph.**24.** Section 345 of the Act is amended

- (1) by replacing “board of ethics” in the first line by “board of ethics and professional conduct”;
- (2) by inserting “of ethics and professional conduct” after “rules” in paragraph 2;
- (3) by replacing “board of audit and ethics” in paragraph 3 by “board of supervision”;
- (4) by inserting “or professional conduct” after “ethics” in paragraph 4.

25. Section 346 of the Act is amended

- (1) by replacing “board of ethics” in the first and third paragraphs by “board of ethics and professional conduct”;
- (2) by inserting “of ethics and professional conduct” after “rules” in the first paragraph;
- (3) by replacing “board of audit and ethics” in the third paragraph by “board of supervision” and by inserting “or professional conduct” after “ethics” in the fourth line of that paragraph;
- (4) by inserting “and professional conduct” after “rules of ethics” in the fourth paragraph.

26. Section 347 of the Act is amended

- (1) by replacing “The board of ethics shall adopt rules” in the first paragraph by “The board of ethics and professional conduct shall adopt rules of ethics and professional conduct”;

(2) by replacing “board of ethics” in the second paragraph by “board of ethics and professional conduct” and by inserting “and professional conduct” after “rules of ethics” in that paragraph.

27. Section 348 of the Act is amended by replacing “The rules of ethics adopted by the board of ethics” in the first paragraph by “The rules of ethics and professional conduct adopted by the board of ethics and professional conduct”.

28. Section 350 of the Act is amended

(1) by replacing “board of ethics” in the first and second paragraphs by “board of ethics and professional conduct”;

(2) by inserting “or professional conduct” after “ethics” in subparagraph 1 of the first paragraph.

29. Section 353 of the Act is amended

(1) by replacing “board of ethics” in the first paragraph by “board of ethics and professional conduct” and by inserting “and professional conduct” after “matters of ethics” in that paragraph;

(2) by inserting “or professional conduct” after “ethics” in the second paragraph.

30. Section 354 of the Act is amended

(1) by replacing “board of ethics” in the first paragraph by “board of ethics and professional conduct” and by inserting “or professional conduct” after “rules of ethics” in that paragraph;

(2) by replacing “board of ethics” in the second paragraph by “board of ethics and professional conduct” and “board of audit and ethics” in the same paragraph by “board of supervision”.

31. Section 357 of the Act is amended

(1) by replacing “board of ethics” in the first paragraph by “board of ethics and professional conduct”;

(2) by replacing “ethics and” in the second paragraph by “ethics and professional conduct and the applicable”.

32. Section 358 of the Act is amended by replacing “rule of ethics, the board of ethics” by “rule of ethics or professional conduct, the board of ethics and professional conduct”.

33. Section 399 of the Act is amended by replacing “the Authority, the board of directors and the board of audit and ethics of the credit union of the results of the inspection” in the first paragraph by “the Authority and the board of directors of the credit union of the results of the inspection, and the board of supervision in respect of matters under its jurisdiction”.

34. Section 690 of the Act is amended

(1) by replacing “The” by “Notwithstanding the first and second paragraphs of section 18 and section 28, the”;

(2) by adding the following paragraph at the end:

“It may also identify itself under the name “Desjardins Financial Group” in English or under any other name in a language other than French when using that name outside Québec or on its instruments, invoices or goods or services purchase orders or in its contracts to be used outside Québec. It must also notify the Authority of each of the other names.”

35. Sections 36, 37, 92, 106, 112, 119, 125, 126, 132, 152, 200, 217, 220 to 222, 226, the heading of subdivision 3 of Division IV of Chapter VIII, and sections 260 to 265, 269, 271, 335, 369, 377, 393, 400, 403, 404, 557, 569 and 570 of the Act are amended by replacing “board of audit and ethics” wherever it appears by “board of supervision”, with the necessary modifications.

36. Sections 36, 37, 92, 106, 112, 119, 125, 126, 132, 152, 302 to 304, the heading of subdivision 1 of Division III of Chapter IX, sections 308 and 328, the heading of subdivision 3 of Division III of Chapter IX, and sections 349, 351, 352, 355, 356, 359 to 363, 387, 428, 569 and 570 of the Act are amended by replacing “board of ethics” wherever it appears by “board of ethics and professional conduct”, with the necessary modifications.

37. In section 211, paragraph 5 of section 294 and paragraph 8 of section 297, replace everything after “locations,” by “and the communications equipment that may be used to enable participants to communicate with each other instantaneously”, and in the first sentence of section 237 and the first sentence of section 318, replace “of telephone or other communications equipment enabling all participants to hear each other” by “of communications equipment enabling participants to communicate with each other instantaneously”.

38. Section 12 of the Act respecting the Mouvement Desjardins (2000, chapter 77) is amended by replacing “294, 295” by “294 to 295”.

39. Sections 37 to 39 of the Act are amended by replacing “board of ethics” wherever it appears by “board of ethics and professional conduct”.

40. For the purposes of section 253.1 of the Act respecting financial services cooperatives, credit union audit committees must be constituted not later than 1 July 2006.

41. This Act comes into force on 6 December 2005.

Coming into force of Acts

Gouvernement du Québec

O.C. 1295-2005, 21 December 2005

An Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions (2004, c. 25)
— Coming into force

COMING INTO FORCE of the Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions

WHEREAS the Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions (2004, c. 25) was assented to on 14 December 2004;

WHEREAS section 80 of the Act provides that the Act comes into force on the date or dates set by the Government;

WHEREAS it is expedient to set 21 December 2005 as the date of coming into force of section 22 of the Act, except for the amendments in paragraphs 1 and 4 concerning the replacement of the words “the library”;

WHEREAS it is expedient to set 31 January 2006 as the date of coming into force of the other provisions of the Act, except for paragraphs 2 to 4 of section 5 and section 73 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT 21 December 2005 be set as the date of coming into force of section 22 of the Act to amend the Act respecting the Bibliothèque nationale du Québec, the Archives Act and other legislative provisions (2004, c. 25), except for the amendments in paragraphs 1 and 4 concerning the replacement of the words “the library”;

THAT 31 January 2006 be set as the date of coming into force of the other provisions of the Act, except for paragraphs 2 to 4 of section 5 and section 73 of the Act, which will come into force at a later date.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulations and other acts

Gouvernement du Québec

O.C. 1277-2005, 21 December 2005

Legal Aid Act
(R.S.Q., c. A-14)

Legal aid — Amendments

Regulation to amend the Regulation respecting legal aid

WHEREAS, under subparagraphs *a.4* and *a.5* of the first paragraph of section 80 of the Legal Aid Act (R.S.Q., c. A-14), the Government may, by regulation, fix the level of income below which a person is financially eligible for gratuitous or contributory legal aid and determine the contribution payable;

WHEREAS the Government made the Regulation respecting legal aid by Order in Council 1073-96 dated 28 August 1996, which determines the thresholds of eligibility for gratuitous or contributory legal aid;

WHEREAS it is expedient to make amendments to the Regulation in order to increase those thresholds;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting legal aid was published in Part 2 of the *Gazette officielle du Québec* of 26 October 2005, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting legal aid, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting legal aid*

Legal Aid Act
(R.S.Q., c. A-14, s. 80, 1st par. subpars. *a.4* and *a.5*)

1. The Regulation respecting legal aid is amended in section 18 by replacing paragraph 1 by the following :

“(1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under this Regulation does not exceed, among the following levels, the level corresponding to the class applicable to the applicant :

Class of applicants	Maximum annual level
In the case of a single person	\$9,695
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$13,186
– an adult and 2 children or more	\$15,403
– spouses without children	\$13,622
– spouses with 1 child	\$16,057
– spouses with 2 children or more	\$18,274.”.

2. Section 20 is replaced by the following :

“**20.** An applicant who is not financially eligible for gratuitous legal aid under section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under this Regulation, including their deemed income under section 19, does not exceed, among the following levels, the level corresponding to the class applicable to the applicant, is financially eligible for contributory legal aid :

* The Regulation respecting legal aid, made by Order in Council 1073-96 dated 28 August 1996 (1996, *G.O.* 2, 3949), was last amended by section 165 of chapter 60 of the Statutes of 2001. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

Class of applicants	Maximum annual level
In the case of a single person	\$13,816
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$18,790
– an adult and 2 children or more	\$21,949
– spouses without children	\$19,412
– spouses with 1 child	\$22,881
– spouses with 2 children or more	\$26,041.”.

3. Section 21 is replaced by the following:

“**21.** Subject to the provisions of section 23, an applicant who is financially eligible for legal aid under section 20 is required to pay the contribution established in the following table that corresponds to the class applicable to the applicant and to the income considered for eligibility purposes pursuant to section 20:

Class of applicants	Income	Level of contribution
Single person	\$9,696 to \$10,210	\$100
	\$10,211 to \$10,725	\$200
	\$10,726 to \$11,240	\$300
	\$11,241 to \$11,755	\$400
	\$11,756 to \$12,270	\$500
	\$12,271 to \$12,785	\$600
	\$12,786 to \$13,300	\$700
	\$13,301 to \$13,816	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 1 child	\$13,187 to \$13,886	\$100
	\$13,887 to \$14,587	\$200
	\$14,588 to \$15,287	\$300
	\$15,288 to \$15,988	\$400
	\$15,989 to \$16,688	\$500
	\$16,689 to \$17,388	\$600
	\$17,389 to \$18,089	\$700
	\$18,090 to \$18,790	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 2 children or more	\$15,404 to \$16,221	\$100
	\$16,222 to \$17,039	\$200
	\$17,040 to \$17,857	\$300
	\$17,858 to \$18,676	\$400
	\$18,677 to \$19,494	\$500
	\$19,495 to \$20,312	\$600
	\$20,313 to \$21,130	\$700
	\$21,131 to \$21,949	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses without children	\$13,623 to \$14,346	\$100
	\$14,347 to \$15,069	\$200
	\$15,070 to \$15,793	\$300
	\$15,794 to \$16,517	\$400
	\$16,518 to \$17,240	\$500
	\$17,241 to \$17,964	\$600
	\$17,965 to \$18,687	\$700
	\$18,688 to \$19,412	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 1 child	\$16,058 to \$16,910	\$100
	\$16,911 to \$17,763	\$200
	\$17,764 to \$18,616	\$300
	\$18,617 to \$19,469	\$400
	\$19,470 to \$20,321	\$500
	\$20,322 to \$21,174	\$600
	\$21,175 to \$22,027	\$700
	\$22,028 to \$22,881	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 2 children or more	\$18,275 to \$19,245	\$100
	\$19,246 to \$20,216	\$200
	\$20,217 to \$21,186	\$300
	\$21,187 to \$22,157	\$400
	\$22,158 to \$23,128	\$500
	\$23,129 to \$24,099	\$600
	\$24,100 to \$25,069	\$700
	\$25,070 to \$26,041	\$800.”.

4. The Regulation respecting legal aid is amended in section 18 by replacing paragraph 1 by the following:

“(1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under this Regulation does not exceed, among the following levels, the level corresponding to the class applicable to the applicant:

Class of applicants	Maximum annual level
In the case of a single person	\$10,295
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$13,588
– an adult and 2 children or more	\$15,501
– spouses without children	\$14,424
– spouses with 1 child	\$16,750
– spouses with 2 children or more	\$18,663.”.

5. Section 20 is replaced by the following :

“**20.** An applicant who is not financially eligible for gratuitous legal aid under section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under this Regulation, including their deemed income under section 19, does not exceed, among the following levels, the level corresponding to the class applicable to the applicant, is financially eligible for contributory legal aid :

Class of applicants	Maximum annual level
In the case of a single person	\$14,670
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$19,363
– an adult and 2 children or more	\$22,088
– spouses without children	\$20,554
– spouses with 1 child	\$23,869
– spouses with 2 children or more	\$26,595.”.

6. Section 21 is replaced by the following :

“**21.** Subject to the provisions of section 23, an applicant who is financially eligible for legal aid under section 20 is required to pay the contribution established in the following table that corresponds to the class applicable to the applicant and to the income considered for eligibility purposes pursuant to section 20 :

Class of applicants	Income	Level of contribution
Single person	\$10,296 to \$10,842	\$100
	\$10,843 to \$11,389	\$200
	\$11,390 to \$11,935	\$300
	\$11,936 to \$12,482	\$400
	\$12,483 to \$13,029	\$500
	\$13,030 to \$13,576	\$600
	\$13,577 to \$14,122	\$700
	\$14,123 to \$14,670	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 1 child	\$13,589 to \$14,310	\$100
	\$14,311 to \$15,032	\$200
	\$15,033 to \$15,753	\$300
	\$15,754 to \$16,475	\$400
	\$16,476 to \$17,197	\$500
	\$17,198 to \$17,919	\$600
	\$17,920 to \$18,640	\$700
	\$18,641 to \$19,363	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 2 children or more	\$15,502 to \$16,324	\$100
	\$16,325 to \$17,148	\$200
	\$17,149 to \$17,971	\$300
	\$17,972 to \$18,794	\$400
	\$18,795 to \$19,617	\$500
	\$19,618 to \$20,441	\$600
	\$20,442 to \$21,264	\$700
	\$21,265 to \$22,088	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses without children	\$14,425 to \$15,190	\$100
	\$15,191 to \$15,956	\$200
	\$15,957 to \$16,722	\$300
	\$16,723 to \$17,489	\$400
	\$17,490 to \$18,255	\$500
	\$18,256 to \$19,021	\$600
	\$19,022 to \$19,787	\$700
	\$19,788 to \$20,554	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 1 child	\$16,751 to \$17,640	\$100
	\$17,641 to \$18,530	\$200
	\$18,531 to \$19,419	\$300
	\$19,420 to \$20,309	\$400
	\$20,310 to \$21,199	\$500
	\$21,200 to \$22,089	\$600
	\$22,090 to \$22,978	\$700
	\$22,979 to \$23,869	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 2 children or more	\$18,664 to \$19,654	\$100
	\$19,655 to \$20,646	\$200
	\$20,647 to \$21,637	\$300
	\$21,638 to \$22,629	\$400
	\$22,630 to \$23,620	\$500
	\$23,621 to \$24,611	\$600
	\$24,612 to \$25,603	\$700
	\$25,604 to \$26,595	\$800.”.

7. The Regulation respecting legal aid is amended in section 18 by replacing paragraph 1 by the following :

“(1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under this Regulation does not exceed, among the following levels, the level corresponding to the class applicable to the applicant :

Class of applicants	Maximum annual level
In the case of a single person	\$10,894
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$13,990
– an adult and 2 children or more	\$15,598
– spouses without children	\$15,226
– spouses with 1 child	\$17,443
– spouses with 2 children or more	\$19,052.”.

8. Section 20 is replaced by the following:

“**20.** An applicant who is not financially eligible for gratuitous legal aid under section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under this Regulation, including their deemed income under section 19, does not exceed, among the following levels, the level corresponding to the class applicable to the applicant, is financially eligible for contributory legal aid:

Class of applicants	Maximum annual level
In the case of a single person	\$15,524
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$19,935
– an adult and 2 children or more	\$22,227
– spouses without children	\$21,697
– spouses with 1 child	\$24,856
– spouses with 2 children or more	\$27,149.”.

9. Section 21 is replaced by the following:

“**21.** Subject to the provisions of section 23, an applicant who is financially eligible for legal aid under section 20 is required to pay the contribution established in the following table that corresponds to the class applicable to the applicant and to the income considered for eligibility purposes pursuant to section 20:

Class of applicants	Income	Level of contribution
Single person	\$10,895 to \$11,473	\$100
	\$11,474 to \$12,051	\$200
	\$12,052 to \$12,630	\$300
	\$12,631 to \$13,209	\$400
	\$13,210 to \$13,787	\$500
	\$13,788 to \$14,366	\$600
	\$14,367 to \$14,944	\$700
	\$14,945 to \$15,524	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 1 child	\$13,991 to \$14,733	\$100
	\$14,734 to \$15,476	\$200
	\$15,477 to \$16,219	\$300
	\$16,220 to \$16,962	\$400
	\$16,963 to \$17,705	\$500
	\$17,706 to \$18,448	\$600
	\$18,449 to \$19,191	\$700
	\$19,192 to \$19,935	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 2 children or more	\$15,599 to \$16,427	\$100
	\$16,428 to \$17,255	\$200
	\$17,256 to \$18,084	\$300
	\$18,085 to \$18,912	\$400
	\$18,913 to \$19,741	\$500
	\$19,742 to \$20,569	\$600
	\$20,570 to \$21,398	\$700
	\$21,399 to \$22,227	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses without children	\$15,227 to \$16,035	\$100
	\$16,036 to \$16,844	\$200
	\$16,845 to \$17,652	\$300
	\$17,653 to \$18,461	\$400
	\$18,462 to \$19,270	\$500
	\$19,271 to \$20,079	\$600
	\$20,080 to \$20,887	\$700
	\$20,888 to \$21,697	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 1 child	\$17,444 to \$18,370	\$100
	\$18,371 to \$19,296	\$200
	\$19,297 to \$20,223	\$300
	\$20,224 to \$21,149	\$400
	\$21,150 to \$22,076	\$500
	\$22,077 to \$23,002	\$600
	\$23,003 to \$23,929	\$700
	\$23,930 to \$24,856	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 2 children or more	\$19,053 to \$20,064	\$100
	\$20,065 to \$21,076	\$200
	\$21,077 to \$22,088	\$300
	\$22,089 to \$23,100	\$400
	\$23,101 to \$24,112	\$500
	\$24,113 to \$25,124	\$600
	\$25,125 to \$26,136	\$700
	\$26,137 to \$27,149	\$800.”.

10. Section 18 is amended by replacing paragraph 1 by the following:

“(1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under this Regulation does not exceed, among the following levels, the level corresponding to the class applicable to the applicant:

Class of applicants	Maximum annual level
In the case of a single person	\$11,494
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$14,391
– an adult and 2 children or more	\$15,696
– spouses without children	\$16,027
– spouses with 1 child	\$18,136
– spouses with 2 children or more	\$19,440.”.

11. Section 20 is replaced by the following:

“20. An applicant who is not financially eligible for gratuitous legal aid under section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under this Regulation, including their deemed income under section 19, does not exceed, among the following levels, the level corresponding to the class applicable to the applicant, is financially eligible for contributory legal aid:

Class of applicants	Maximum annual level
In the case of a single person	\$16,379
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$20,508
– an adult and 2 children or more	\$22,366
– spouses without children	\$22,839
– spouses with 1 child	\$25,844
– spouses with 2 children or more	\$27,703.”.

12. Section 21 is replaced by the following:

“21. Subject to the provisions of section 23, an applicant who is financially eligible for legal aid under section 20 is required to pay the contribution established in the following table that corresponds to the class applicable to the applicant and to the income considered for eligibility purposes pursuant to section 20:

Class of applicants	Income	Level of contribution
Single person	\$11,495 to \$12,105	\$100
	\$12,106 to \$12,715	\$200
	\$12,716 to \$13,326	\$300
	\$13,327 to \$13,936	\$400
	\$13,937 to \$14,547	\$500
	\$14,548 to \$15,157	\$600
	\$15,158 to \$15,768	\$700
	\$15,769 to \$16,379	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 1 child	\$14,392 to \$15,156	\$100
	\$15,157 to \$15,920	\$200
	\$15,921 to \$16,685	\$300
	\$16,686 to \$17,449	\$400
	\$17,450 to \$18,214	\$500
	\$18,218 to \$18,978	\$600
	\$18,979 to \$19,743	\$700
	\$19,744 to \$20,508	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 2 children or more	\$15,697 to \$16,530	\$100
	\$16,531 to \$17,363	\$200
	\$17,364 to \$18,197	\$300
	\$18,198 to \$19,031	\$400
	\$19,032 to \$19,864	\$500
	\$19,865 to \$20,698	\$600
	\$20,699 to \$21,531	\$700
	\$21,532 to \$22,366	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses without children	\$16,028 to \$16,878	\$100
	\$16,879 to \$17,730	\$200
	\$17,731 to \$18,581	\$300
	\$18,582 to \$19,433	\$400
	\$19,434 to \$20,284	\$500
	\$20,285 to \$21,135	\$600
	\$21,136 to \$21,987	\$700
	\$21,988 to \$22,839	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 1 child	\$18,137 to \$19,099	\$100
	\$19,100 to \$20,063	\$200
	\$20,064 to \$21,026	\$300
	\$21,027 to \$21,990	\$400
	\$21,991 to \$22,953	\$500
	\$22,954 to \$23,916	\$600
	\$23,917 to \$24,880	\$700
	\$24,881 to \$25,844	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 2 children or more	\$19,441 to \$20,473	\$100
	\$20,474 to \$21,506	\$200
	\$21,507 to \$22,538	\$300
	\$22,539 to \$23,571	\$400
	\$23,572 to \$24,604	\$500
	\$24,605 to \$25,637	\$600
	\$25,638 to \$26,669	\$700
	\$26,670 to \$27,703	\$800.”.

13. Section 18 is amended by replacing paragraph 1 by the following :

“(1) his annual income, within the meaning of section 17, and that of the other persons whose income is considered under this Regulation does not exceed, among the following levels, the level corresponding to the class applicable to the applicant :

Class of applicants	Maximum annual level
In the case of a single person	\$12,093
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$14,793
– an adult and 2 children or more	\$15,793
– spouses without children	\$16,829
– spouses with 1 child	\$18,829
– spouses with 2 children or more	\$19,829.”.

14. Section 20 is replaced by the following :

“**20.** An applicant who is not financially eligible for gratuitous legal aid under section 18, but whose annual income within the meaning of section 17 and that of the other persons whose income is considered under this Regulation, including their deemed income under section 19, does not exceed, among the following levels, the level corresponding to the class applicable to the applicant, is financially eligible for contributory legal aid :

Class of applicants	Maximum annual level
In the case of a single person	\$17,233
In the case of an applicant whose family is composed of:	
– an adult and 1 child	\$21,081
– an adult and 2 children or more	\$22,505
– spouses without children	\$23,982
– spouses with 1 child	\$26,831
– spouses with 2 children or more	\$28,257.”.

15. Section 21 is replaced by the following :

“**21.** Subject to the provisions of section 23, an applicant who is financially eligible for legal aid under section 20 is required to pay the contribution established in the following table that corresponds to the class applicable to the applicant and to the income considered for eligibility purposes pursuant to section 20 :

Class of applicants	Income	Level of contribution
Single person	\$12,094 to \$12,735	\$100
	\$12,736 to \$13,378	\$200
	\$13,379 to \$14,020	\$300
	\$14,021 to \$14,663	\$400
	\$14,664 to \$15,305	\$500
	\$15,306 to \$15,947	\$600
	\$15,948 to \$16,590	\$700
	\$16,591 to \$17,233	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 1 child	\$14,794 to \$15,579	\$100
	\$15,580 to \$16,365	\$200
	\$16,366 to \$17,151	\$300
	\$17,152 to \$17,937	\$400
	\$17,938 to \$18,722	\$500
	\$18,723 to \$19,508	\$600
	\$19,509 to \$20,294	\$700
	\$20,295 to \$21,081	\$800

Class of applicants	Income	Level of contribution
Family composed of an adult and 2 children or more	\$15,794 to \$16,632	\$100
	\$16,633 to \$17,471	\$200
	\$17,472 to \$18,310	\$300
	\$18,311 to \$19,149	\$400
	\$19,150 to \$19,987	\$500
	\$19,988 to \$20,826	\$600
	\$20,827 to \$21,665	\$700
	\$21,666 to \$22,505	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses without children	\$16,830 to \$17,723	\$100
	\$17,724 to \$18,617	\$200
	\$18,618 to \$19,511	\$300
	\$19,512 to \$20,405	\$400
	\$20,406 to \$21,299	\$500
	\$21,300 to \$22,193	\$600
	\$22,194 to \$23,087	\$700
	\$23,088 to \$23,982	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 1 child	\$18,830 to \$19,829	\$100
	\$19,830 to \$20,829	\$200
	\$20,830 to \$21,829	\$300
	\$21,830 to \$22,830	\$400
	\$22,831 to \$23,830	\$500
	\$23,831 to \$24,830	\$600
	\$24,831 to \$25,830	\$700
	\$25,831 to \$26,831	\$800

Class of applicants	Income	Level of contribution
Family composed of spouses with 2 children or more	\$19,830 to \$20,882	\$100
	\$20,883 to \$21,936	\$200
	\$21,937 to \$22,989	\$300
	\$22,990 to \$24,043	\$400
	\$24,044 to \$25,096	\$500
	\$25,097 to \$26,149	\$600
	\$26,150 to \$27,203	\$700
	\$27,204 to \$28,257	\$800.”.

16. The following section is inserted after section 21 :

“**21.0.1.** The maximum annual levels of income under paragraph 1 of section 18 and section 20, and the income under section 21 are increased on 1 January of each year at the same rate of increase as the benefits under the Employment Assistance Program paid pursuant to the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) to persons who have a severely limited capacity for employment.

The amounts so increased are rounded off to the nearest dollar.

The Minister of Justice is to inform the public of the results of the increase by publishing a notice in the *Gazette officielle du Québec* showing, in a table, the financial eligibility thresholds thus increased for the year in question and giving the date of effect. The Minister may also make that information available using any other means the Minister considers appropriate.”.

17. As of 1 January 2007 and until the coming into force of section 16 of this Regulation, the annual levels of income provided for in paragraph 1 of section 18 and in section 20 and the income provided for in section 21 of the Regulation respecting legal aid, as established for 2007 to 2010 by sections 4 to 15 of this Regulation, are increased on 1 January of each year according to the same rate of increase as the benefits paid by the Employment Assistance Program pursuant to the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) to persons who have a severely limited capacity for employment.

The amounts established by section 4 to 15 of this Regulation are, for the year of the increase and the following years until 2010, indexed accordingly, to take that increase into account.

The amounts so increased are rounded off to the nearest dollar.

The Minister of Justice is to inform the public of the results of the increase by publishing a notice in the *Gazette officielle du Québec* showing, in a table, the financial eligibility thresholds thus increased for the year in question and giving the date of effect. The Minister may also make that information available using any other means the Minister considers appropriate.”.

18. The provisions of this Regulation come into force on the following dates :

— sections 1 to 3 come into force on the fifteenth day following the date of publication of the Regulation in the *Gazette officielle du Québec* ;

— sections 4 to 6 and section 17 come into force on 1 January 2007 ;

— sections 7 to 9 come into force on 1 January 2008 ;

— sections 10 to 12 come into force on 1 January 2009 ;

— sections 13 to 15 come into force on 1 January 2010 ;

— section 16 comes into force on 1 January 2011.

7376

Gouvernement du Québec

O.C. 1279-2005, 21 December 2005

Professional Code
(R.S.Q., c. C-26)

Chiropractors
— **Code of ethics**
— **Amendment**

Regulation to amend the Code of ethics of chiropractors

WHEREAS, under the first paragraph of section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of

ethics governing the general and special duties of the professional towards the public, the professional's clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS, under the second paragraph of that section of the Professional Code, the code of ethics must include provisions stating the terms and conditions according to which a professional may communicate the information pursuant to the third paragraph of section 60.4 of the Code;

WHEREAS the Bureau of the Ordre des chiropraticiens du Québec made the Regulation to amend the Code of ethics of chiropractors;

WHEREAS, pursuant to section 95.3 of the Professional Code, the secretary of the Order sent a draft of the Regulation to every member of the Order at least 30 days before it was made by the Bureau;

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 Part 2 of the *Gazette officielle du Québec* of 30 March and 13 April 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days from that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of chiropractors, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of chiropractors*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of chiropractors is amended by inserting the following sections after section 3.06.02:

“3.06.02.01. In addition to the cases provided for in section 3.06.02, a chiropractor may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the chiropractor has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the chiropractor may only communicate the information to the person exposed to the danger or that person's representative, and to the persons who can come to that person's aid.

The chiropractor may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

3.06.02.02. A chiropractor who communicates information pursuant to section 3.06.02.01 must do so without delay.

For each communication, the chiropractor must also enter the following particulars in the patient's record:

- (1) the date and time of the communication;
- (2) the name of the person or group of persons exposed to the danger;
- (3) the name of the person to whom the communication was given, specifying, as the case may be, if it was given to the person exposed to the danger, the person's representative or the persons who can come to that person's aid;
- (4) the act of violence the chiropractor intended to prevent;
- (5) the danger the chiropractor identified;

* The Code of ethics of chiropractors (R.R.Q., 1981, c. C-16, r.2) has been amended once, by the regulation approved by Order in Council 154-85 dated 23 January 1985 (1985, *G.O.* 2, 934).

(6) the imminence of the danger the chiropractor identified; and

(7) the information communicated.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1280-2005, 21 December 2005

Professional Code
(R.S.Q., c. C-26)

Specialists of professional orders Diplomas issued by designated teaching establishments which give access to permits or certificates — Amendments

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned, namely the Ordre professionnel des comptables en management accrédités du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist's certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Code, the Office must, before advising the Government, consult, in particular, with the educational institutions and the order concerned, the Conférence des recteurs et des principaux des universités du Québec in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma, and the Minister of Education, Recreation and Sports;

WHEREAS, in accordance with that provision, the Office made the required consultations;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 22 June 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, no comments were received by the Chair of the Office following that publication;

WHEREAS on 1 September 2005, the Ordre professionnel des comptables en management accrédités du Québec agreed to the proposed amendments;

WHEREAS, on 14 September 2005, the Office gave a favourable opinion on the making of the Regulation attached to this Order in Council by the Government;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended in section 1.25

(1) by replacing “cheminement Sciences comptables” in paragraph *b* by “concentration Comptabilité de management”;

(2) by replacing “concentration Comptabilité professionnelle from the École des Hautes Études Commerciales de l'Université de Montréal” in paragraph *c* by “spécialisation Comptabilité professionnelle, filière CMA, from HEC Montréal”;

(3) in paragraph *e*,

(a) by striking out “from the Université du Québec,” after “B.A.A.”;

(b) by replacing “of the Université du Québec, offered by” by “, concentration comptabilité de management, from”;

(4) in paragraph *f*,

(a) by striking out “from the Université du Québec,” after “B.A.A.”;

(b) by replacing “concentration Contrôle financier, of the Université du Québec, offered by” by “orientation CMA, from”;

(c) by replacing “à Hull” by “en Outaouais”;

(5) by deleting paragraph *g*;

(6) in paragraph *h*,

(a) by striking out “from the Université du Québec à Montréal,” after “B.A.A.”;

(b) by replacing “of the Université du Québec, offered by” by “from”;

(7) in paragraph *i*,

(a) by striking out “from the Université du Québec,” after “B.A.A.”;

(b) by replacing “cheminement en comptabilité de management, of the Université du Québec, offered by” by “concentration en comptabilité de management, from”;

(8) in paragraph *j*,

(a) by striking out “from the Université du Québec,” after “B.A.A.”;

(b) by replacing “of the Université du Québec, offered by” by “from”;

(9) in paragraph *k*,

(a) by striking out “from the Université du Québec,” after “B.A.A.”;

(b) by replacing “of the Université du Québec, offered by” by “from”;

(10) by inserting “, cheminement CMA” in paragraph *l* after “Comptabilité”;

(11) by inserting “, Management Accounting Profile” in paragraph *m* after “Concentration”;

(12) by adding the following at the end:

“(n) bachelier en gestion, B.Gest, obtained upon completion of the programme de baccalauréat en gestion, cheminement en comptabilité professionnelle (filiale CMA), from HEC Montréal.”

2. The title of the Regulation and sections 1.01, 1.03 to 1.07, 1.09, 1.12 to 1.18, 1.20 to 1.30, 4.01 and 4.02 are amended by replacing “teaching establishments” by “educational institutions” and section 1.08 is amended by replacing “teaching establishment” by “educational institution”.

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 524-2005 dated 1 June 2005 (*G.O.* 2, 1877) and 999-2005 dated 26 October 2005 (2005, *G.O.* 2, 4825). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

3. Despite section 1, paragraph *g* of section 1.25, deleted by that provision, remains applicable to persons who, on 26 January 2006, hold the diplomas referred to in the deleted provision or are registered in a program leading to those diplomas.

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

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Gouvernement du Québec

O.C. 1281-2005, 21 December 2005

Professional Code
(R.S.Q., c. C-26)

**Medical electrophysiology technologist
— Certain professional activities that may be
engaged in by a technologist**

Regulation respecting certain professional activities that may be engaged in by a medical electrophysiology technologist

WHEREAS, under paragraph *h* of section 94 of Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation determining, among the professional activities that may be engaged in by members of the Order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS section 95 of the Code provides that, subject to sections 95.1 and 95.2, every regulation made by the Bureau under this Code or an Act constituting a professional order shall be transmitted to the Office for examination; it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS the Bureau of the Collège des médecins du Québec adopted the Regulation respecting certain professional activities that may be engaged in by a medical electrophysiology technologist;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 June 2005 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting certain professional activities that may be engaged in by a medical electrophysiology technologist, the text of which is attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

**Regulation respecting professional
activities that may be engaged in by a
medical electrophysiology technologist**

Professional Code
(R.S.Q., c. C-26, s. 94, par. *h*)

1. The purpose of this Regulation is to determine amongst the professional activities that may be engaged in by physicians, those which, pursuant to an individual prescription and the terms and conditions set out in the Regulation, may be engaged in by a medical electrophysiology technologist or other persons.

2. In this Regulation, the term “medical electrophysiology technologist” means:

1° any person who holds a diploma of collegial studies in medical electrophysiology issued by Collège Ahuntsic;

2° any person who, on April 30, 2003, practised as an electrophysiology technologist.

3. A medical electrophysiology technologist may perform a stress electrocardiogram.

He may also perform the following activities if he holds a certificate of achievement in adult and pediatric ultrasonography from the Faculté de l'éducation permanente de l'Université de Montréal:

1° echocardiography or vascular ultrasonography;

2° carotid or transcranial Doppler ultrasonography.

4. A student duly enrolled in a program of studies leading to a diploma as contemplated in section 2 may, in the presence of a medical electrophysiology technologist, perform the activities contemplated in the first paragraph of section 3, insofar as such activities are required to complete the program leading to this diploma.

5. Any person who, on April 30, 2003, performed an activity stipulated in this section, is authorized to continue to perform such an activity:

1° an activity stipulated in section 3;

2° for the purpose of a cerebral electrophysiology examination, administration of the required radioactive substances in the presence of a physician;

3° for the purpose of a cardiac electrophysiology intervention, in the presence of a physician:

(a) preparation and administration of urgently required medications using an intravenous line already in place, while monitoring the patient's electrophysiology;

(b) in an emergency situation, defibrillation of a patient suffering from induced acute ventricular arrhythmia, while monitoring the patient's electrophysiology;

(c) programming at the time of implantation and follow-up of a pace-maker;

4° for the purpose of a polysomnography examination:

(a) introduction of an oesophageal balloons;

(b) adjustment of the masks for a Bi-Pap or C-Pap;

(c) administration of oral medication required to induce sleep.

6. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, and shall cease to apply on the third anniversary of the date it came into force.

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Gouvernement du Québec

O.C. 1296-2005, 21 December 2005

An Act respecting the Bibliothèque nationale du Québec
(R.S.Q., c. B-2.2)

Legal deposit of films

Regulation respecting the legal deposit of films

WHEREAS, under section 20.9.1 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.2), enacted by section 21 of chapter 25 of the Statutes of 2004, subject to any contrary provision of a regulation, the producer of a Québec film shall deposit, free of charge, a copy of the film with the Bibliothèque nationale within six months of its first public exhibition in its final version;

WHEREAS, under paragraph 3 of section 20.10 of that Act, amended by section 22 of chapter 25 of the Statutes of 2004, the Government may, by regulation, after consultation with the Bibliothèque nationale, exempt from mandatory deposit certain categories of film;

WHEREAS, under paragraphs 5 and 5.1 of that section, the Government may, in the same manner, determine the particulars concerning the deposit which must be mentioned on any film or on its container as well as the information that must be indicated on the descriptive card required when the film is deposited and determine appropriate quality standards for each category of film deposited;

WHEREAS, under paragraph 6 of that section, the Government may also determine by regulation, among the provisions of a regulation made under paragraphs 1 to 5.1 of section 20.10 of that Act, those the contravention of which constitutes an offence;

WHEREAS, in accordance with section 20.10 of the Act respecting the Bibliothèque nationale du Québec, the latter was consulted by the Government on the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the legal deposit of films was published in Part 2 of the *Gazette officielle du Québec* of 24 August 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45 days have expired ;

WHEREAS it is expedient to make the Regulation without amendment ;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications :

THAT the Regulation respecting the legal deposit of films be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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 ; 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.

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

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).

Category	Type of production	Programs to be deposited
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

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M.O., 2005**Order number 2005-018 of the Minister of Health
an Social Services dated 21 December 2005**

Youth Protection Act
(R.S.Q., c. P-34.1 ; 2004, c. 3)

Certification of intercountry adoption bodies

CONSIDERING the second paragraph of section 71.17 of the Youth Protection Act (R.S.Q., c. P-34.1) which provides that the Minister shall, by an order published in the *Gazette officielle du Québec*, determine the qualifications required of a body applying for certification or renewal of certification, and of the persons directing and managing the body, the requirements and terms and conditions the body and those persons must comply with as well as the documents, information and reports they must furnish;

CONSIDERING the first paragraph of section 71.20 and section 71.21 which provide respectively that the Minister, by an order published in the *Gazette officielle du Québec*, determines the conditions on which certification may be renewed and the conditions, responsibilities and obligations that a certified body must comply with to maintain certification, and the documents, information and reports it must furnish;

CONSIDERING subparagraph 6 of the first paragraph of section 71.23 which provides that the Minister may suspend, revoke or refuse to renew certification if the body or any of its officers, managers or directors has been convicted of an offence under a minister's order made under the second paragraph of section 71.17 or under section 71.21;

CONSIDERING that for that purpose and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Order respecting the certification of intercountry adoption bodies was published in Part 2 of the *Gazette officielle du Québec* on 3 August 2005 with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Order with amendments;

THEREFORE, the Minister of Health and Social Services hereby makes the attached Order respecting the certification of intercountry adoption bodies.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Order respecting the certification of intercountry adoption bodies

Youth Protection Act

(R.S.Q., c. P-34.1, s. 71.17, 2nd par., s. 71.20, 1st par., s. 71.21 and s. 71.23, 1st par., subpar. 6; 2004, c. 3, s. 22)

DIVISION 1

CONDITIONS AND QUALIFICATIONS FOR CERTIFICATION

1. Intercountry adoption certification is granted to a body that applies therefore in writing and meets the conditions and qualifications prescribed by the law and by this Order.

2. A body applying for intercountry adoption certification must satisfy the following conditions:

- (1) have its head office in Québec;
- (2) have a board of directors composed of no fewer than five persons domiciled in Québec and who are Canadian citizens or permanent residents;
- (3) have intercountry adoption as one of its objects, in its articles, and carry on no activity in Québec or elsewhere that is inconsistent with that object;
- (4) have a trust account;
- (5) in the previous 12 months, have travelled to the State of origin concerned and observed at first hand the conditions in which the adoption arrangements will be made;
- (6) hold a resolution from its board of directors by which the body declares being bound by ethical principles and rules of conduct that are sensitive to the public interest and international context of intercountry adoption and that pertain to such matters as the services provided to adopters, respect for the rights of the children, the biological parents and the adopters, conflicts of interest, the use of the sums disbursed by the adopters, and relations with the other certified bodies;
- (7) have the human, physical and financial resources necessary to make arrangements on behalf of adopters domiciled in Québec for the adoption of a child domiciled in the State of origin concerned.

3. The body must also show that it is directed, managed and administered by persons who

(1) are aware of and adhere to the ethical principles and rules of conduct to which the body has declared itself bound;

(2) have sufficient knowledge of the current intercountry adoption laws in Québec and in the State of origin concerned and of the relevant immigration rules;

(3) have sufficient knowledge of the process leading to the adoption of a child domiciled in the State of origin concerned;

(4) have sufficient knowledge of the culture and socio-political situation in the State of origin concerned;

(5) know the competent intercountry adoption authorities in Québec and in the State of origin concerned;

(6) have the training or relevant experience to work in the field of intercountry adoptions, in particular in the areas of management, law, psychology, social work, international relations, child care or humanitarian aid;

(7) have produced a signed and sworn statement in which they declare having no direct or indirect interest in an enterprise or activity placing their personal interest in conflict with that of the body; and

(8) are domiciled in Québec and are Canadian citizens or permanent residents.

4. The body must make a certification application for each State of origin concerned using the form furnished by the Minister, and provide the following information:

(1) the name and address of the person authorized by the board of directors to file the certification application on the body's behalf;

(2) the name of the body and the registration number assigned to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) the name, address and occupation of each member of its board of directors;

(4) the name, address and occupation of each person having responsibilities assigned by the body in connection with the pursuit of the arrangements made on behalf of the adopter in Québec and in the State of origin concerned; and

(5) the name and address of the public or private institutions in the State of origin concerned and the name, address and occupation of the persons working therein who collaborate or are in liaison with the body to obtain adoption proposals.

5. The body must furnish the following documents with its application:

(1) a copy of the resolution of its board of directors authorizing the filing of a certification application for the State of origin concerned;

(2) the body's articles and general by-laws;

(3) a certified true copy of an official version of the laws of the State of origin concerned;

(4) a copy of the documents establishing the terms of cooperation between the body and the persons having responsibilities assigned by the body in connection with the pursuit of the arrangements made on behalf of the adopter in Québec and in the State of origin concerned, and describing the services that those persons are to provide and the fees charged for them;

(5) a true copy of the internal procedures for opening files and protecting the personal information the body collects, holds, uses or communicates to third parties in the course of its activities;

(6) budget projections for 24 months;

(7) a copy of the standard contract to be entered into with adopters, accompanied by a detailed list of the services offered to the adopters and a detailed breakdown of the costs of adopting in Québec and in the State of origin concerned;

(8) a copy of the resolution of its board of directors attesting that the body has declared itself bound by ethical principles and rules of conduct; and

(9) a certified true copy of the accreditation, if any, granted by the State of origin concerned.

6. A body that must be accredited by a competent authority in the State of origin in order to make adoption arrangements must obtain the required accreditation within 12 months after being certified, unless extenuating circumstances exist.

7. Pursuant to the first paragraph of section 71.17 of the Act, every person who is an officer, manager or director of the body must provide the Minister with a

certified criminal record check in relation to the offences listed in section 27 of this Order, completed by a police force in Québec.

DIVISION 2

OBLIGATIONS OF A BODY CERTIFIED BY THE MINISTER

§1. General obligations

8. A certified body must comply with the laws and regulations governing the adoption of a child domiciled outside Québec, including the provisions relating to the protection of personal information set out in the Civil Code and in the Act respecting the protection of personal information in the private sector (R.S.Q., c. P-39.1).

The certified body must also comply at all times with the conditions required to obtain certification, and with any conditions imposed at the time certification is granted.

9. Every document produced pursuant to this Order that is drawn up outside Québec or is intended for a public or private institution in the State of origin concerned, if written in a language other than French or English, must be accompanied by a translation into French certified by an accredited translator, or in the absence of an accredited translator, by a qualified person in Québec.

10. A certified body must suspend registrations if so required by the situation in the State of origin concerned or if the body encounters difficulties in meeting its commitments to the adopters or the Minister. In such a case, the body must immediately so inform the Minister.

§2. Obligations towards adopters

11. Before making arrangements for the adoption of a child domiciled outside Québec on behalf of the adopters, the certified body must enter into a written contract with the adopters that specifies the services the body undertakes to provide to them and the respective responsibilities of each party to the contract; the contract must contain a breakdown of estimated costs with an indication of the person to whom the costs are payable and whether they may fluctuate, the manner in which the contract may be modified or terminated, and the refund procedure in the event the contract is terminated. The contract must specify when it takes effect and when it ends.

The certified body must respect the commitments in the contract and provide to the adopters the services specified therein.

12. As minimum services provided to the adopters, a certified body must

(1) provide them with information on the services offered by the certified body, the conditions in the State of origin concerned, the profile of the children proposed for adoption, the adoption procedure and the documents required by the State of origin concerned, and the support services available in Québec after the child's arrival;

(2) inform the adopters of any change likely to have an impact on how their proposed adoption is to proceed;

(3) ensure that the adopters' file is complete and forward it to the State of origin concerned;

(4) receive adoption proposals and give effect to them, taking into account the recommendations contained in the psychosocial assessment;

(5) see that the adoption process is pursued in the proper manner, in particular by the timely forwarding of all documents required by the authorities in Québec or in the State of origin concerned;

(6) inform the adopters on the procedures after the child arrives in Québec, such as the judicial procedure and application for citizenship, and conduct follow-up;

(7) conduct follow-up on the sending of the child's progress reports in accordance with the requirements of the State of origin; and

(8) cooperate in research into family and medical antecedents or reunions.

13. A certified body may not require an amount of money be paid to it by the adopters before the contract has been signed by the parties.

The body must provide receipts for all amounts of money paid to it by the adopters.

14. A certified body may not propose a child for adoption before receiving the positive psychosocial assessment report on the adopters.

An adoption proposal that does not conform to the psychosocial assessment must be processed in collaboration with the Minister.

§3. Obligations towards the Minister

15. A certified body must inform the Minister in writing of any change in the information furnished in the certification application within 30 days following the change or, if the body is unable to do so within that time, as soon as the body is able to do so.

16. A certified body must send to the Minister a copy of the documents setting out the terms of its cooperation with the public or private institutions in the State of origin concerned.

The terms of the cooperation must be consistent with the laws that apply in Québec and in the State of origin.

§4. Trust accounts

17. A certified body must deposit in its trust account all amounts paid to it for services to be provided, disbursements to be made or charges to be paid to third parties.

18. A certified body must maintain books, records and accounts pertaining to its activities and enter therein all sums of money received by the body in trust, all disbursements made by it out of the trust account and the unexpended balance of the money held by it in trust.

19. A certified body must also maintain accounting records showing all receipts and all disbursements, distinguishing between

(1) money received in trust for adopters and disbursements of money held in trust; and

(2) money received and money disbursed in the body's own account.

§5. Reports and follow-up on the body's activities

20. The fiscal year of a certified body begins on 1 April and ends on 31 March.

21. A certified body must make an annual report to the Minister on its activities. The report, which is to cover the period ending on 31 March of the current year, must be made on or before 30 June of each year and contain the following information and documents:

(1) its financial statements prepared by a certified accountant, a certified management accountant or a certified general accountant;

(2) a copy of the standard contract used by the body;

(3) a list of adopters who have completed the process and the date on which their file was forwarded to the State of origin concerned;

(4) the name and address of the financial institution in which the trust account has been opened, the account number and the balance at 31 March;

(5) an estimate of the average cost of an adoption, with a breakdown by spending item, and the cost range for each; and

(6) a summary of its development activities that concern intercountry adoption and humanitarian aid.

The certified body is to make only one report if it is certified or accredited in more than one State of origin. In such a case, the required information and documents must enable the report to be examined State by State.

22. The Minister is to monitor the activities of the certified body for the entire duration of certification. The Minister may send a written notice of non-compliance to a certified body if the body

(1) does not comply with the conditions of its certification;

(2) fails to perform a legal duty; or

(3) fails to inform the Minister of a change in the particulars submitted in support of the certification application such as the costs of adoption, the names of the foreign collaborators or the standard contract.

23. A written notice of non-compliance becomes part of the certified body's file.

DIVISION 3 **CONDITIONS FOR CERTIFICATION RENEWAL**

24. A certified body wishing to renew certification must make a written application to the Minister six months before the expiry of current certification, using the form furnished by the Minister. A certification renewal application must include an updating of the documents and information furnished under sections 4, 5 and 6.

25. The conditions and qualifications referred to in sections 2 and 3 of this Order apply to a certification renewal application.

26. Before renewing certification, the Minister must assess the certified body's past record in intercountry adoptions and the situation in the State of origin concerned. For that purpose the Minister may consult the competent adoption or immigration authorities.

The Minister must consider such factors as

(1) the number of adoptions that have taken place and the conduct of the process in those adoptions;

(2) the number of complaints made against the certified body;

(3) the notices of non-compliance entered in the certified body's file;

(4) the certified body's relations with the institutions and public or private authorities in the State of origin concerned;

(5) the certified body's relations with the Minister and the competent adoption or immigration authorities in Québec.

DIVISION 4 **LIST OF OFFENCES**

27. For the purposes of subparagraph 6 of the first paragraph of section 71.23 of the Act, the offences that may lead the Minister to suspend, revoke or refuse to renew certification are the following, whether committed in Canada or abroad:

(1) an offence with violence or of a sexual nature;

(2) an offence relating to child protection;

(3) an offence relating to the falsification of documents, fraud, false pretenses, theft, false representation or corruption;

(4) a criminal organization offence;

(5) an offence relating to privacy or the protection of personal information; and

(6) an offence relating to the possession, trafficking, importing or exporting of weapons, drugs or other illicit substances.

The certified body or any officer, manager or director wishing to remain in office, must without delay notify the Minister of any conviction for an offence listed in the first paragraph and as soon as feasible provide the Minister with any document or information enabling the Minister to make an enlightened decision regarding the suspension or revocation of certification or refusal to renew certification.

DIVISION 5

FINAL

28. This Order replaces the Minister's Order respecting the conditions for certification of an organization that takes steps on behalf of the adopter with a view to the adoption of a child domiciled outside Québec (M.O. 1991 dated 14 March 1991).

29. This Order comes into force on 1 February 2006.
7404

A.M., 2005

Order number 2005-019 of the Minister of Health and Social Services dated 21 December 2005

Civil Code of Québec
(art. 564; 2004, c. 3)

Youth Protection Act
(R.S.Q., c. P-34.1; 2004, c. 3)

Adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec

CONSIDERING that article 564 of the Civil Code provides that adoption arrangements are made by a body certified by the Minister of Health and Social Services pursuant to the Youth Protection Act, unless an order of the Minister published in the *Gazette officielle du Québec* provides otherwise;

CONSIDERING that section 71.6 of the Youth Protection Act (R.S.Q., c. P-34.1) provides that where a Minister's Order is made under article 564 of the Civil Code, the order must specify any special terms and conditions that apply to the adoption process;

CONSIDERING that for that purpose and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec was published in Part 2 of the *Gazette officielle du Québec* of 3 August 2005 with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Order with amendments;

THEREFORE, the Minister of Health and Social Services hereby makes the attached Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec.

PHILIPPE COUILLARD,
Minister of Health and Social Services

Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec

Civil Code of Québec
(art. 564; 2004, c. 3, s. 14)

Youth Protection Act
(R.S.Q., c. P-34.1, s. 71.6; 2004, c. 3, s. 22)

DIVISION 1

GENERAL

1. This Order governs the adoption of a child domiciled outside Québec by a person domiciled in Québec when the adoption arrangements are made without a body certified by the Minister under the Youth Protection Act.

2. Pursuant to article 564 of the Civil Code, only persons who meet the criteria and conditions set out in this Order may, without a body certified by the Minister, make arrangements for the adoption of a child domiciled outside Québec.

3. A prospective adopter must satisfy the Minister of Health and Social Services that the criteria and conditions set out in this Order and in the provisions that apply in Québec and in the child's State of origin have been met.

4. A prospective adopter authorized by the Minister must make the adoption arrangements under the supervision or with the assistance of the Minister, as the case may be.

5. Unless otherwise provided in this Order, the provisions relating to the adoption of a child domiciled outside Québec by a person domiciled in Québec apply to adoptions under this Order.

6. A prospective adopter in pursuing the proposed adoption must comply with the provisions that apply in Québec and in the child's State of origin.

DIVISION 2

ADOPTIONS AUTHORIZED

§1. Adoption by the adopters themselves of a child domiciled outside Québec

7. A person may be authorized to make adoption arrangements without a certified body if

(1) the proposed adoption is of a brother, sister, nephew, niece, grandson, grand-daughter, cousin, half brother or half sister of the person or of the person's spouse including a de facto spouse with whom the person has been living for at least three years, provided that neither the person nor the person's spouse is bound to another person by marriage, civil union or another form of conjugal union that is still valid;

(2) the proposed adoption is of a child in the care of a competent child protection or adoption authority who is domiciled in a State for which no body has been certified, if

(a) the prospective adopter is or was a national of the State in which the adoption is being sought; and

(b) under the law of that State, only a person who is or was a national of that State can adopt a child domiciled in that State; or

(3) in the opinion of the Minister, owing to exceptional circumstances and for humanitarian considerations, the adoption of a child by the prospective adopter is the measure most likely to ensure the child's rights are respected owing to any of the following reasons:

(a) the child is in a situation such that the child's life or health would be in serious danger if the child were not adopted by the prospective adopter;

(b) the child has a handicap or biological characteristics that cause the child's rejection by the community in the child's State of origin; or

(c) the child has been placed in the care of the prospective adopter and the prospective adopter has, for six consecutive months in the past two years in the child's State of origin, assumed the custody and supervision of the child and has fed and maintained the child and ensured the child's education because of the parents' or tutor's inability to do so.

§2. Adoption by the adopters themselves of a child domiciled in another province or a territory of Canada

8. A person may be authorized to make adoption arrangements without a certified body if the proposed adoption is of a child domiciled in a province or territory of Canada who has been placed in the care of a competent public child protection or adoption authority in that province or territory.

§3. Adoption with the assistance of the Minister

9. The Minister may assist the adopter with the adoption arrangements if

(1) the certification of the body with which the adopter has entered into a contract has not been renewed or has been suspended or revoked by the Minister and the adopter's file has already been forwarded to the State of origin;

(2) the adoption cannot take place through the certified body because the child's State of origin no longer authorizes the body to make adoption arrangements in its territory and the adopter's file has already been forwarded to the State of origin;

(3) the Minister wishes to assess the advisability of certifying a body for a State of origin for which no body has been certified;

(4) the child's State of origin requests the Minister intervene; or

(5) an agreement entered into between Québec and the child's State of origin provides for adoption with such assistance.

DIVISION 3

TERMS AND CONDITIONS OF THE ADOPTION PROCESS

§1. Authorization to initiate adoption arrangements without a certified body

10. The Minister receives the application from a prospective adopter who wishes to adopt without a certified body and must ascertain whether the application is eligible under this Order and the provisions that apply in Québec and in the child's State of origin.

11. To determine whether the prospective adopter satisfies the provisions of the State of origin, the Minister may require the prospective adopter to provide a certi-

fied true copy of those provisions. The Minister may also require the prospective adopter to provide a certificate drawn up by a juriconsult.

12. The Minister must furnish the prospective adopter having filed an eligible application with a form allowing the Minister to collect the information required concerning

(1) the identity of the prospective adopter, establishing compliance with the age, civil status or family situation criteria;

(2) where applicable, the identity of the child and a description of the child's living conditions; and

(3) where applicable, the identity of the persons or authorities in whose care the child has been placed.

13. A prospective adopter must submit in support of the application all the documents required by the form to allow the following in particular to be established:

(1) the age of the prospective adopter and, if applicable, the age of the child;

(2) the nationality of the prospective adopter and, if applicable, the nationality of the child;

(3) if applicable, the kin relationship between the prospective adopter and the child; and

(4) the exceptional circumstances, if any, that warrant the processing of the application on humanitarian grounds.

14. The Minister must verify the information and documents received. In considering the application, the Minister may contact the prospective adopter and if the Minister considers it necessary, call the prospective adopter to an interview.

15. In considering the application and at any stage in the adoption process, the Minister may consult the immigration authorities and the competent adoption authorities in Québec or in the child's State of origin.

In deciding the application, the Minister must consider the situation in the State in which the child is domiciled and the guarantees given to the child, the child's parents and the prospective adopter.

16. After the application has been considered and all additional information and documents required by the prospective adopter's or the child's specific situation

have been provided, the prospective adopter receives, if applicable, confirmation authorizing the prospective adopter to undergo a psychosocial assessment and, if the recommendation in the assessment is positive, to initiate adoption arrangements in the State of origin concerned, on the conditions provided for by law and on any conditions the Minister considers necessary.

Except in urgent circumstances, the Minister must notify the prospective adopter in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) before refusing to grant the authorization referred to in the first paragraph, and allow the prospective adopter at least 10 days to present observations. The Minister's decision must be in writing and give reasons; an original must be sent to the prospective adopter.

17. The evaluator must send an original of the psychosocial assessment to the Minister.

18. On confirmation by the Minister of receipt of the positive psychosocial assessment, the prospective adopter may, pursuant to the authorization granted under section 16, initiate adoption arrangements in the State of origin concerned.

§2. Adoption arrangements and post-adoption follow-up

19. An adopter authorized to make adoption arrangements without a certified body must personally prepare his or her file and submit it to the State in which he or she is seeking to adopt.

20. The adopter must inform the Minister of the arrangements made and, on request, provide the Minister with documents showing that the adoption arrangements are in conformity with the provisions that apply in Québec and in the child's State of origin.

21. Before accepting an adoption proposal, the adopter must file a copy of the proposal with the Minister who must ascertain whether it conforms to the recommendation in the adopter's psychosocial assessment.

22. The adopter must show that the child is eligible for adoption by producing a decision issued by the competent authority in the State of origin.

23. The adopter must provide the Minister with proof that all consents have been given in view of a full adoption, as prescribed by articles 568 and 574 of the Civil Code.

The Minister may require consent in the appropriate form attached as a schedule to this Order.

24. Every document produced pursuant to this Order and written in a language other than French or English must be accompanied by a translation into French certified by an accredited translator, or in the absence of an accredited translator, by a qualified person in Québec.

25. Except for the adoptions referred to in paragraph 1 or subparagraph *c* of paragraph 3 of section 7, an adopter may not establish contact with the biological parents in any of the following circumstances: before the child is born, before the child has been declared eligible for adoption, before the consents to the adoption have been given, or before adoption in the State of origin has been considered for the child, if such an adoption is possible.

26. The adopter must immediately inform the Minister of any change in his or her situation, or of any change concerning the child to be adopted or the persons, institutions or authorities in whose care the child has been placed, if the changes could affect the Minister's decision. The notice must be accompanied by any document or information relevant to the change.

If the Minister considers the change is material, the Minister may request an interview with the adopter or any other person concerned by the proposed adoption.

27. The Minister may amend or withdraw an authorization and terminate the adopter's arrangements if the Minister's verifications reveal an irregularity in the adoption process, or if the adopter has made misrepresentations or distorted a material fact in the application or in any document or information required in connection with the proposed adoption.

Except in urgent circumstances, the Minister must notify the adopter in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) before amending or withdrawing the authorization, and allow the adopter at least 10 days to present observations. The Minister's decision must be in writing and give reasons; an original must be sent to the adopter.

An amended authorization or a notice of withdrawal, as the case may be, must be sent by the Minister to the persons or authorities concerned by the application. A copy must be sent to the adopter.

28. A person who withdraws from the proposed adoption must so inform the Minister in writing within 30 days of the person's decision.

29. The adopter must as soon as possible inform the Minister of the child's arrival in Québec.

30. The adopter must, within six months after the child's arrival in Québec, undertake the judicial procedures required for the adoption to produce its effects in Québec.

The adopter must send a copy of the court's decision to the Minister as soon as it is received.

31. The adopter must, if required, produce and send the child's progress reports in the form, at the intervals and within the time determined by the child's State of origin, and file a copy of the reports with the Minister.

DIVISION 4 **COMING INTO FORCE**

32. This Order comes into force on 1 February 2006.



SCHEDULE I

(s. 23, 2nd par.)

SPECIAL CONSENT TO THE ADOPTION OF A CHILD DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN QUÉBEC

Read carefully before completing. You should obtain any advice and information you wish regarding the consequences of your consent before signing. Sign only if you fully understand each proposal. You should receive a copy of this document and, if possible, retain it for your records. You must not have received any payment or consideration for your consent.

Identity of the child:

Surname

First or given name(s)

Born on: _____
Date of birth (DD/MM/YYYY)

Date of birth (DD/MM/YYYY)

Born in: _____
Birthplace of the child

Birthplace of the child

The child's mother:

☐ signs this consent ☐ signs an attached consent ☐ is deceased or unknown ☐ has been deprived of her rights

Surname of the mother

First or given name(s) of the mother

The child's father:

☐ signs this consent ☐ signs an attached consent ☐ is deceased or unknown ☐ has been deprived of his rights

Surname of the father

First or given name(s) of the father

Sex of the child: ☐ male ☐ female

The child is currently domiciled at the following address:

Declaration

I, the undersigned:

Surname

First or given name(s)

Born on: _____
Date of birth (DD/MM/YYYY)

Date of birth (DD/MM/YYYY)

Having my domicile at the following address:

declare as follows:

1. I am ☐ the mother, ☐ the father, ☐ the legal tutor of the child.
2. I am freely giving, without pressure or coercion, my consent to the adoption of this child.
3. I am giving my consent on behalf of:

Surname and first name(s) of the adoptive mother

Surname and first name(s) of the adoptive father

Address

4. I know that the adoption of this child will operate to establish a bond of filiation with the adoptive parent(s).
5. I give my consent to an adoption that will operate to dissolve permanently the bond of filiation existing between this child and the child's biological family.
6. I have been told that I may withdraw my consent before _____ and that after that date, my consent will be irrevocable.

I declare having understood the meaning and the scope of the preceding.

Place: _____, date: _____

Signature of the declarant or declarant's mark

ATTESTATION OF WITNESS(ES)

(if required by law or circumstances, for example in the case of illiterate or disabled persons)

Surname

First name(s)

Signature

Surname

First name(s)

Signature

Surname

First name(s)

Signature

Surname

First name(s)

Signature**ATTESTATION OF THE AUTHORITY AUTHORIZED TO RECEIVE THE CONSENT**

Name of authority

Address

Title or capacity of signatory

I hereby certify that the above-mentioned declarant (and witnesses) has (have) appeared before me and signed this document in my presence.

Signature and seal



SCHEDULE II

(s. 23, 2nd par.)

GENERAL CONSENT TO THE ADOPTION OF A CHILD DOMICILED OUTSIDE QUÉBEC BY A PERSON DOMICILED IN QUÉBEC

Read carefully before completing. You should obtain any advice and information you wish regarding the consequences of your consent before signing. Sign only if you fully understand each proposal. You should receive a copy of this document and, if possible, retain it for your records. You must not have received any payment or consideration for your consent.

Identity of the child :

Surname _____ First or given name(s) _____

Born on : _____
Date of birth (DD/MM/YYYY)

Born in : _____
Birthplace of the child

The child's mother :

☐ signs this consent ☐ signs an attached consent ☐ is deceased or unknown ☐ has been deprived of her rights

Surname of the mother _____ First or given name(s) of the mother _____

The child's father :

☐ signs this consent ☐ signs an attached consent ☐ is deceased or unknown ☐ has been deprived of his rights

Surname of the father _____ First or given name(s) of the father _____

Sex of the child : ☐ male ☐ female

The child is currently domiciled at the following address :

Declaration

I, the undersigned :

Surname _____ First or given name(s) _____

Born on : _____
Date of birth (DD/MM/YYYY)

Having my domicile at the following address :

declare as follows :

1. I am ☐ the mother, ☐ the father, ☐ the legal tutor of the child.
2. I am freely giving, without pressure or coercion, my consent to the adoption of this child.
3. I know that the child may be adopted by spouses or a person residing abroad.
4. I know that the adoption of this child will operate to establish a bond of filiation with the adoptive parent(s).
5. I give my consent to an adoption that will operate to dissolve permanently the bond of filiation existing between this child and the child's biological family.
6. I have been told that I may withdraw my consent before _____ and that after that date, my consent will be irrevocable.

I declare having understood the meaning and the scope of the preceding.

Place : _____, date : _____

Signature of the declarant or declarant's mark

ATTESTATION OF WITNESS(ES)

(if required by law or circumstances, for example in the case of illiterate or disabled persons)

Surname

First name(s)

Signature

Surname

First name(s)

Signature

Surname

First name(s)

Signature

Surname

First name(s)

Signature**ATTESTATION OF THE AUTHORITY AUTHORIZED TO RECEIVE THE CONSENT**

Name of authority

Address

Title or capacity of signatory

I hereby certify that the above-mentioned declarant (and witnesses) has (have) appeared before me and signed this document in my presence.

Signature and seal

**SCHEDULE III**

(s. 23, 2nd par.)

CONSENT OF A CHILD DOMICILED OUTSIDE QUÉBEC TO THE CHILD'S ADOPTION BY A PERSON DOMICILED IN QUÉBEC

Read carefully before completing. You should obtain any advice and information you wish regarding the consequences of your consent before signing. Sign only if you fully understand each proposal. You should receive a copy of this document and, if possible, retain it for your records. You must not have received any payment or consideration for your consent.

Identity of the child :

Surname _____ First or given name(s) _____

Born on : _____
Date of birth (DD/MM/YYYY)

Born in : _____
Birthplace of the child

The child's mother :

☐ has signed an attached consent ☐ is deceased or unknown ☐ has been deprived of her rights

Surname of the mother _____ First or given name(s) of the mother _____

The child's father :

☐ has signed an attached consent ☐ is deceased or unknown ☐ has been deprived of his rights

Surname of the father _____ First or given name(s) of the father _____

Sex of the child : ☐ male ☐ female

The child is currently domiciled at the following address :

Declaration

I, the undersigned :

Surname _____ First or given name(s) _____

declare as follows :

1. I am years _____ old.

2. I freely consent, without pressure or coercion, to my adoption by :

Surname and first name(s) of the adoptive mother _____ Surname and first name(s) of the adoptive father _____

Address _____

3. I know that my adoption will operate to establish a bond of filiation with my adoptive parent(s).

4. I know that my adoption will operate to dissolve permanently the bond of filiation existing between me and my biological family.

5. I have been told that I may withdraw my consent before _____ and that after that date, my consent will be irrevocable.

I declare having understood the meaning and scope of the preceding.

Place : _____, date : _____

Signature of the declarant or declarant's mark

ATTESTATION OF WITNESS(ES)

(if required by law or circumstances, for example in the case of illiterate or disabled persons)

Surname

First name(s)

Signature

Surname

First name(s)

Signature

Surname

First name(s)

Signature

Surname

First name(s)

Signature**ATTESTATION OF THE AUTHORITY AUTHORIZED TO RECEIVE THE CONSENT**

Name of authority

Address

Title or capacity of signatory

I hereby certify that the above-mentioned declarant (and witnesses) has (have) appeared before me and signed this document in my presence.

Signature and seal

M.O., 2005**Order number AM 2005-069 of the Minister of Natural Resources and Wildlife dated 19 December 2005**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the replacement of Schedule 32 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the domain of the State

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Government, by Order in Council 573-87 dated 8 April 1987, amended by Orders in Council 497-91 dated 10 April 1991, 534-93 dated 7 April 1993, 904-95 dated 28 June 1995, 25-96 dated 10 January 1996, 952-97 dated 30 July 1997, 1439-97 dated 5 November 1997, 98-98 dated 28 January 1998, 245-98 dated 4 March 1998 and 739-98 dated 3 June 1998, designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on land in the domain of the State in view of increased utilization of wildlife resources and the carrying on of recreational activities incidental there to;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

CONSIDERING that it is expedient to replace schedule 32 of Order in Council 573-87 dated 8 April 1987;

ORDERS THAT :

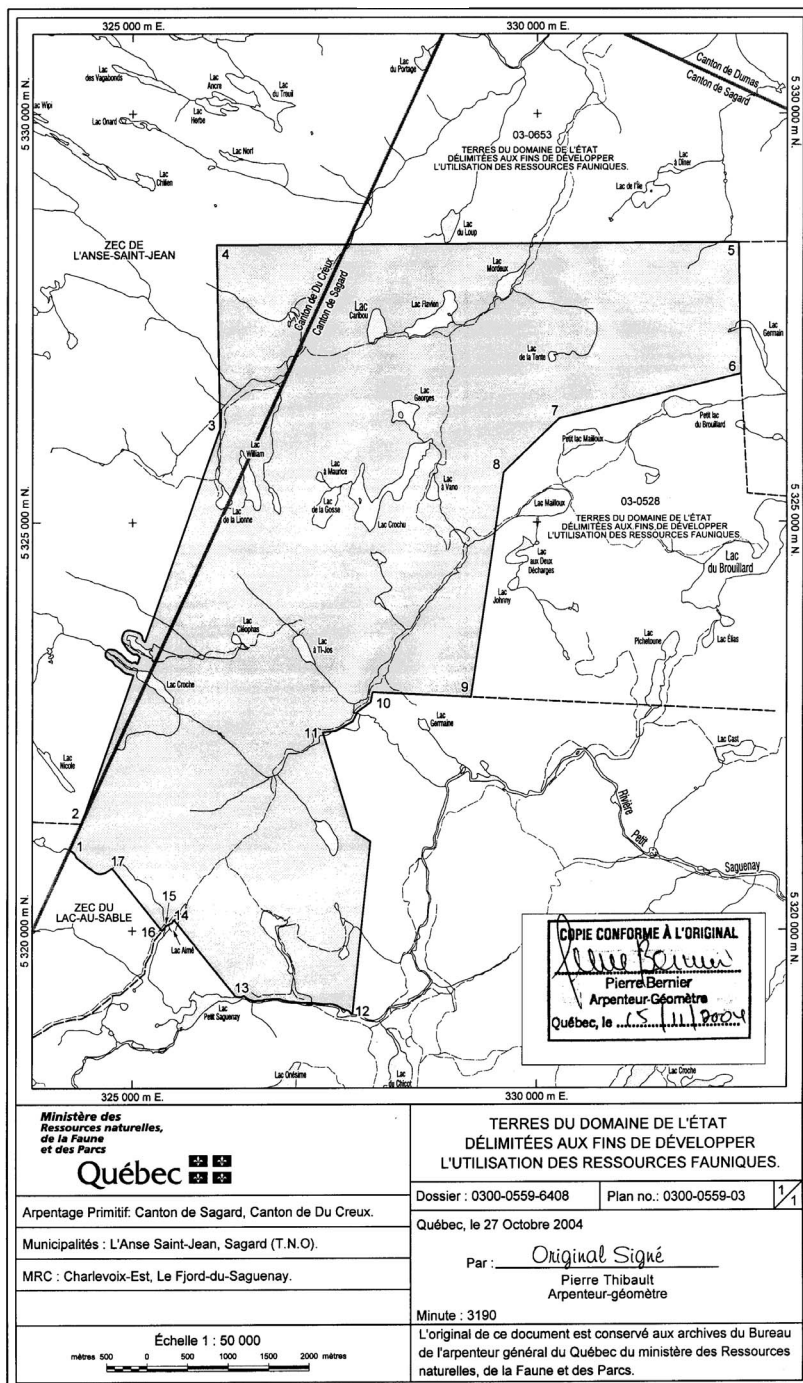
Schedule 32, attached hereto be substituted for Schedule 32 to Order in Council 573-87 dated 8 April 1987.

This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 19 December 2005

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*

SCHEDULE 32



M.O., 2005**Order number AM 2005-070 of the Minister of Natural Resources and Wildlife dated 19 December 2005**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the establishment of the Lac au Sable Controlled Zone

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Government, by Order in Council 568-87 dated 8 April 1987 concerning the establishment of certain controlled zones, established the Lac au Sable Controlled Zone;

CONSIDERING that under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may establish controlled zones on land in the domain of the State for the development, harvesting and conservation of wildlife or a species of wildlife and for the carrying on of recreational activities incidental thereto;

CONSIDERING section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides in particular that orders made by the Government under section 104 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

CONSIDERING that it is expedient to alter the territory of the Lac au Sable Controlled Zone described in the Schedule 9 of the Order in Council 568-87 dated 8 April 1987;

ORDERS THAT:

The territory, whose boundaries are shown on the map appended to the present order, be established as a controlled hunting and fishing zone designated by the name of "Lac au Sable Controlled Zone";

This Order replaces Schedule 9 of the Order in Council 568-87 dated 8 April 1987;

The present ministerial order takes effect on the day of its publication in the *Gazette officielle du Québec*.

Québec, 19 December 2005

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*



M.O., 2005**Order number AM 2005-071 of the Minister of Natural Resources and Wildlife dated 19 December 2005**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the establishment of Des Martres Controlled Zone

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Des Martres Controlled Zone was established in accordance with section 81.2 of the Wildlife Conservation Act (R.S.Q., c. C-61), by the Regulation respecting the Des Martres Controlled Zone (R.R.Q., 1981, c. C-61, r.106);

CONSIDERING that the Wildlife Conservation Act has been replaced by the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

CONSIDERING that under section 186 of the Act respecting the conservation and development of wildlife every provision of a regulation, order in council or order made by the Government under the Wildlife Conservation Act continues to be in force to the extent that it is consistent with that Act;

CONSIDERING that under section 184 of that Act the provisions of the Wildlife Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

CONSIDERING that under section 104 of that Act, the Minister may establish controlled zones on land in the domain of the State for the development, harvesting and conservation of wildlife or a species of wildlife and for the carrying on of recreational activities incidental thereto;

CONSIDERING that under section 191.1 of that Act, regulations made by the Government in particular under section 104 of that Act before January 1, 1987, continue to be in force until they are, from 17 June 1998, replaced or repealed by an order of the Minister;

CONSIDERING that it is expedient to alter the territory of the Des Martres Controlled Zone;

CONSIDERING that it is expedient to replace the Regulation respecting the Des Martres Controlled Zone (R.R.Q., 1981, c. C-61, r.106);

ORDERS THAT:

The territory, whose boundaries are shown on the map appended to the present order, be established as a controlled hunting and fishing zone designated by the name of “Des Martres Controlled Zone”;

This Order replace the Regulation respecting the Des Martres Controlled Zone (R.R.Q., 1981, c. C-61, r.106);

The present ministerial order takes effect on the day of its publication in the *Gazette officielle du Québec*.

Québec, 19 December 2005

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*



Draft Regulations

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Agrologists

— Code of ethics — 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 Code of ethics of agrologists”, adopted by the Bureau of the Ordre des agronomes du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

This draft regulation modifies section 65 of the Code of ethics of agrologists by specifying terms and conditions to identify the agrologist regarding documents prepared by him in the practice of his profession or prepared under his supervision.

The Ordre does not expect these amendments to have any impact on businesses, including small- to medium-sized businesses.

Further information may be obtained by contacting, Louise Rougeau, secrétaire, Ordre des agronomes du Québec, 1001, rue Sherbrooke Est, bureau 810, Montréal (Québec) H2L 1L3; telephone: 514 596-3833, extension 29 or 1 800 361-3833; fax: 514 596-2974.

Any interested person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the minister responsible for the administration of legislation governing the professions. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons, departments, and agencies concerned.

GAÉTAN LEMOYNE,
*Chairman of the Office des
professions du Québec*

Draft Regulation to amend the Code of ethics of agrologists*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of agrologists is amended by replacing section 65 with the following:

“**65.** An agrologist must sign, indicating his agrologist’s title, all opinions, advice, studies, research, recommendations or other documents produced in the practice of his profession, including in particular any processes, methods, standards, plans, technical descriptions, analyses, publications, specifications and supervisory instructions.

He must also ensure that his name and his agrologist’s title are clearly indicated on any document referred to in the first paragraph that is produced under his supervision pursuant to subparagraph *c* of section 28 of the Agrologists Act or to a regulation adopted pursuant to subparagraph *e* of the said section.”.

2. This regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7388

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Agrologists

— Diplomas giving access to permits

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 diplomas issued by designated teaching establishments which give access to permits or specialist’s certificates of

* The Code of ethics of agrologists, approved by Order in Council 919-2002 dated 21 August 2002 (2002, *G.O.* 2, 4551), has been amended since, by the regulation approved by Order in Council 577-2005 dated 15 June 2005 (2005, *G.O.* 2, 3077).

professional orders, 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 to update the list of diplomas giving access to permits issued by the Ordre professionnel des agronomes du Québec. According to the Order, the update is necessary following modifications made to the names of various diplomas over the last few years. The update also takes into account the modifications made by McGill University to its programs structure.

According to the Order, the amendment will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted for an opinion to the Office des professions du Québec and to the Ordre professionnel des agronomes du Québec. The Office will receive the opinion of the Order and forward it to the Minister responsible for the administration of legislation respecting the professions together with its own opinion, based on the results of consultations held with the government departments, teaching institutions and other bodies concerned.

Further information may be obtained by contacting Louise Rougeau, Secretary, Ordre des agronomes du Québec, 1001, rue Sherbrooke Est, bureau 810, Montréal (Québec) H2L 1L3; telephone: 514 596-3833, extension 29, or 1 800 361-3833; fax: 514 596-2974.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order concerned and to interested persons, departments and bodies.

YVON MARCOUX,
*Minister responsible for the administration of
legislation respecting the professions*

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by replacing subparagraphs *a* and *b* of the first paragraph of section 1.20 by the following:

“(a) Baccalauréat ès sciences appliquées (agronomie) B. Sc. A. (agronomie), Baccalauréat ès sciences appliquées (économie et gestion agroalimentaire) B. Sc. A. (économie et gestion agroalimentaire), Baccalauréat ès sciences appliquées (génie agroenvironnemental) B. Ing. (génie agroenvironnemental), Baccalauréat ès sciences appliquées (sciences et technologie des aliments) B. Sc. A. (sciences et technologie des aliments) from Université Laval;

(b) Bachelor of Science in Agricultural and Environmental Sciences B. Sc. (Ag. Env. Sc.) (Agricultural Economics Major), Bachelor of Science in Agricultural and Environmental Sciences B. Sc. (Ag. Env. Sc.) (Animal Science Major), Bachelor of Science in Agricultural and Environmental Sciences B. Sc. (Ag. Env. Sc.) (Plant Science Major), Bachelor of Science in Agricultural and Environmental Sciences B. Sc. (Ag. Env. Sc.) (Agricultural Sciences Major), Bachelor of Science in Agricultural and Environmental Sciences B. Sc. (Ag. Env. Sc.) (Agricultural Sciences Internship Major), Bachelor of Engineering in Bioresource Engineering (B. Eng. Bioresource) (Bioresource Engineering Major) from McGill University.”.

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 524-2005 dated 1 June 2005 (2005, *G.O.* 2, 1877) and 999-2005 dated 26 October 2005 (2005, *G.O.* 2, 4825). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

2. This Regulation does not affect the rights of a person who, on (*insert the date occurring one day before the date of coming into force of this Regulation*), is the holder of a diploma giving access to the permit of the Ordre des agronomes du Québec or is enrolled in a program leading to such a diploma.

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

7381

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Social workers

— Diplomas giving access to permits — 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 diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, 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 amend section 1.15 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders which lists the diplomas giving access to the permit of the Ordre professionnel des travailleurs sociaux du Québec.

The Order requested that the Maîtrise en travail social from the Université du Québec à Montréal be added to the list of eight undergraduate degrees and five graduate degrees currently giving access to the permit of the Ordre professionnel des travailleurs sociaux du Québec.

According to the Order, the program of studies leading to the issue of the above-cited graduate degree is comparable to the graduate degrees already giving access to the permit of the Order.

The Order foresees the amendments will have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted for an opinion to the Office des professions du Québec and to the Order. To that end, the Office will receive the opinion of the Order and forward it to the Minister responsible for the administration of legislation respecting the professions with its own opinion, based on the results of consultations held with the educational institutions and other bodies involved.

Further information may be obtained by contacting Richard Silver, Registrar and legal counsel with the Ordre professionnel des travailleurs sociaux du Québec, 255, boulevard Crémazie Est, bureau 520, 5^e étage, Montréal (Québec) H2M 1M2; telephone: 514 731-3925 or 1 888 731 9420; fax: 514 731-6785.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order concerned and to interested persons, departments and bodies.

YVON MARCOUX,

*Minister responsible for the administration of
legislation respecting the professions*

Regulation to amend the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. Section 1.15 of the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders is amended by adding the following after paragraph *m*:

* The Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulations made by Orders in Council 524-2005 dated 1 June 2005 (2005, *G.O.* 2, 1879) and 999-2005 dated 26 October 2005 (2005, *G.O.* 2, 4825). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

“(n) Maîtrise en travail social (M.A.) from the Université du Québec à Montréal.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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