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**Summary**

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## Regulations and other acts

Gouvernement du Québec

### O.C. 66-2006, 14 February 2006

An Act respecting the Pension Plan of Peace Officers in Correctional Services  
(R.S.Q., c. R-9.2)

#### Regulation

##### — Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under the first paragraph of section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government shall, by regulation, set up review committees within the Commission administrative des régimes de retraite et d'assurances to decide the applications for review filed under section 140 of the Act, for the classes of employees or beneficiaries it determines;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988 and its subsequent amendments;

WHEREAS section 8.4 of the Regulation provides for the setting up of review committees;

WHEREAS it is expedient to amend the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services \*

An Act respecting the Pension Plan of Peace Officers in Correctional Services  
(R.S.Q., c. R-9.2, s. 130, par. 12)

**1.** Section 8.4 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is replaced by the following:

“**8.4.** Four review committees are hereby set up to decide the applications filed under section 140 of the Act, for the following classes of employees and persons:

(1) officers covered by paragraph 3 of section 1 of the Act, employees who hold, with the corresponding classification, non-unionizable employment designated in Schedule I to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) and covered by the Pension Plan of Peace Officers in Correctional Services pursuant to the second paragraph of section 6 of the Act, persons who hold, with the corresponding classification, non-unionizable employment designated in that Schedule and who benefited from the provisions in Chapter IX.1 of the Act, subject to section 143.27 of the Act, and officers referred to in section 5.0.1 or 5.1 of the Act, as it read on 31 December 2004 and to which section 2 of the Act refers;

(2) intermediate officers who are members of certain classes of employees of the Institut Philippe Pinel determined pursuant to paragraph 4 of section 1 of the Act;

(3) employees who are members of the Canadian Union of Public Employees and covered by paragraph 4 of section 1 of the Act; and

\* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, *G.O.* 2, 4149), was last amended by the regulation made by Decision of the Conseil du trésor 203097 dated 6 December 2005 (2005, *G.O.* 2, 5506). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

(4) employees referred to in paragraph 1 or 2 of section 1 of the Act and those who are not specifically mentioned in paragraph 1, 2 or 3.

The committees referred to in the first paragraph are also set up to decide such applications filed by beneficiaries according to the classes of employees to which they belonged on the date on which they ceased to participate in the plan or by beneficiaries who are their spouses, children or successors.”.

**2.** This Regulation comes into force on 14 February 2006.

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Gouvernement du Québec

### **O.C. 71-2006, 14 February 2006**

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

#### **Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary — Ratification and implementation**

Ratification of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary, signed at Québec on 12 May 2004 and making of the Regulation implementing that Agreement

WHEREAS Décret 730-2002 dated 12 June 2002 authorized the Minister of State for International Relations and Minister of International Relations, Minister responsible for La Francophonie and Minister responsible for the Observatoire de la mondialisation to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary;

WHEREAS the Agreement was signed at Québec on 12 May 2004;

WHEREAS the purpose of the Agreement is to coordinate the pension plan of Québec and the pension system of Hungary in order to mitigate the disadvantages caused by the migration of persons;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), in exercising functions the Minister may, in particular, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS, under section 10 of the Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 of the Act extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), give effect to international fiscal agreements entered into under section 9 of the Act;

WHEREAS, under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may, by regulation, determine the manner in which the Act shall apply to any case affected by an agreement entered into with another country;

WHEREAS the Agreement constitutes an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1);

WHEREAS the Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of the Act respecting the Ministère des Relations internationales;

WHEREAS, under the third paragraph of section 20 of the Act respecting the Ministère des Relations internationales, the international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of the Act respecting the Ministère des Relations internationales, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act shall not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Agreement on 10 June 2004;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, the proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the Gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations and Minister responsible for La Francophonie, the Minister of Employment, Social Solidarity and Family Welfare and the Minister of Revenue:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary, signed at Québec on 12 May 2004 and approved by the National Assembly on 10 June 2004, the text of which appears as a Schedule to the implementation Regulation mentioned hereunder, be ratified;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary**

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

**1.** The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the regulations made thereunder apply to any person referred to in the Agreement on

Social Security between the Gouvernement du Québec and the Government of the Republic of Hungary, signed at Québec on 12 May 2004, and appearing as Schedule I.

**2.** That Act and those regulations apply in the manner stipulated in the Agreement, and in the Administrative Arrangement for the implementation of the Agreement which appears as Schedule II.

**3.** This Regulation comes into force on 1 July 2006.

### **SCHEDULE 1**

AGREEMENT ON SOCIAL SECURITY BETWEEN  
THE GOUVERNEMENT DU QUÉBEC AND  
THE GOVERNMENT OF THE REPUBLIC  
OF HUNGARY

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC  
OF HUNGARY

Hereafter referred to as “the Contracting Parties”

RESOLVED to guarantee to their respective nationals the advantages of the coordination of their social security statutes,

HAVE AGREED AS FOLLOWS:

#### **TITLE I GENERAL**

#### **ARTICLE 1 DEFINITIONS**

In this Agreement, unless the context otherwise requires,

(a) “competent authority” means the Minister of Québec or the Minister of Hungary responsible for the statutes referred to in Article 2;

(b) “public service” means as regards Québec, employment as a public servant of the Gouvernement du Québec; and, as regards the Republic of Hungary, employment within public/budgetary institutions, including employment as a public servant, a public employee, or a career member of the armed forces, of bodies maintaining public order or of civilian national security services and a member of a court of law, of a judiciary authority or of the public prosecutor’s office;

(c) “competent institution” means the department or body of a Contracting Party responsible for the administration of the statutes referred to in Article 2;

(d) “statutes” means the statutes, regulations and other statutory provisions concerning the social security branches and plans referred to in Article 2;

(e) “period of insurance” means as regards Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, as regards the Republic of Hungary, a period during which contributions have been paid, including any period defined within the meaning of the statutes of the Republic of Hungary as equivalent to a period of insurance or recognized as such;

(f) “benefit” means an annuity, an allowance, a lump-sum grant or any other benefit in cash provided under the statutes of each Contracting Party, including any extension, supplement or increase;

(g) “national” means a person of Canadian citizenship who is or who has been subject to the statutes referred to in Article 2 (1)(a) and who has acquired rights under those statutes or a person of Hungarian nationality;

and any term not defined in the Agreement has the meaning assigned to it in the applicable statutes.

## **ARTICLE 2** MATERIAL SCOPE

### 1. The Agreement shall apply

(a) to the statutes of Québec respecting the Québec Pension Plan; and

(b) to the statutes of the Republic of Hungary concerning the payment of contributions to the social insurance system and social insurance benefits.

2. The Agreement shall equally apply to any statute which amends, adds to or replaces the statutes referred to in paragraph 1.

3. The Agreement shall also apply to the statutes of one Contracting Party which extends the existing systems to new classes of beneficiaries or to new benefits; notwithstanding the preceding, that Contracting Party may, within three months of the date of the official publication of the statutes, notify the other Contracting Party that the Agreement does not apply.

## **ARTICLE 3** PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply

(a) to the persons who are or who have been subject to the statutes of one Contracting Party or to the statutes of both Contracting Parties; and

(b) to the persons who derive rights from persons described in subparagraph a.

## **ARTICLE 4** EQUALITY OF TREATMENT

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall, in the application of the statutes of one Contracting Party, receive the same treatment as the nationals of that Contracting Party.

## **ARTICLE 5** EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any benefit payable under the statutes of one Contracting Party, as well as any such benefits payable under the Agreement, shall not be subject to any reduction, modification, suspension, suppression or confiscation by reason only of the fact that the person referred to in Article 3 resides or stays in the territory of the other Contracting Party, and such benefits shall be payable in the territory of the other Contracting Party.

2. Any benefit payable under the Agreement by one Contracting Party in the territory of the other Contracting Party shall also be payable outside the territories of both Contracting Parties, under the same conditions that the first Contracting Party applies to its nationals under its own statutes.

3. As regards the Republic of Hungary, paragraphs 1 and 2 do not apply to benefits payable under agreements entered into between the Republic of Hungary and a third State under which the State of residence of the eligible person is responsible for the payment of benefits for all the periods of insurance completed under the statutes of the Republic of Hungary and the statutes of the third State concerned.



## **TITLE II** **APPLICABLE STATUTES**

### **ARTICLE 6** **GENERAL RULE**

Unless otherwise provided in the Agreement and subject to Articles 7, 8, 9, 10 and 11, persons working in the territory of one Contracting Party shall be subject only to the statutes of that Contracting Party.

### **ARTICLE 7** **SELF-EMPLOYED PERSONS**

1. Persons residing in the territory of one Contracting Party and working as self-employed persons in the territory of the other Contracting Party or in the territory of both Contracting Parties shall, with respect to such work, be subject only to the statutes of the Contracting Party in the territory of their place of residence.

2. When a person working as self-employed person is not required, with respect to such work, to contribute pursuant to the statutes of either Contracting Party under paragraph 1, the competent institutions of the Contracting Parties or the bodies designated by the competent authorities may, by common agreement, determine which statutes apply to that person.

### **ARTICLE 8** **DETACHED PERSONS**

1. A person subject to the statutes of one Contracting Party and performing work for his or her employer in the territory of the other Contracting Party, for a period not exceeding 60 months, shall, with respect to such work, remain subject to the statutes of the first Contracting Party for the duration of the detachment.

2. Notwithstanding the preceding paragraph, if the period of work extends beyond the proposed initial period and exceeds 60 months, the statutes of the first Contracting Party shall remain applicable provided that the competent institutions of the Contracting Parties or the bodies designated by the competent authorities concur.

### **ARTICLE 9** **TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT**

1. Persons working in the territory of both Contracting Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports passengers or goods, and which has its head office in the territory of one Contracting Party, shall,

with respect to such work, be subject only to the statutes of the Contracting Party in whose territory the head office is located.

2. Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of a Contracting Party other than the Contracting Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the statutes of the Contracting Party in whose territory the branch or permanent agency is located.

### **ARTICLE 10** **PERSONS IN THE PUBLIC SERVICE**

1. Persons in the public service for one of the Contracting Parties and assigned to a post in the territory of the other Contracting Party shall be subject only to the statutes of the first Contracting Party for all matters relative to that post.

2. Persons residing in the territory of one Contracting Party and who are in the public service for the other Contracting Party in that territory shall, with respect to that service, be subject only to the statutes of the first Contracting Party.

### **ARTICLE 11** **DEROGATION FROM THE PROVISIONS ON APPLICABLE LEGISLATION**

At the joint request of a person and the person's employer or at the request of a self-employed person, or on their own initiative, if applicable, the competent institutions of the Contracting Parties or the bodies designated by the competent authorities may, by common agreement, derogate from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

## **TITLE III** **BENEFITS**

### **ARTICLE 12** **PRINCIPLE OF TOTALIZATION**

When persons have completed periods of insurance under the statutes of both Contracting Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the statutes of one Contracting Party, the competent institution of that Contracting Party shall totalize, to the extent necessary for the entitlement to benefits under the statutes applied by it, the periods of

insurance completed under the statutes of each of the Contracting Parties, provided that the overlapping periods are counted only once.

### ARTICLE 13 BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of both Contracting Parties meet the requirements for entitlement to benefits, for themselves or for the persons referred to in Article 3 (*b*), under Québec statutes, without having recourse to the totalization referred to in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall

(*a*) recognize one year of contribution when the competent institution of the Republic of Hungary certifies that a period of insurance of at least 90 days has been credited in a calendar year under the statutes of the Republic of Hungary, provided that the year is included in the contributory period as defined in Québec statutes; and

(*b*) totalize years recognized under subparagraph *a* with periods of insurance completed under Québec statutes, in accordance with Article 12.

3. If the totalization provided for in paragraph 2 entitles persons to benefits, the competent institution of Québec shall determine the amount payable by adding the amounts calculated in accordance with the following subparagraphs *a* and *b*:

(*a*) that part of the benefit which is related to earnings is calculated according to the provisions of the statutes of Québec;

(*b*) the amount of the flat-rate portion of the benefit payable under the provisions of this Agreement is determined by multiplying

the amount of the flat-rate benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan in relation to the contributory period as defined in the statutes relating to that Plan.

### ARTICLE 14 BENEFITS UNDER THE STATUTES OF THE REPUBLIC OF HUNGARY

1. If persons who have been subject to the statutes of both Contracting Parties meet the requirements for entitlement to benefits, for themselves or for the persons referred to in Article 3 (*b*), under the statutes of the Republic of Hungary without having recourse to the totalization referred to in Article 12, the competent institution of the Republic of Hungary shall determine the amount of the benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without having recourse to the totalization, the competent institution of the Republic of Hungary shall,

(*a*) for entitlement to a pension benefit or a disability pension,

i. recognize 365 days of contribution in accordance with the statutes of the Republic of Hungary for each year of insurance certified by the competent institution in Québec; and

ii. totalize days recognized under subparagraph (*a*)(*i*) with periods of insurance completed under the statutes of the Republic of Hungary, in accordance with Article 12;

(*b*) if entitlement to a pension benefit is not acquired despite the application of subparagraphs (*a*)(*i*) and (*a*)(*ii*),

i. recognize one day of contribution in accordance with the statutes of the Republic of Hungary for each day of residence within the meaning of the Old Age Security Act which applies in the territory of Québec, provided that the day does not overlap a period of insurance within the meaning of the statutes of Québec; and

ii. totalize the periods recognized under subparagraphs (*a*)(*i*) and (*b*)(*i*) with the periods of insurance completed under the statutes of the Republic of Hungary, in accordance with Article 12; and

(*c*) to determine the eligibility for a benefit under the statutes of the Republic of Hungary for a person referred to in Article 3 (*b*), apply paragraph *a* or *b*, as the case may be.

3. If entitlement to a benefit is acquired under the totalization provided in paragraph 2, the competent institution of the Republic of Hungary shall

(a) calculate the theoretical amount of the benefit that would be payable as if all the periods of insurance totaled under paragraph 2 (a) and, where necessary, paragraph 2 (b), had been completed under the statutes of the Republic of Hungary; and

(b) determine, from the theoretical amount calculated in accordance with subparagraph a, the actual amount of the pension payable on the basis of the ratio of the duration of the periods of insurance completed under the statutes of the Republic of Hungary to the total periods of insurance calculated in accordance with subparagraph a.

4. For the purpose of calculating the amount of the pension pursuant to paragraph 3, only the income earned under the statutes of the Republic of Hungary and the contributions recognized under those statutes shall be taken into consideration.

#### **ARTICLE 15** PERIODS COMPLETED UNDER THE STATUTES OF A THIRD STATE

1. If a person is not entitled to a benefit after the totalization under Article 13 or Article 14, the periods of insurance completed under the statutes of a third State bound to each Contracting Party by a legal instrument of social security containing provisions related to the totalization of periods of insurance are taken into account to establish entitlement to benefits, in accordance with the terms and conditions set out in Articles 12 to 14.

2. Paragraph 1 does not apply to periods completed under the statutes of a third State with which the Republic of Hungary has entered into an agreement pursuant to which the State of residence of the eligible person is responsible for the payment of the benefits for all the periods of insurance completed under the statutes of the Republic of Hungary and the statutes of the third State concerned.

#### **ARTICLE 16** MINIMUM PERIOD TO BE TOTALIZED

Unless otherwise provided in the Agreement, if the total duration of the periods of insurance completed by a person under the statutes of a Contracting Party is less than one year and if, taking into account only those periods, no right to a benefit is acquired under the statutes of that Contracting Party, the competent institution of that Contracting Party shall not be required to pay a benefit to that person in respect of those periods under the Agreement.

#### **TITLE IV** MISCELLANEOUS AND MUTUAL ASSISTANCE

#### **ARTICLE 17** ADMINISTRATIVE ARRANGEMENT

1. The terms and conditions for the application of the Agreement shall be set out in an Administrative Arrangement to be agreed to by the competent authorities.

2. The liaison agency of each Contracting Party shall be designated in the Administrative Arrangement.

#### **ARTICLE 18** CLAIM FOR BENEFITS

1. To be entitled to a benefit under the Agreement, a person shall file a claim in accordance with the terms and conditions set out in the Administrative Arrangement.

2. For the purposes of Title III, a claim for a benefit filed under the statutes of one Contracting Party after the date of coming into force of the Agreement shall be deemed to be a claim for a corresponding benefit under the statutes of the other Contracting Party

(a) where a person asks that the claim be considered as a claim under the statutes of the other Contracting Party; or

(b) where a person indicates, at the time of the claim, that periods of insurance have been completed under the statutes of the other Contracting Party.

The date of filing of the claim is deemed to be the date on which the claim was filed in accordance with the statutes of the first Contracting Party. The institution with which the claim is filed shall immediately transmit the claim to the institution of the other Contracting Party where the decision relating to the claim is to be made by that Contracting Party.

3. The presumption set out in paragraph 2 shall not prevent a person from requesting that a claim for benefits under the statutes of the other Contracting Party be deferred.

#### **ARTICLE 19** FILING PERIOD

1. A request, a declaration or an appeal which, under the statutes of one Contracting Party, is filed within a prescribed time with the authority or institution of that Contracting Party shall be accepted if it is filed within

the same time period to the corresponding authority or institution of the other Contracting Party. In such a case, the authority or institution of the latter Contracting Party shall immediately forward the request, declaration or appeal to the authority or institution of the first Contracting Party.

2. The date on which the request, declaration or appeal is filed with the authority or institution of one Contracting Party shall be considered as the date of filing with the authority or institution of the other Contracting Party.

#### **ARTICLE 20** PAYMENT OF BENEFITS

1. Cash benefits under the statutes of Québec shall be payable directly to the beneficiary in Canadian currency or a currency that may be converted in the place of residence of the beneficiary, without any deduction for administrative charges or for any other costs incurred for the payment of the benefits.

2. Cash benefits under the statutes of the Republic of Hungary shall be payable directly to the beneficiary in legal tender or a currency that may be converted in the place of residence of the beneficiary, without any deduction for administrative charges or any other costs incurred for the payment of the benefits.

3. For the purposes of paragraphs 1 and 2, where an exchange rate is required, that rate shall be the rate in effect on the day the bank transfer involving the conversion of currency is made.

4. If a Contracting Party imposes exchange restrictions or other similar measures restricting the payments, remittances or transfers of funds or financial instruments to a person who resides outside the territory in which the restrictions are imposed, the Contracting Party concerned shall immediately take the necessary measures to make the payment of any amount payable under the Agreement to the persons described in Article 3 who reside in the territory of the other Contracting Party.

#### **ARTICLE 21** EXPERT APPRAISALS

1. At the request of the competent institution of one Contracting Party, the competent institution of the other Contracting Party shall make the necessary arrangements to provide the expert appraisals required for persons residing or staying in the territory of the latter Contracting Party.

2. The expert appraisals referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other Contracting Party.

#### **ARTICLE 22** EXEMPTION FROM FEES AND AUTHENTICATION

1. Any reduction of or exemption from fees provided for in the statutes of one Contracting Party with respect to the issuing of a certificate or document required in accordance with those statutes shall be extended to the certificates and documents required in accordance with the statutes of the other Contracting Party.

2. Any document required for the application of the Agreement shall be exempt from authentication by the responsible authorities or from any other similar formality.

#### **ARTICLE 23** TRANSMISSION AND PROTECTION OF PERSONAL INFORMATION

1. The competent authorities and institutions of one Contracting Party shall, in accordance with

(a) the statutes regarding the protection of personal information, and

(b) this Agreement or any administrative arrangement concluded pursuant to Article 17 for the implementation of this Agreement,

transmit to the competent authorities and institutions of the other Contracting Party any personal information required for the application of this Agreement or of the statutes to which this Agreement applies.

2. Any personal information transmitted under paragraph 1 by a competent authority or institution of one Contracting Party to a competent authority or institution of the other Contracting Party shall be subject to statutes regarding the protection of personal information and to the following provisions:

(a) the competent authority or institution of the Contracting Party to which the information is transmitted shall treat that information as confidential and shall effectively protect it against unauthorized access, unauthorized alterations and unauthorized disclosure in accordance with the statutes regarding the protection of personal information of that Contracting Party;

(b) the competent authority or institution of the Contracting Party to which the information is transmitted may use that information, and may disclose it to other institutions and bodies of that Contracting Party, for the purpose of implementing this Agreement or the statutes of that Contracting Party. The information may be put to other uses and may be disclosed to other administrative bodies only to the extent specifically permitted under the statutes regarding the protection of personal information of that Contracting Party. The competent authorities of the Contracting Parties shall inform each other about all amendments to their statutes regarding the protection of personal information and, in particular, additional purposes for which such information may be used or disclosed to other administrative bodies ;

(c) in individual cases, the competent authority or institution to which the information is transmitted shall, at the request of the competent authority or institution which has transmitted that information, and subject to the statutes regarding the protection of personal information, inform the latter of the use to which that information has been put and the outcome thereof ;

(d) subject to the provisions of the statutes regarding the protection of personal information of each Contracting Party, the individual concerned shall, on request to the authority or institution of either Contracting Party, have the right to be informed of the information which has been transmitted, and the purpose for which that information has been requested or transmitted, as the case may be ;

(e) the competent authority or institution which transmits the information shall take all reasonable steps to ensure that the information is accurate and is strictly limited to that absolutely necessary for the purpose of the transmission. If it becomes evident that incorrect information or information whose transmission is prohibited under the statutes regarding the protection of personal information of the transmitting Contracting Party was transmitted, the competent authority or institution which has received the information must be immediately notified of this fact and it shall immediately correct incorrect information. It shall also delete any transmitted information whose transmission is prohibited unless that information is required to combat abuse or to prosecute fraud in the context of the statutes regarding the protection of personal information applied by that Contracting Party ;

(f) the competent authority or institution of the Contracting Party to which the information is transmitted shall delete that information in accordance with the statutes regarding the protection of personal information applied by that Contracting Party.

#### **ARTICLE 24** ADMINISTRATIVE ASSISTANCE

The competent authorities and institutions shall

(a) communicate to each other any information required in the application of the Agreement ;

(b) assist each other free of charge in any matter concerning the application of the Agreement ;

(c) forward to each other any information on measures adopted for the application of the Agreement and immediately inform each other of amendments to their statutes to the extent that such amendments affect the application of the Agreement ; and

(d) inform each other of the difficulties encountered in the interpretation or in the application of the Agreement.

#### **ARTICLE 25** REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of one Contracting Party must reimburse to the competent institution of the other Contracting Party fees pertaining to each expert appraisal produced pursuant to Article 21. The forwarding of medical information or other information already in the possession of the competent institutions or information required for the purposes of the statutes of the Contracting Parties shall be an integral part of the administrative assistance and shall be free of charge.

2. The Administrative Arrangement shall determine the terms and conditions respecting the reimbursement of the fees referred to in paragraph 1.

#### **ARTICLE 26** COMMUNICATION

1. The competent authorities and institutions, and liaison agencies of the Contracting Parties may communicate with one another in French or in Hungarian.

2. A decision of a tribunal or an institution may be communicated directly to a person residing in the territory of the other Contracting Party.

#### **ARTICLE 27** SETTLEMENT OF DISPUTES

1. Any dispute between the Contracting Parties concerning the interpretation or the application of the Agreement shall, as far as possible, be settled amicably by the persons designated by the competent authorities.

2. Issues not resolved as prescribed by paragraph 1 shall immediately be the subject of consultation between the Ministers designated by the Contracting Parties at the request of a Contracting Party.

3. If a dispute cannot be settled as prescribed by paragraphs 1 and 2, it shall be referred, at the request of a Contracting Party, to an arbitration tribunal.

4. Unless both Contracting Parties agree otherwise, the arbitration tribunal shall be composed of three arbitrators, one appointed by each Contracting Party, and those two arbitrators shall appoint a third arbitrator who shall act as president.

5. The arbitration tribunal shall determine its own procedure.

6. A decision by the arbitration tribunal is final and binding on the Contracting Parties.

## **TITLE V** TRANSITIONAL AND FINAL

### **ARTICLE 28** TRANSITIONAL PROVISIONS

1. The Agreement shall not confer any right to the payment of benefits before the date of its coming into force.

2. For the purposes of Title III and subject to the provisions of paragraph 1,

(a) a period of insurance completed prior to the date of coming into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to benefits under the Agreement;

(b) a benefit, other than a death benefit, is due under the Agreement even if it is related to an event prior to the date of coming into force of the Agreement;

(c) where benefits are payable pursuant to Article 12 and a claim for such benefits is produced within two years from the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired as of that date or the date of the retirement, death or disability, as confirmed by a medical report, creating the right to benefits if such date is later, notwithstanding the provisions of the statutes of either Contracting Party relative to the forfeiture of rights;

(d) benefits which, on account of nationality or residence, have been refused, reduced or suspended shall, at the request of the person concerned, be granted or re-established as of the date of coming into force of the Agreement;

(e) benefits granted before the date of coming into force of the Agreement shall be revised at the request of the person concerned. They may also be revised by the competent institution. If the revision leads to benefits that are lower than the benefits paid before the coming into force of the Agreement, the amount of benefits previously paid shall be maintained;

(f) if the request referred to in subparagraphs *d* and *e* is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired as of that date, notwithstanding the provisions of the statutes of either Contracting Party relative to the forfeiture of rights;

(g) if the request referred to in subparagraphs *d* and *e* is filed after the limit of two years following the coming into force of the Agreement, rights which are not forfeited shall be acquired as of the date of the request, unless there are more favourable provisions in the applicable statutes.

3. For the purposes of Article 8, a person already detached on the date of coming into force of the Agreement shall be deemed to have become detached on that date.

### **ARTICLE 29** COMING INTO FORCE AND TERM OF THE AGREEMENT

1. The Contracting Parties shall notify one another when their respective internal procedures required for the coming into force of the Agreement have been completed.

2. The Agreement comes into force on the first day of the fourth month following the month in which the last notification referred to in paragraph 1 was sent.

3. The Agreement is entered into for an indefinite term. It may be denounced by either Contracting Party by notification to the other Contracting Party. The Agreement expires on the 31st day of December which follows the date of notification by at least 12 months.

4. If the Agreement is terminated, all rights acquired under the provisions of the Agreement and the rights in the process of being acquired shall be maintained.

Done at Québec on 12 May 2004, in two copies, in French and in Hungarian, both texts being equally authentic.

For the Gouvernement  
du Québec

For the Government of the  
Republic of Hungary

MONIQUE GAGNON-TREMBLAY,  
*Deputy Premier,  
Minister of International  
Relations and Minister  
responsible for  
La Francophonie*

DÉNES TOMAJ,  
*Ambassador of the Republic  
of Hungary*

## SCHEDULE II

(s. 2)

ADMINISTRATIVE ARRANGEMENT FOR  
THE IMPLEMENTATION OF THE AGREEMENT  
ON SOCIAL SECURITY BETWEEN THE  
GOUVERNEMENT DU QUÉBEC AND THE  
GOVERNMENT OF THE REPUBLIC OF  
HUNGARY

THE MINISTER OF EMPLOYMENT, SOCIAL  
SOLIDARITY AND FAMILY WELFARE OF  
QUÉBEC AND THE MINISTÈRE DU REVENU  
DU QUÉBEC

AND

THE MINISTRY OF HEALTH, SOCIAL AND  
FAMILY AFFAIRS OF THE REPUBLIC OF  
HUNGARY

CONSIDERING Article 17 of the Agreement on  
Social Security between the Gouvernement du Québec  
and the Government of the Republic of Hungary;

HAVE AGREED AS FOLLOWS :

### ARTICLE 1 DEFINITIONS

In this Administrative Arrangement,

(a) the term “Agreement” shall mean the Agreement  
on Social Security between the Gouvernement du Québec  
and the Government of the Republic of Hungary; and

(b) all other terms shall have the meaning given to  
them in Article 1 of the Agreement.

### ARTICLE 2 LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of  
Article 17 of the Agreement, the liaison agencies desig-  
nated by each Contracting Party shall be,

(a) as regards Québec, the Bureau des ententes de  
sécurité sociale of the Régie des rentes du Québec or any  
other body that the competent authority of Québec may  
subsequently designate;

(b) as regards the Republic of Hungary, for pensions,  
the Central Administration of the National Pension  
Insurance and, for contributions, the National Health  
Insurance Fund or any other agency that the competent  
authority of the Republic of Hungary may subsequently  
designate.

### ARTICLE 3 CERTIFICATE OF COVERAGE

1. For the purposes of Articles 7 to 11 of the Agree-  
ment, where a person remains subject to the statutes of  
one Contracting Party while working in the territory of  
the other Contracting Party, a certificate of coverage is  
issued

(a) by the Québec liaison agency, where the person  
remains subject to the statutes of Québec; and

(b) by the liaison agency of the Republic of Hungary,  
where the person remains subject to the statutes of the  
Republic of Hungary.

2. The liaison agency issuing the certificate of cover-  
age shall send a copy of that certificate to the other  
liaison agency referred to in paragraph 1, to the person  
concerned and, where applicable, to the person’s employer.

### ARTICLE 4 RETIREMENT, DISABILITY AND SURVIVORS’ BENEFITS

1. For the purposes of Title III of the Agreement, a  
claim for a benefit under the Agreement may be filed  
with the liaison agency of either Contracting Party, or  
with the competent institution of the Contracting Party  
whose statutes are applicable.

2. Where the claim for a benefit referred to in paragraph 1 is filed with a liaison agency, that agency shall send the claim along with the required supporting documents to the competent institution of the Contracting Party whose statutes are applicable.

3. Where the claim for a benefit referred to in paragraph 2 of Article 18 of the Agreement is received by the competent institution of one Contracting Party, that institution shall forward the claim to the liaison agency of the same Contracting Party. The liaison agency shall send the claim along with the required supporting documents to the competent institution or the liaison agency of the other Contracting Party.

4. Any information on civil status appearing on a claim form shall be certified by the liaison agency forwarding the claim, which shall exempt the agency from having to forward the supporting documents.

5. Any original document or its copy shall be kept by the liaison agency with which it was originally filed and a copy shall be made available to the competent institution of the other Contracting Party, on request.

6. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

7. If so requested by the competent institution or by the liaison agency of one Contracting Party, the liaison agency or the competent institution of the other Contracting Party shall indicate, on the liaison form, the periods of insurance recognized under the statutes it administers.

8. As soon as a decision regarding a claim has been made pursuant to the statutes it administers, the competent institution shall notify the claimant and inform the claimant about recourses and time limits for such recourse prescribed by such statutes; the competent institution shall also inform the liaison agency of the other Contracting Party of the decision using the liaison form.

#### **ARTICLE 5** REIMBURSEMENT BETWEEN INSTITUTIONS

For the purposes of Article 25 of the Agreement, at the end of each calendar year, where the competent institution of one Contracting Party has paid benefits or has had expert appraisals made on behalf or at the expense of the competent institution of the other Contracting Party, the liaison agency of the first Contracting Party

shall send to the liaison agency of the other Contracting Party a statement of benefits paid or of the fees pertaining to the expert appraisals made during the year under consideration, indicating the amount owed. That statement shall be accompanied by all supporting documents.

#### **ARTICLE 6** FORMS

Any form or document necessary to implement the procedures provided in the Administrative Arrangement shall be determined by common agreement by the competent institutions and bodies responsible for the implementation of the Agreement for each of the Contracting Parties.

#### **ARTICLE 7** STATISTICS

The liaison agencies of both Contracting Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to the beneficiaries during each calendar year under the Agreement. Such data may include the number of beneficiaries and the total amount of benefits, by benefit category.

#### **ARTICLE 8** COMING INTO FORCE AND TERM

This Administrative Arrangement shall come into force on the same date as the Agreement and its term is the same as the term of the Agreement.

Done at Québec on 12 May 2004, in two copies, in French and in Hungarian, both texts being equally authentic.

For the Ministère de l'Emploi,  
de la Solidarité Sociale et  
de la Famille and the Ministère  
du Revenu du Québec

For the Ministry of Health,  
Social and Family Affairs of  
the Republic of Hungary

MONIQUE GAGNON-TREMBLAY,  
*Deputy Premier,  
Minister of International  
Relations and Minister  
responsible for  
La Francophonie*

DÉNES TOMAJ,  
*Ambassador of the Republic  
of Hungary*



Gouvernement du Québec

## O.C. 75-2006, 14 February 2006

An Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., c. M-30.01)

Amendments to the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère du Développement économique et régional et de la Recherche

WHEREAS the second paragraph of section 15 of the Act respecting the Ministère du Développement économique et régional et de la Recherche (R.S.Q., c. M-30.01) provides that a deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

WHEREAS section 17 of the Act provides that a document or copy of a document emanating from the department or forming part of its records, signed or certified true by a person referred to in the second paragraph of section 15, is authentic;

WHEREAS the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère du Développement économique et régional et de la Recherche were made under Order in Council 248-2004 dated 24 March 2004;

WHEREAS it is expedient to amend those Terms and conditions;

WHEREAS, under Décret 122-2005 dated 18 February 2005, the Minister of Economic and Regional Development and Research and the Ministère du Développement économique et régional et de la Recherche are henceforth designated under the name of Minister of Economic Development, Innovation and Export Trade and Ministère du Développement économique, de l'Innovation et de l'Exportation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Economic Development, Innovation and Export Trade:

THAT the amendments to the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère du Développement économique et régional et de la Recherche, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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### SCHEDULE

#### AMENDMENTS TO THE TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET DE LA RECHERCHE

1. The title of the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère du Développement économique et régional et de la Recherche is replaced by the following:

“Terms and conditions for the signing of certain deeds, documents and writings of the Ministère du Développement économique, de l'Innovation et de l'Exportation”.

2. Section 4 is amended by replacing paragraph 4 by the following:

“(4) certificates issued or revoked in connection with a credit for a research consortium pursuant to the Taxation Act;

(5) certificates issued or revoked in connection with a credit for a pre-competitive research project pursuant to the Taxation Act;

(6) certificates issued or revoked in connection with a deduction for qualified patronage dividends pursuant to the Taxation Act.”.

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Gouvernement du Québec

## O.C. 83-2006, 14 February 2006

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

### Cartage industry — Québec — Amendment

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

WHEREAS the Government, in accordance with section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), made the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7);

WHEREAS the contracting parties named in this Decree petitioned the Minister of Labour in accordance with section 6.1 of this Act to have amendments made to the Decree;

WHEREAS sections 2 and 6.1 of the Act authorize the Government to amend a collective agreement decree;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the amending Decree was published in Part 2 of the *Gazette officielle du Québec* of 27 July 2005 and, on this same date, in a French-language newspaper and in an English-language newspaper, on 30 July 2005, in a French-language newspaper and in another French-language newspaper on 31 July 2005, with notice that it could be made by the Government on the expiry of the 45 days following this publication;

WHEREAS the comments received were considered;

WHEREAS it is expedient to make this draft Decree with amendments;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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

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

**1.** Section 18.01 of the Decree respecting the cartage industry in the Québec region is replaced by the following:

“**18.01.** The minimum hourly wage rates payable to employees is determined in the following tables, by region and by class of employment, on the dates indicated:

1. (A) **Region 01 (Bas-Saint-Laurent)**: municipalities included in les municipalités régionales de comté de Kamouraska, Les Basques, Rimouski-Neigette, Rivière-du-Loup and Témiscouata;

(B) **Region 12 (Chaudière-Appalaches)**: municipalities included in les municipalités régionales de comté de Beauce-Sartigan, L'Amiante, L'Islet, La Nouvelle-Beauce, Les Etchemins, Montmagny and Robert-Cliche;

Class of employment	As of 2006 03 01	As of 2006 07 01
1. helper	\$14.67	\$15.11
2. driver, class I	\$14.98	\$15.43
3. driver, class II	\$15.10	\$15.55
4. driver, class III	\$15.74	\$16.21
5. driver, class IV	\$16.34	\$16.83
6. mechanic, welder		
1st grade	\$11.60	\$11.95
2nd grade	\$15.75	\$16.22
7. serviceman		
1st grade	\$11.60	\$11.95
2nd grade	\$15.10	\$15.55;

\* The last amendments to the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) were made by the regulation made under Order in Council No. 736-2005 dated 9 August 2005 (2005, G.O. 2, 4616). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 September 2005.

2. **Region 02 (Saguenay – Lac Saint-Jean)**: la Ville de Saguenay as well as the municipalities included in les municipalités régionales de comté de Lac Saint-Jean-Est, Le Domaine-du-Roy, Le Fjord-du-Saguenay and Maria-Chapdelaine:

Class of employment	As of 2006 03 01	As of 2006 07 01
1. helper	\$14.31	\$14.74
2. driver, class I	\$15.63	\$16.10
3. driver, class II	\$15.76	\$16.23
4. driver, class III	\$15.93	\$16.41
5. driver, class IV	\$16.52	\$17.02
6. mechanic, welder		
1st grade	\$11.60	\$11.95
2nd grade	\$15.92	\$16.40
7. serviceman		
1st grade	\$11.60	\$11.95
2nd grade	\$15.31	\$15.77;

3. (A) **Region 03 (Capitale-Nationale)**: la Ville de Québec, la Ville de L' Ancienne-Lorette, la Ville de Saint-Augustin-de-Desmaures as well as the municipalities included in les municipalités régionales de comté de L'Île-d'Orléans, La Côte-de-Beaupré, La Jacques-Cartier and Portneuf;

(B) **Region 12 (Chaudière-Appalaches)**: la Ville de Lévis as well as the municipalities included in les municipalités régionales de comté de Bellechasse, and Lotbinière:

Class of employment	As of 2006 03 01	As of 2006 07 01
1. helper	\$16.22	\$16.71
2. driver, class I	\$16.55	\$17.05
3. driver, class II	\$16.70	\$17.20
4. driver, class III	\$17.30	\$17.82
5. driver, class IV	\$17.91	\$18.45

Class of employment	As of 2006 03 01	As of 2006 07 01
6. mechanic, welder		
1st grade	\$11.60	\$11.95
2nd grade	\$17.00	\$17.51
7. serviceman		
1st grade	\$11.60	\$11.95
2nd grade	\$16.69	\$17.19”.

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

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## M.O., 2006

### Order of the Minister of Municipal Affairs and Regions dated 15 February 2006

Cities and Towns Act  
(R.S.Q., c. C-19; 2005, c. 50)

Appropriation to cover the expenditures relating to the mayor's office staff of a borough of Ville de Montréal for the fiscal year 2006

WHEREAS, under section 114.4 of the Cities and Towns Act (R.S.Q., c. C-19), amended by section 9 of chapter 50 of the Statutes of 2005, the mayor of a borough of Ville de Montréal may appoint a chief of staff and any other staff members necessary for the orderly administration of the mayor's office;

WHEREAS, under section 114.11 of the Act, amended by section 10 of chapter 50 of the Statutes of 2005, if the mayor of a borough exercised the power provided for in section 114.4, the budget of the borough must contain an appropriation to cover the expenditures relating to office staff and determined according to the standards, scales and other conditions set under section 114.6 of the Act;

WHEREAS, under section 134 of the Act to again amend various legislative provisions concerning municipal affairs (2005, c. 50), for the purposes of the fiscal year 2006, the appropriation may not exceed the amount determined by the Minister of Municipal Affairs and Regions or the amount that corresponds to the percentage, determined by the Minister, of the total of the other appropriations provided for in the borough budget and, if the Minister determines both an amount and a percentage with regard to that budget, the higher amount constitutes the applicable maximum;

WHEREAS it is expedient to determine the amount and the percentage;

THEREFORE, the Minister of Municipal Affairs and Regions orders as follows:

The appropriation to cover the expenditures relating to the office staff of a borough of Ville de Montréal and determined according to the standards, scales and other conditions of employment set under section 114.6 of the Cities and Towns Act may not exceed the greater of \$100,000 and the amount that corresponds to 0.32% of the total of the other appropriations provided for in the borough budget.

This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 15 February 2006

NATHALIE NORMANDEAU,  
*Minister of Municipal Affairs and Regions*

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## Draft Regulations

### Draft Regulation

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1)

#### Association des courtiers et agents immobiliers du Québec — 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 By-law amending the By-law of the Association des courtiers et agents immobiliers du Québec, appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine the annual premium to be paid by brokers to the Liability Insurance Fund for themselves, for the persons in their employ or authorized to act on their behalf, for the representatives referred to in section 7 of the Act and for each person who manages an establishment or who acts as an assistant to the person managing an establishment referred to in section 13 of the Act. The amount of the premium is \$550, which will mean a large reduction in the total premium paid by most brokers and better accessibility to the insurance.

Further information on the draft Regulation may be obtained by contacting Claudie Tremblay, Director of Legal Affairs, Association des courtiers et agents immobiliers du Québec, 6300, rue Auteuil, bureau 300, Brossard (Québec) J4Z 3P2; telephone: 450 676-4800 or 1 800 440-5110; fax: 450 676-7801; or e-mail: ctremblay@acaiq.com

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MICHEL AUDET,  
*Minister of Finance*

### By-law amending the By-law of the Association des courtiers et agents immobiliers du Québec\*

Real Estate Brokerage Act  
(R.S.Q., c. C-73.1, s. 74, 1st par., subpar. 7.1)

**1.** The By-Law of the Association des courtiers et agents immobiliers du Québec is amended by inserting the following after section 61 :

#### “DIVISION IV INSURANCE PREMIUM

**61.1.** The holder of a real estate broker’s certificate, other than the certificate referred to in the second paragraph of section 15 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), must, in accordance with the second paragraph of section 5 of the Act, pay to the Liability Insurance Fund an annual premium of \$550 for himself, for each holder of a chartered or affiliated real estate agent’s certificate or a real estate broker’s certificate in his employ or authorized to act on his behalf, for a representative referred to in section 7 of the Act and for each person who manages an establishment or who acts as an assistant to the person managing an establishment referred to in section 13 of the Act.”.

**2.** This By-law comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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\* The By-law amending the By-law of the Association des courtiers et agents immobiliers du Québec, approved by Order in Council 1865-93 dated 15 December 1993 (1993, *G.O.* 2, 7077), has been amended once, by the by-law approved by Order in Council 397-2005 dated 27 April 2005 (2005, *G.O.* 2, 1153).

## Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

### Contaminants — Mandatory reporting of certain emissions into the atmosphere

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, the text of which appears below, may be made by the Minister of Sustainable Development, Environment and Parks on the expiry of 60 days following this publication.

Within the perspective of ensuring supervision of the quality of the environment in relation to phenomena that increase the greenhouse effect, acid rain, smog and toxic pollution, the purpose of this draft Regulation is to determine the thresholds over which enterprises, facilities or establishments are required to report their emissions of contaminants associated with those phenomena. It also determines the information to be provided and the parameters to be used to evaluate or calculate the quantity of contaminants.

The impact of the draft Regulation on enterprises will be minimal. Over the last fifteen years, the Ministère du Développement durable, de l'Environnement et des Parcs has been gathering, on a voluntary basis, various data used to calculate the main atmospheric contaminants emitted by a large number of enterprises. The transmission of information within a normative framework does not place any additional burden on enterprises.

Further information may be obtained by contacting Vicky Leblond or Michel Goulet, Direction des politiques de l'air, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6<sup>e</sup> étage, boîte 30, Québec (Québec) G1R 5V7, telephone: 418 521-3813, extension 4386 or 7022, respectively, or e-mail: vicky.leblond@mddep.gouv.qc.ca or michel.goulet@mddep.gouv.qc.ca; fax: 418 646-0001.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Vicky Leblond or Michel Goulet at the above address.

THOMAS J. MULCAIR,  
*Minister of Sustainable Development,  
Environment and Parks*

## Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act  
(R.S.Q., c. Q-2, ss. 2.2, 109.1 and 124.1)

### DIVISION I SCOPE, PURPOSE AND INTERPRETATION

**1.** This Regulation applies to every operator whose enterprise, facility or establishment emits a contaminant listed in Schedule A into the atmosphere at a level that is equal to or greater than the reporting threshold prescribed for the contaminant.

The provisions of this Regulation apply in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

**2.** Within the perspective of ensuring supervision of the quality of the environment in relation to phenomena that increase the greenhouse effect, acid rain, smog and toxic pollution, this Regulation determines the thresholds over which enterprises, facilities or establishments are required to report their emissions in relation to the contaminants associated with those phenomena. It also determines the information to be provided and the parameters to be used to calculate the quantity of the contaminants emitted.

**3.** In this Regulation,

(1) “total fluorides” means the sum of fluorides emitted as gases and fluorides emitted as particles;

(2) “Minister” means the Minister of Sustainable Development, Environment and Parks;

(3) “process” means any method, reaction or operation through which the matter treated undergoes a physical or chemical change in the same production line and includes all successive operations on a single matter bringing about the same type of physical change;

(4) “reporting threshold” means the quantity of a contaminant or a category of contaminants emitted by an enterprise, facility or establishment, expressed in reference to certain parameters, in excess of which the operator of the enterprise, facility or establishment must report its emission level to the Minister under the provisions of this Regulation or to the Minister of the Environment of Canada under subsection 5 of section 46 of the Canadian Environmental Protection Act (1999) (S.C. 1999, c. 33).

## **DIVISION II**

### **STANDARDS FOR MANDATORY REPORTING OF CERTAIN EMISSIONS OF CONTAMINANTS INTO THE ATMOSPHERE**

**4.** Every person or municipality operating an enterprise, facility or establishment that emits a contaminant listed in Part I of Schedule A into the atmosphere in a quantity that exceeds the reporting threshold set out in that Schedule for the contaminant or category of contaminants must, not later than 1 June of each year, communicate to the Minister the quantity of each of the contaminants listed in Schedule A that the facility, establishment or enterprise emitted into the atmosphere in the preceding calendar year.

The information must include any data pertaining to production, fuels used and raw materials relevant to the calculation of the quantities of contaminants emitted on an annual basis, and the emission factors used for the calculation.

In addition, the information must be provided in the form in Parts I to IV of Schedule B.

For the purposes of the second paragraph, fuels integral to a process or used to supply transportation machinery integral to a process must be taken into account, as must fuels used to heat facilities.

For the purposes of this section, if an enterprise has several establishments, a separate report must be made for each of them. If an establishment has more than one facility, the data pertaining to each facility must be identified separately. In all cases, the operator must identify the activities, processes or equipment that are the source of contaminant emissions by indicating separately, for each of them, the quantity of fuels and raw materials used, and the volume of production.

**5.** If the operator of the enterprise, facility or establishment is required, under a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999), to report to the Minister of the Environment of Canada for a contaminant listed in Part II of Schedule A, the operator must, without delay, transmit to the Minister a copy of any information transmitted to the Minister of the Environment of Canada concerning any of those contaminants emitted into the atmosphere by the enterprise, facility or establishment.

The operator must also provide the Minister with all data pertaining to production, fuels used and raw materials that were used to calculate the quantities of contaminants reported to the Minister of the Environment of Canada, along with the copy of the information referred

to in the first paragraph, and the emission factors used for the calculation. The operator must identify the activities, processes or equipment that are the source of contaminant emissions by indicating separately, for each of them, the quantity of fuels and raw materials used, and the volume of production. That information must be provided in the form in Parts I, III and IV of Schedule B.

In addition, if the operator is required under a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999) to notify the Minister of the Environment of Canada that the enterprise, facility or establishment ceases to meet the prescribed reporting criteria, the operator must so notify the Minister at the same time.

**6.** The information communicated pursuant to section 4 or the second paragraph of section 5 must be based on the best data and best information the operator of the enterprise, facility or establishment has, may reasonably be expected to have or may obtain by means of appropriate data processing.

Written certification by the operator or a person authorized by the operator stating that the data transmitted was established in conformity with the best practices that apply and the requirements of this Regulation must also be transmitted to the Minister by the operator, along with the information required by section 4 or the copy of the report referred to in section 5.

**7.** The persons or municipalities to which the provisions of this Regulation apply must retain the required information and the calculations, measurements and other data on which emission data are based for a minimum of five years from the date on which they were produced.

## **DIVISION III**

### **OFFENCES**

**8.** Every person who fails to communicate the information prescribed by section 4 or the second paragraph of section 5 to the Minister, communicates false or inaccurate information, or fails to transmit the copy of a report referred to in section 5, or to transmit the notice referred to in the third paragraph of section 5, or includes false or inaccurate information or fails to include prescribed data in the documents or fails to retain the data for the period prescribed is liable

(1) to a fine of \$2,000 to \$12,000 in the case of a natural person; and

(2) to a fine of \$5,000 to \$25,000, in the case of a legal person.

**9.** In the case of a second or subsequent offence, the fines referred to in section 8 are doubled.

#### DIVISION IV MISCELLANEOUS

**10.** As of the date on which a contaminant listed in Part I of Schedule A is the subject of a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999), that contaminant becomes governed by the provisions of section 5 of this Regulation. The reporting threshold applicable for that contaminant is then the reporting threshold provided for in the public notice.

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

#### SCHEDULE A

(ss. 1, 4, 5, 10)

##### Part I

Types	Contaminants	Reporting thresholds
	— total fluorides	10 tonnes
	— polycyclic aromatic hydrocarbons (PAHs):	50 kg
	• Fluorene;	on an annual
	• Phenanthrene;	basis for all the
	• Anthracene;	contaminants
	• Pyrene;	in the PAH
	• Fluoranthene;	category
	• Chrysene;	
Contaminants that cause toxic pollution	• Benzo (a) anthracene;	
	• Benzo (a) pyrene;	
	• Benzo (e) pyrene;	
	• Benzo (b) fluoranthene;	
	• Benzo (j) fluoranthene.	
	— Total reduced sulphur compounds:	10 tonnes
	• hydrogen sulphide (H <sub>2</sub> S);	on an annual
	• methyl mercaptan (CH <sub>3</sub> SH);	basis for all the
	• dimethyl sulphide (CH <sub>3</sub> ) <sub>2</sub> S;	contaminants in
	• dimethyl disulphide S <sub>2</sub> (CH <sub>3</sub> ) <sub>2</sub> .	the category of
		total reduced sulphur compounds

##### Part II

Types	Contaminants	*Reporting thresholds
Contaminants that cause increased greenhouse effect	— carbon dioxide (CO <sub>2</sub> ); — methane (CH <sub>4</sub> ); — nitrous oxide (N <sub>2</sub> O); — sulphur hexafluoride (SF <sub>6</sub> ); — hydrofluorocarbons (HFCs):	
	• HFC-23 (CHF <sub>3</sub> );	
	• HFC-32 (CH <sub>2</sub> F <sub>2</sub> );	
	• HFC-41(CH <sub>3</sub> F);	
	• HFC-43-10mee (C <sub>3</sub> H <sub>2</sub> F <sub>10</sub> );	
	• HFC-125 (C <sub>2</sub> HF <sub>5</sub> );	
	• HFC-134 (CHF <sub>2</sub> CHF <sub>2</sub> );	
	• HFC-134a (CH <sub>2</sub> FCF <sub>3</sub> );	
	• HFC-143 (CHF <sub>2</sub> CH <sub>2</sub> F);	
	• HFC-143a (CF <sub>3</sub> CH <sub>3</sub> );	
	• HFC-152a (CH <sub>2</sub> CHF <sub>2</sub> );	
	• HFC-227ea (C <sub>3</sub> HF <sub>7</sub> );	
	• HFC-236fa (C <sub>3</sub> H <sub>2</sub> F <sub>6</sub> );	
	• HFC-245ca (C <sub>2</sub> H <sub>3</sub> F <sub>5</sub> ).	
	— perfluorocarbons (PFCs):	
	• perfluoromethane (CF <sub>4</sub> );	
	• perfluoroethane (C <sub>2</sub> F <sub>6</sub> );	
	• perfluoropropane (C <sub>3</sub> F <sub>8</sub> );	
	• perfluorobutane (C <sub>4</sub> F <sub>10</sub> );	
	• perfluorocyclobutane (c-C <sub>4</sub> F <sub>8</sub> );	
	• perfluoropentane (C <sub>5</sub> F <sub>12</sub> );	
	• perfluorohexane (C <sub>6</sub> F <sub>14</sub> ).	
Contaminants that cause acid rain and smog	— sulphur dioxide (SO <sub>2</sub> ); — nitrogen oxides (NO <sub>x</sub> ); — volatile organic compounds; — carbon monoxide (CO); — total particulate matter; — particulate matter <10 microns; — particulate matter < 2.5 microns; — ammonia (NH <sub>3</sub> ).	
Contaminants that cause toxic pollution	— mercury (Hg) and its compounds; — lead (Pb) and its compounds; — cadmium (Cd) and its compounds; — polychlorinated dibenzo-p-dioxins; — polychlorinated dibenzofurans; — benzene; — hexachlorobenzene; — formaldehyde; — arsenic and its compounds; — hexavalent chromium compounds.	

\* The reporting threshold applicable for a contaminant in Part II of this Schedule is the reporting threshold provided for that contaminant in the public notice given by the Minister of the Environment of Canada pursuant to section 46 of the Canadian Environmental Protection Act (1999).



**SCHEDULE B**

(ss. 4, 5)

**REPORTING OF ANNUAL EMISSIONS, REPORT OF FUELS, PRODUCTS, RAW MATERIALS  
AND EMISSION FACTORS****Part I: Identification**Name of enterprise :  
\_\_\_\_\_Name of establishment :  
\_\_\_\_\_Address of establishment  
\_\_\_\_\_Civic number, street :  
\_\_\_\_\_City or Town :  
\_\_\_\_\_Postal Code :  
\_\_\_\_\_Director of establishment  
\_\_\_\_\_Name :  
\_\_\_\_\_Address (If different from establishment) :  
\_\_\_\_\_Civic number, street :  
\_\_\_\_\_City or Town :  
\_\_\_\_\_Postal Code :  
\_\_\_\_\_Telephone number :  
\_\_\_\_\_Fax number :  
\_\_\_\_\_E-mail :  
\_\_\_\_\_Person responsible for the environment (If different from the director of the establishment)  
\_\_\_\_\_Name :  
\_\_\_\_\_Address (If different from establishment)  
\_\_\_\_\_Civic number :  
\_\_\_\_\_Street :  
\_\_\_\_\_City or Town :  
\_\_\_\_\_Postal Code :  
\_\_\_\_\_Telephone number :  
\_\_\_\_\_Fax number :  
\_\_\_\_\_E-mail :  
\_\_\_\_\_

Person responsible for reporting (If different from the person responsible for the environment)

Name:

Address (If different from establishment):

Civic number:

Street:

City or Town:

Postal Code:

Telephone number:

Fax number:

E-mail:

### Part II: Annual emissions report

Types	Contaminants	Total emissions	Units of measure
Contaminants that cause toxic pollution	Total fluorides (TF)		
	Polycyclic aromatic hydrocarbons (PAHs)		
	Total reduced sulphur compounds		

### Part III: Fuels, products and raw materials report

Identification of emission source	Hours of operation

For each emission source identified, Tables A, B and C must be completed using the best data the operator of the enterprise, facility or establishment has, may reasonably be expected to have or may obtain by means of appropriate data processing.

**Table A**

Identification of fuel	Characteristics			Quantity	Unit of measure
	% Sulphur	% Water	Heating value		

**Table B**

Identification of product	Volume of production	Unit of measure

**Table C**

Identification of raw material		Quantity	Unit of measure	
<b>Part IV : Emission factors</b>				
Contaminant	Emission factor	Unit of measure	Product, raw material or fuel related to the emission factor	Emission factor reference

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## Decisions

### Decision

An Act respecting school elections  
(R.S.Q., c. E-2.3)

#### **Chief electoral officer — Holding of a by-election in the Eastern Townships School Board**

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning the holding of a by-election in the Eastern Townships School Board

WHEREAS, subsequent to the recommencement of election proceedings, a by-election is to be held on March 12, 2006, in electoral division number 14 of the Eastern Townships School Board in accordance with sections 84, 191 and 200 of the Act respecting school elections (R.S.Q., c. E-2.3);

WHEREAS the second paragraph of section 200 of the Act respecting school elections provides that the provisions of Chapters IV to XII of the said Act shall apply to by-elections;

WHEREAS some of the said provisions have been adapted by means of special decisions of the chief electoral officer made on October 3, 2003, pursuant to section 30.8 of the Act respecting school elections, concerning the power to swear in election staff, acceptance of nominations by an assistant to the returning officer, the ballot, the poll book and the statement of votes;

WHEREAS it is necessary for these special decisions to apply to the by-election in the Eastern Townships School Board;

WHEREAS section 30.8 of the Act respecting school elections allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an error or an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has first informed the Minister of Education, Recreation and Sports of the decision he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, has decided to adapt the provisions of the Act respecting school elections as follows:

— The following decisions made by the chief electoral officer during the election period ending on November 16, 2003, shall apply, adapted as required, to the by-election in the Eastern Townships School Board:

– Decision of October 3, 2003 concerning the power of election officers to administer oaths;

– Decision of October 3, 2003 concerning the ballot paper, the poll book and the statement of votes.

This decision has been in force from the time the returning officer of the Eastern Townships School Board first took action in respect of the by-election to which it applies.

Québec, 14 February 2006

MARCEL BLANCHET,  
*Chief Electoral Officer and  
Chairman of the Commission  
de la représentation électorale*

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## Parliamentary Committees

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### Committee on Social Affairs

#### General consultation

#### **Improving access meeting the challenges of equity, efficiency and quality (document regarding health services)**

The Committee on Social Affairs has been instructed to hold public hearings beginning on 4 April 2006 in pursuance of a general consultation on the document regarding health services entitled Improving Access – Meeting the challenges of equity, efficiency and quality.

Individuals and organizations who wish to express their views on this matter must submit a brief to the above Committee. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief. The Committee also reserves the right to make public the briefs it receives.

Briefs must be received by the committees secretariat not later than 24 March 2006. Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the press gallery must provide an additional 20 copies. You may also add an electronic version of your brief by e-mailing it to the Clerk of the Committee. However, this does not exempt you from producing a written version.

Briefs, correspondence, and requests for information should be addressed to: Mrs Denise Lamontagne, lawyer, Clerk of the Committee on Social Affairs, Édifice Pamphile-LeMay, 1035, rue des Parlementaires, 3<sup>e</sup> étage, Québec (Québec) G1A 1A3.

Telephone: 418 643-2722; Facsimile: 418 643-0248  
E-mail: cas@assnat.qc.ca

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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