

**Gazette**  
officielle  
**DU Québec**

Part

**2**

**No. 15**

12 April 2006

**Laws and Regulations**

Volume 138

**Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 225-2006, 29 March 2006**

**An Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40)**

— **Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40)

WHEREAS the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40) was assented to on 13 December 2005;

WHEREAS section 49 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government, except sections 11 and 48 which come into force on 13 December 2005;

WHEREAS it is expedient to set 12 April 2006 as the date of coming into force of sections 1, 2 and 19, paragraph 1 of section 22, paragraph 2 of section 27 and sections 30 and 33 to 37 of the Act;

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

THAT sections 1, 2 and 19, paragraph 1 of section 22, paragraph 2 of section 27 and sections 30 and 33 to 37 of the Act to amend the Act respecting prescription drug insurance and other legislative provisions (2005, c. 40) come into force on 12 April 2006.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 230-2006, 29 March 2006**

**An Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions (2004, c. 31)**

— **Coming into force of paragraph 1 of section 3 and sections 29 and 33**

COMING INTO FORCE of paragraph 1 of section 3 and sections 29 and 33 of the Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions

WHEREAS the Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions (2004, c. 31) was assented to on 17 December 2004;

WHEREAS section 82 of the Act provides that the Act comes into force on 17 December 2004, except, among other provisions, paragraph 1 of section 3 and sections 29 and 33, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 April 2006 as the date of coming into force of paragraph 1 of section 3 and sections 29 and 33 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and the Minister for Youth Protection and Rehabilitation:

THAT 1 April 2006 be set as the date of coming into force of paragraph 1 of section 3 and sections 29 and 33 of the Act to amend the Act to secure the handicapped in the exercise of their rights and other legislative provisions (2004, c. 31).

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 237-2006, 29 March 2006**

**An Act respecting the Director of Criminal and Penal Prosecutions (2005, c. 34)**  
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the Director of Criminal and Penal Prosecutions

WHEREAS the Act respecting the Director of Criminal and Penal Prosecutions (2005, c. 34) was assented to on 6 December 2005;

WHEREAS section 95 of the Act provides that its provisions come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 53-2006 dated 1 February 2006, the provisions of sections 5 and 86 and of the first paragraph of section 90 of the Act came into force on that date, solely for the purpose of permitting the application of the rules that relate to the selection and appointment of a Deputy Director;

WHEREAS it is expedient, for the purpose of permitting the selection and appointment of the first Director of Criminal and Penal Prosecutions, to set 1 April 2006 as the date of coming into force of sections 2 and 3 of the Act;

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

THAT 1 April 2006 be set as the date of coming into force of sections 2 and 3 of the Act respecting the Director of Criminal and Penal Prosecutions (2005, c. 34), except for “During the year that precedes the end of the Director’s term or as soon as the office becomes vacant,” in section 3.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 238-2006, 29 March 2006**

**An Act to amend the Act respecting the Barreau du Québec and the Stenographers’ Act (2001, c. 64)**  
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting the Barreau du Québec and the Stenographers’ Act (2001, c. 64)

WHEREAS the Act to amend the Act respecting the Barreau du Québec and the Stenographers’ Act (2001, c. 64) was assented to on 20 December 2001;

WHEREAS section 9 of the Act provides that the Act comes into force on 20 December 2001, except the provisions of sections 2 and 5 to 8, which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the coming into force of sections 2 and 5 to 8 of the Act;

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

THAT sections 2 and 5 to 8 of the Act to amend the Act respecting the Barreau du Québec and the Stenographers’ Act (2001, c. 64) come into force on 1 May 2006.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 256-2006, 29 March 2006**

**An Act to amend the Forest Act (2004, c. 6)**  
— Coming into force of a provision

COMING INTO FORCE of a provision of the Act to amend the Forest Act

WHEREAS the Act to amend the Forest Act (2004, c. 6) was assented to on 22 April 2004;

WHEREAS section 14 of the Act provides that it comes into force on 22 April 2004, except section 6, which comes into force on a date to be set by the Government;

WHEREAS it is expedient to set 1 May 2006 as the date of coming into force of section 6 of the Act, which amends section 124.37 of the Forest Act (R.S.Q., c. F-4.1);

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

THAT 1 May 2006 be set as the date of coming into force of section 6 of the Act to amend the Forest Act (2004, c. 6), which amends section 124.37 of the Forest Act (R.S.Q., c. F-4.1).

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### O.C. 204-2006, 29 March 2006

Labour Code  
(R.S.Q., c. C-27)

Application of the definition of “employee” in the Labour Code to certain public servants of the Ministère du Conseil exécutif

WHEREAS subparagraph 3.1 of paragraph 1 of section 1 of the Labour Code (R.S.Q., c. C-27) provides that the definition of “employee” does not include a public servant of the Ministère du Conseil exécutif, except in the cases that the Government may determine by order;

WHEREAS Order in Council 42-2006 dated 1 February 2006 concerning the departmental responsibilities relating to government communications services provides that the Premier is responsible for all communications services within the various government departments, excluding the communications service within the Sûreté du Québec and those relating in particular to translation, linguistic services, graphics, publishing, management of the visual identification program, publicity and organization of events and public functions, and that the Premier is responsible for the personnel other than office staff, technicians and staff of comparable rank;

WHEREAS it is expedient that certain public servants under the authority of the Secrétariat à la communication gouvernementale of the Ministère du Conseil exécutif pursuant to the above-cited Order in Council be included in the definition of “employee” in the Labour Code;

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

THAT the public servants under the authority of the Secrétariat à la communication gouvernementale of the Ministère du Conseil exécutif exercising their functions in the communications services within the various government departments, other than the Ministère du Conseil exécutif and the secretariat of the Conseil du trésor, be included in the definition of “employee” in paragraph 1 of section 1 of the Labour Code (R.S.Q., c. C-27).

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 208-2006, 29 March 2006

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

Designation of persons that may offer an insurance product that cannot be offered by a distributor

WHEREAS section 428 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) provides that the Government may order, after consulting the Autorité des marchés financiers, that an insurance product that cannot be offered by a distributor may be offered in accordance with Chapters I and II by any person it specifies and that the persons specified in the order are deemed to be distributors for that product;

WHEREAS the Authority has been consulted;

WHEREAS it is expedient to allow funeral homes whose directors are holders of a funeral director’s permit issued in accordance with the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., c. L-0.2), to offer, through any person acting on behalf of the funeral home, in accordance with Chapters I and II of Title VIII of the Act respecting the distribution of financial products and services, the “Death Savings Plan” and the “Death Insurance Plan”, both of which are products of Assurant Life of Canada;

WHEREAS it is expedient to replace Order in Council 635-2003 dated 4 June 2003;

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

THAT funeral homes whose directors are holders of a funeral director’s permit issued in accordance with the Act respecting medical laboratories, organ, tissue, gamete and embryo conservation, and the disposal of human bodies (R.S.Q., c. L-0.2), be authorized to offer, through any person acting on behalf of the funeral home, in accordance with Chapters I and II of Title VIII of the Act respecting the distribution of financial products and services, the “Death Savings Plan” and the “Death Insurance Plan”, both of which are products of Assurant Life of Canada;

THAT this Order in Council replace Order in Council 635-2003 dated 4 June 2003.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## **O.C. 239-2006, 29 March 2006**

Stenographers' Act  
(R.S.Q., c. S-33)

Courts of Justice Act  
(R.S.Q., c. T-16)

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

Code of Penal Procedure  
(R.S.Q., c. C-25.1)

### **Tariff of fees for the recording and transcription of depositions of witnesses**

#### **Tariff of court costs in penal matters — Amendment**

#### **Certain court costs in penal matters applicable to persons under 18 years of age — Amendment**

Tariff of fees for the recording and transcription of depositions of witnesses, Regulation to amend the Tariff of court costs in penal matters and Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age

WHEREAS, under the fourth paragraph of section 224 of the Courts of Justice Act (R.S.Q., c. T-16) and section 4 of the Stenographers' Act (R.S.Q., c. S-33), the Government may establish, amend and replace a tariff for the taking down and copying or transcription of the depositions which have been stenographed or recorded in any other manner it authorizes before a court or a judicial officer and determine the manner in which such fees shall be paid;

WHEREAS, under the second paragraph of section 81 of the Legal Aid Act (R.S.Q., c. A-14), notwithstanding any general law or special Act, the Government may make regulations, failing an agreement, to establish the tariffs of fees applicable for the purposes of the Act;

WHEREAS consequential amendments are also made to the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age made by Order in Council 40-94 dated 10 January 1994 and to the Tariff of court costs in penal matters made by Order in Council 1412-93 dated 6 October 1993;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 6 July 2005 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Tariff of fees for the recording and transcription of depositions of witnesses, the Regulation to amend the Tariff of court costs in penal matters and the Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Tariff of fees for the recording and transcription of depositions of witnesses**

Stenographers' Act  
(R.S.Q., c. S-33, s. 4)

Courts of Justice Act  
(R.S.Q., c. T-16, s. 224)

Legal Aid Act  
(R.S.Q., c. A-14, s. 81)

■. This Tariff applies to the recording of depositions by a stenographer in stenotypy, stenography or by means of a device known by the name "stenomask". It also applies to the recording of depositions by means of sound only or sound and picture recording apparatus where the recording is done by a stenographer.

The Tariff also applies to the transcription of depositions recorded as described in the first paragraph and to depositions recorded by means of sound only or sound and picture recording apparatus supplied by the Ministère de la Justice.

**2.** A stenographer is entitled to fees of \$70.00 per hour for the recording of depositions. The fees are calculated taking into account any period of time during which the stenographer remains available to record depositions. Any fractions of an hour are calculated in proportion to a full hour. In all cases, a stenographer is entitled to the minimum fees equal to the fees payable for one hour.

**3.** Depositions must be transcribed as provided in Schedule I.

**4.** Subject to sections 5 and 6, a stenographer is entitled to fees of \$2.90 per page for the transcription of depositions in the case of an ordinary witness and \$3.50 per page in the case of an expert witness. In all cases, a stenographer is entitled to minimum fees of \$17.00.

The fees for the transcription of depositions of expert witnesses apply to the transcription of pleadings and judgments.

**5.** Subject to section 6, a stenographer is entitled to fees of \$3.70 per page for the transcription of depositions when the recording is done by means of sound only or sound and picture recording apparatus supplied by the Ministère de la Justice and the stenographer did not record the depositions.

**6.** When a transcription is required within five working days, a stenographer is entitled to one and one-half times the amount of fees provided for in section 4 or 5, as the case may be.

When a transcription is required within 24 hours of the recording of depositions, a stenographer is entitled to twice the amount of fees provided for in section 4 or 5, as the case may be.

**7.** A stenographer is entitled to fees of \$2.00 for the preparation of each of the following when they are required:

- (1) a title page;
- (2) a table of contents;
- (3) a list of exhibits;
- (4) a list of witnesses;
- (5) a list of objections; and
- (6) a list of commitments.

**8.** A person who pays transcription fees may obtain a copy of the transcription, in addition to the original, at a cost of \$0.30 per page. On payment of that cost, the person may also obtain a copy of the transcription in an information technology-based medium at a cost of \$6.00 per unit.

Any other person may obtain a copy of a transcription at a cost of \$15.00 plus \$0.60 per page beginning with the twenty-sixth page of the copy. On payment of the cost, the person may also obtain a copy of the transcription in an information technology-based medium at a cost of \$11.00 per unit.

**9.** Nothing in this Tariff prevents an agreement between a stenographer and the party retaining the services of the stenographer that relates to travel expenses, the retaining of services or any services not referred to in this Tariff. The amounts paid to stenographers pursuant to such an agreement cannot, however, be taxed against the opposing party.

**10.** When depositions are recorded by means of sound only or sound and picture recording apparatus supplied by the Ministère de la Justice, the court office fees payable for a recording extract, including the technical recording medium, are \$8.00 and \$0.30 per minute beginning with the twenty-sixth minute of recording. The duration is calculated on the basis of the minutes of the hearing.

**11.** The fees and costs relating to the transcription of the depositions provided for in sections 4 to 8 apply to transcriptions required as of 1 May 2006.

**12.** This Tariff replaces the Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses made by Order in Council 2253-83 dated 1 November 1983.

**13.** This Tariff comes into force on 1 May 2006.

## SCHEDULE I

(s. 3)

### DESCRIPTION OF A STANDARD PAGE OF TRANSCRIPTION

(1) The transcription of depositions must be on Bond quality paper measuring 21.5 centimetres x 28 centimetres and weighing 60 or 75 grams per square metre.

(2) Only one side of the sheet is to be used.

(3) A standard page of transcription must have one margin on the left-hand side measuring approximately 44 millimetres and one margin on the right-hand side measuring approximately 16 millimetres denoted by a vertical line and 25 double-spaced lines numbered consecutively in the left-hand or right-hand margin.

(4) The transcription of depositions must start at the right of the left-hand side vertical line and extend for 14 centimetres except for the last line of the deposition or where the meaning calls for a new line.

(5) A line of text is made up of words in 12-point type corresponding to “Courier” or “Courier New” type or the equivalent.

(6) The record number and the date of the examination are to be written in the space between the upper left corner of the page and the first line.

The name of the person examined is to be written in the space between the upper right corner of the page and the first line. Under the name of the person examined, the stenographer must specify whether it is an examination, a re-examination or a cross-examination and write the name of the examining party.

The pages are to be numbered consecutively. The page number must appear in the space before the first line or after the last line of the transcription.

(7) Questions are to be preceded by the letter Q and answers by the letter A.

### **Regulation to amend the Tariff of court costs in penal matters\***

Code of Penal Procedure  
(R.S.Q., c. C-25.1, arts. 261 and 367, pars. 2 to 13)

**1.** The Tariff of court costs in penal matters is amended in section 15 by replacing “Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses, made by Order in Council 2253-83 dated 1 November 1983” by “Tariff of fees for the recording and transcription of depositions of witnesses, made by Order in Council 239-2006 dated 29 March 2006”.

**2.** This Regulation comes into force on 1 May 2006.

### **Regulation to amend the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age\*\***

Code of Penal Procedure  
(R.S.Q., c. C-25.1, arts. 261 and 367, pars. 2 to 4, 8 to 11, 13 and 14)

**1.** The Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age is amended in section 12 by replacing “Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses, made by Order in Council 2253-83 dated 1 November 1983” by “Tariff of fees for the recording and transcription of depositions of witnesses, made by Order in Council 239-2006 dated 29 March 2006”.

**2.** This Regulation comes into force on 1 May 2006.

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Gouvernement du Québec

### **O.C. 240-2006, 29 March 2006**

An Act respecting the Barreau du Québec  
(R.S.Q., c. B-1)

#### **Stenographers — Training, skill and knowledge evaluation, accreditation and discipline**

Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers

WHEREAS, under subparagraphs 1 and 2 of the first paragraph of section 140.4 of the Act respecting the Barreau du Québec (R.S.Q., c. B-1), the Comité sur la sténographie shall, by regulation, establish the rules and the terms and conditions related to the training, skill and knowledge evaluation, accreditation and discipline of stenographers, fix the amount of the fee payable by candidates for the examinations they must take and the amount of the annual assessment that practising stenographers must pay to the Barreau du Québec, determine

\* The Tariff of court costs in penal matters, made by Order in Council 1412-93 dated 6 October 1993 (1993, *G.O.* 2, 5554), was last amended by the regulation made by Order in Council 811-2002 dated 26 June 2002 (2002, *G.O.* 2, 3801). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005

\*\* The Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age, made by Order in Council 40-94 dated 10 January 1994 (1994, *G.O.* 2, 657), has been amended once, by the regulation made by Order in Council 1283-96 dated 9 October 1996 (1996, *G.O.* 2, 4307).

the portion of the assessment that is to be allocated to training, establish the terms and conditions of payment of the fee and assessment, fix the time within which the fee and assessment must be paid and the consequences of non-payment;

WHEREAS the Comité sur la sténographie made the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers on 18 December 2003 and amended the Regulation on 14 December 2004;

WHEREAS the third paragraph of section 140.4 of the Act provides that the Comité sur la sténographie shall transmit its regulations to the Office des professions, which shall submit its opinion to the Minister of Justice, and that the Government may, on the recommendation of the Minister, approve them with or without amendments;

WHEREAS, on 22 January 2004, the Office des professions gave a favourable opinion to the Minister of Justice on the regulation of the Comité sur la sténographie and, on 23 February 2005, on the amendment made by the committee;

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 training, skill and knowledge evaluation, accreditation and discipline of stenographers was published in Part 2 of the *Gazette officielle du Québec* of 27 April 2005 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS the Minister of Justice received comments following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers, attached to this Order in Council, be approved.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers**

An Act respecting the Barreau du Québec  
(R.S.Q., c. B-1, s. 140.4, 1st par., subpars. 1 and 2)

### **DIVISION I STENOGRAPHER CERTIFICATE**

**1.** A stenographer certificate is issued by the Comité sur la sténographie to a candidate who

(1) has passed the examination referred to in Division II;

(2) has not been convicted by a Canadian or foreign court of a criminal offence which, in the opinion of the committee, is related to the practice of stenography, unless the candidate has been granted a pardon;

(3) has paid the assessment prescribed by section 11; and

(4) has taken the oath of office before a judge of the Superior Court.

The certificate must state, *inter alia*, whether the examination was in French or in English, as well as whether the method used in the stenography examination was stenography, stenotypy or stenomask. The certificate is valid only for the method indicated thereon.

### **DIVISION II EXAMINATION**

#### *§1. Conditions of eligibility*

**2.** To be eligible to take the examination, a candidate must hold a diploma from the École de sténographie judiciaire du Québec or a diploma equivalent to a Diploma of College Studies (D.E.C.), a stenography training certificate awarded by an organization recognized by the committee and have taken the theoretical training given by the École de sténographie judiciaire du Québec.

#### *§2. Conditions of registration*

**3.** At least 30 days before the date set for the examination, a candidate must

(1) have sent to the committee the duly completed registration form in Schedule I; and

(2) have paid the registration fee of \$50 plus taxes. The fee is not refundable.

### §3. *Conditions and procedure for the examination*

**4.** There are 16 examiners consisting of four advocates from the Montréal section, two advocates from the Québec section, two advocates representing the other regions and eight stenographers.

The advocates from the Montréal and Québec sections are designated by the committee after consultation with the Bar of Montréal and the Bar of Québec respectively. The advocates representing the other regions are designated by the committee after consultation with the Association des avocats de province.

The stenographers are designated by the committee after consultation with the Association professionnelle des sténographes officiels du Québec.

For each examination, the number of examiners is based on the number of candidates admitted. There may not be fewer than two examiners, namely one advocate and one stenographer.

**5.** The stenography examination is held once a year, at the beginning of the year, concurrently in Montréal, Québec and any other region determined by the committee. The committee also sets the date and time for each examination.

If the number of candidates admitted during a given period is insufficient to warrant holding an examination in more than one region, the committee may decide to hold the examination in only one region.

A notice of the dates, places and times is given to the candidates in the Journal du Barreau and on the premises of the École de sténographie judiciaire du Québec. The committee also sets the date and place for the supplemental examination.

**6.** The committee must give the examiners a 20-day notice of the date on which the examination is to be held.

**7.** The examination includes a spelling and grammar test and a stenography test.

It also includes a theory component designed to evaluate the mastery of the skills imparted during the training given by the École de sténographie judiciaire du Québec or the organization recognized by the committee.

**8.** To pass the examination, a candidate must obtain a mark of at least 90% on the spelling and grammar test, a mark of at least 80% on the stenography test and a mark of at least 60% on the theory component. If the candidate fails a test or the theory component, the candidate must retake the failed portion of the examination.

**9.** The examiners must report the results of the examination to the committee within three days following the examination and the committee must inform candidates of the results as soon as possible.

**10.** A candidate who fails the examination may take a supplemental examination at any of the subsequent examination sessions. The candidate is entitled to a maximum of two supplemental examinations.

### DIVISION III ASSESSMENT

**11.** To be entered on the roll of stenographers, stenographers must pay an annual assessment to the Barreau du Québec. For the first year, the assessment is \$300. Thereafter, the annual assessment is \$700 and it must be paid not later than 1 May of each year.

Stenographers with 45 years of service are exempt from payment of the assessment.

**12.** Stenographers who fail to pay the assessment within the prescribed period are struck off the roll. They may be re-entered on the roll on payment of an assessment of \$750.

Stenographers who have not been on the roll for two years or more must retake and pass the examination prescribed by Division II.

**13.** On the expiry of a 15-day period following the assessment due date, the executive director of the Barreau du Québec sends the secretary of the committee the list of members who have paid their assessment.

**14.** On 1 June of each year, the executive director of the Barreau du Québec must remit 90% of the assessments collected to the committee.

**15.** The committee must use the sums in accordance with its mandate. At least 50% of the sums must be allocated to the training of stenographers.

## DIVISION IV ROLL OF STENOGRAPHERS

**16.** The committee must publish the roll of stenographers within 30 days following the date of issuance of the certificates. Only a stenographer whose name appears on the roll may be designated as a “stenographer”. The roll must be sent for posting to every courthouse and every local section of the Barreau du Québec.

The roll is updated to take into account the issuance of new certificates and any striking off the roll for failure to pay the assessment or following a disciplinary sanction.

## DIVISION V PROFESSIONAL CONDUCT OF STENOGRAPHERS

### §1. *Competence and integrity*

**17.** Stenographers must discharge their obligations with competence and integrity and provide quality services.

**18.** Stenographers must practise in accordance with generally recognized standards of practice in stenography and good practices.

**19.** Stenographers must consider the extent of their skills and knowledge and the means at their disposal, which includes refraining from accepting a mandate for which they do not have the required competence or skills.

**20.** Stenographers must act with dignity and respect towards the courts.

**21.** Stenographers must serve the courts and uphold their authority in the cause of justice. They may not act in a manner that is detrimental to the administration of justice.

### §2. *Diligence and availability*

**22.** Stenographers must demonstrate diligence in the performance of their duties, respect their commitments and the time limits for the transcription of testimony.

**23.** If a stenographer is unable to act by reason of a fortuitous event or superior force, the stenographer must as soon as possible inform the parties and, as the case may be, the court.

**24.** Stenographers must answer in writing and with diligence all correspondence or requests from the committee or one of its representatives.

### §3. *Independence*

**25.** If, for any reason whatsoever, a stenographer has reason to believe that he or she may not be able to perform the work in full independence, the stenographer must notify the parties and refuse to act.

**26.** Stenographers must avoid any situation likely to place them in a conflict of interest.

As soon as they become aware that they are in a conflict of interest, stenographers must either cease acting or notify the parties and request authorization to continue to act.

### §4. *Derogatory acts*

**27.** It is derogatory to the honour and dignity of the practice of stenography for stenographers to

(1) delete or falsify portions of testimony or reproduce words other than the exact words spoken;

(2) mislead or attempt to mislead the court or the parties, or attempt to influence the court in favour of or against any person;

(3) participate in an unlawful activity;

(4) act directly or indirectly so as to abuse the good faith of a person with whom they interact as stenographers;

(5) directly or indirectly unduly retain, steal, conceal, falsify, mutilate or destroy an exhibit from a court record;

(6) pay, offer to pay or undertake to pay money or other benefits with a view to obtaining a benefit for themselves or another person;

(7) request or receive, in addition to the remuneration to which they are entitled, any benefit, rebate or commission for themselves or another person;

(8) perform or omit to perform an act so as to secure an illegitimate benefit for a party;

(9) perform their duties while under the influence of psychotropic substances or any other substance, including alcohol, that has similar effects;

(10) harass any person while performing their duties;

(11) intimidate or threaten reprisal against a person who

(a) has reported derogatory behaviour or conduct or intends to do so; or

(b) has taken part or cooperated in an inquiry into derogatory behaviour or conduct or intends to do so;

(12) denigrate another stenographer to cause the stenographer to lose the trust of an existing or potential client;

(13) use disloyal practices to obtain a mandate;

(14) fail to notify the committee when they have knowledge that another stenographer has committed a derogatory act;

(15) fail to submit to a professional inspection determined by the committee; or

(16) fail to comply with a decision of the committee requiring them to serve an internship or take a refresher course, or both.

#### §5. *Additional duties*

**28.** Stenographers must be polite and courteous and dress appropriately.

**29.** Stenographers may not refuse to provide services to a person by reason of race, colour, sex, age, pregnancy, civil status, religion, ethnic or national origin, social condition, sexual orientation, political convictions, handicap or language.

**30.** Stenographers must keep their stenographic notebooks, stenotypy tapes or tape recordings, depending on the method of stenography indicated on their certificate, for a minimum period of 10 years. Transcriptions onto a data retrieval system may not serve as a substitute for the original notes.

**31.** Stenographers must protect the confidentiality of the testimony and evidence given by a party.

**32.** Stenographers must take down the testimony given at an examination, and not omit any part thereof, except with the consent of the parties or in accordance with a court order. Testimony is to be taken down by means of a method prescribed in the Regulation respecting the taking of witnesses' depositions in civil matters made by Order in Council 962-2001 dated 23 August 2001 and the Regulation respecting the taking of witnesses' depositions in penal matters made by Order 2010-2001 of the Minister of Justice dated 20 August 2001.

**33.** Unless there is a court order to the contrary, stenographers must, on request and in consideration of the payment of the amount prescribed in the Tariff of fees for the taking down and transcription of depositions of witnesses, made pursuant to section 224 of the Courts of Justice Act (R.S.Q., c. T-16), section 4 of the Stenographers' Act (R.S.Q., c. S-33) and section 81 of the Legal Aid Act (R.S.Q., c. A-14),

(1) give to the witness who has been examined a copy of the witness' transcript of the testimony; and

(2) give to any party to the proceedings a copy of the transcript of the testimony of any witness who has been examined.

#### DIVISION VI FEES

**34.** Stenographers may not request or accept fees greater than those prescribed by the Tariff of fees for the taking down and transcription of depositions of witnesses. Where the Tariff does not apply, stenographers may request and accept fees that are warranted by the circumstances and that are in proportion to the services rendered.

Stenographers may also make an agreement for accommodation and travelling expenses with the party retaining their services.

**35.** In determining their fees, stenographers must take into account, among other things,

(1) the time required to perform the services; and

(2) the performance of unusual services or services requiring exceptional competence or celerity, given the time limits prescribed by law.

**36.** Stenographers must provide their client with any explanations needed to understand the statement of fees and the terms and conditions of payment.

#### DIVISION VII KEEPING OF RECORDS AND OFFICES

**37.** Stenographers must provide the committee with their full name, the address of their principal establishment and any other offices, as well as their telephone number and, if applicable, fax number and e-mail address. Stenographers must immediately notify the committee of any change in the information.



**38.** Stenographers who leave the province for more than two months must inform the committee, indicating the expected date of return and providing a telephone number or other means enabling them to be reached.

**39.** A stenographer who wishes to cease practising must immediately inform the committee which then strikes the stenographer's name off the roll.

The committee also strikes the name of a stenographer off the roll on being informed of a judgment placing the stenographer under protective supervision, homologating a mandate given by the stenographer in anticipation of his or her incapacity or ordering, pursuant to article 30 of the Civil Code, the stenographer's confinement in a health and social services institution.

Stenographers must file each year with the committee a declaration designating a representative who may act in the event that the stenographer is unable to act, so as to enable a person to request notes that have or have not been transcribed.

The representative must be a practising stenographer.

The heirs of a deceased stenographer must transfer the stenographer's notes to the designated representative.

**40.** Stenographers must use an agenda to record their appointments.

**41.** Stenographers must keep their stenographic and personal notes in a secure location.

**42.** The stenographic and personal notes must be filed by year and the boxes containing the notes numbered to respect the retention period. For that purpose, stenographers must record the information in writing in a manner similar to that set out in Schedule II.

**43.** Stenographers must prepare invoices setting out the details of the services rendered, including vouchers, if any.

**44.** Stenographers must retain all correspondence pertaining to a legal dispute, including electronic mail and personal notes.

**45.** All correspondence sent by a stenographer must indicate the stenographer's full name, address of principal establishment, telephone number and, where applicable, fax number or those of the stenographer's employer and the stenographer's e-mail address.

## DIVISION VIII DISCIPLINARY PROCESS

### §1. Examination of complaints

**46.** Every complaint against a stenographer or a former stenographer for an offence against this Regulation, the Stenographers' Act or any other Act or regulation imposing a duty on the stenographer must be made in writing and sent to the chair of the Comité sur la sténographie.

**47.** The complainant must provide full details regarding the complaint and state, in particular, the nature and circumstances of the offence, and attach any testimony, information or document that may support the complaint.

**48.** A register of complaints must be kept and an acknowledgement of receipt for each complaint must be sent in writing by the secretary of the committee to the complainant as soon as possible.

**49.** Within 10 days of receipt of a complaint, the chair of the committee designates two members of the committee, namely one advocate and one stenographer, who summarily examine the content and decide how to dispose of the complaint.

**50.** The members of the committee seized of the complaint have 30 days following their designation to summarily examine the complaint and determine whether the complaint should be heard before the committee or dismissed.

**51.** If the complaint is considered to be unfounded, the members of the committee must provide a written decision setting out their reasons for dismissing the complaint. The decision is final and without appeal.

The secretary of the committee must send a copy of the decision to the complainant.

**52.** If the members of the committee accept the complaint or if they disagree, they so notify the chair and the complaint must be heard.

### §2. Hearing

**53.** Within five days after receipt by the chair of the notice provided for in section 52, a copy of the complaint must be served on the stenographer in accordance with the provisions of the Code of Civil Procedure (R.S.Q., c. C-25).

A notice must be attached stating that the complaint was summarily examined and that it was decided to hold a hearing; the notice must also indicate that the stenographer has 20 days following the date of service to appear in writing at the head office of the committee.

**54.** When he or she appears, the stenographer must indicate whether or not he or she acknowledges the offence, failing which the stenographer is deemed to contest the offence.

**55.** On the expiry of the time provided for the stenographer to appear, the stenographer has 20 days to send the committee a written contestation, including a description of the facts, the written statements of the stenographer's witnesses and the exhibits in support of the contestation.

**56.** On the expiry of the time provided for in section 55, the chair designates two members of the committee, namely one advocate and one stenographer, neither of whom may be a member who summarily examined the complaint, to hear the complaint with the chair, and ensures that the complete record is forwarded to the designated members.

**57.** The committee formed to hear the complaint may sit in Montréal, Québec or any other place that, in its opinion, best suits the circumstances.

The members of the committee set the date for the hearing and draw up minutes to that effect. Before doing so, they may request the secretary of the committee to verify the availability of the complainant and the stenographer.

**58.** If a member of the committee is absent or unable to act, the member may be replaced by a person designated in the same manner as the person to be replaced.

If, during the hearing or advisement, a member is unable to act for any reason, the hearing may be validly continued and a decision validly rendered by the other two members.

**59.** A member of the committee may be recused for one of the reasons set forth in article 234 of the Code of Civil Procedure other than the reason in paragraph 7 of that article.

**60.** The hearing may not be stenographed unless a request from one of the parties is received at least three days before the date of the hearing or unless the committee so decides.

**61.** Every hearing is public.

The committee may, of its own motion or on request, order that a hearing be held *in camera* or ban access to or the publication or release of any information or document it indicates, in the interest of good morals or public order, in particular to preserve professional secrecy or protect a person's privacy or reputation.

**62.** Article 294.1 of the Code of Civil Procedure applies, with the necessary modifications, before the members of the committee.

**63.** Only the evidence collected by the committee during the hearing or in accordance with section 62 is to be taken into consideration.

**64.** The committee may conduct the hearing in the absence of the stenographer who is the subject of the complaint if the stenographer fails to appear at the time and place set for the hearing.

**65.** The complaint may be amended at any time, on the conditions necessary to safeguard the rights of the parties.

**66.** No person may testify, under penalty of nullity of the deposition, unless the person swears to tell the truth.

### §3. *Decision*

**67.** The committee formed to hear the complaint must render its decision as to guilt within 60 days from the time the matter is taken under advisement.

**68.** The decision of the committee is rendered by a majority of its members. The decision and its reasons are recorded in writing and signed, and include any dissent.

A copy of the decision must immediately be sent to the parties by certified mail or by fax to their attorneys.

**69.** If the stenographer has been convicted, the parties may, within 30 days following the conviction, be heard by the committee formed to hear the complaint or make written submissions on the penalty to be imposed.

**70.** The committee must impose the penalty within 30 days following the submissions on penalty; the decision on the penalty and its reasons are recorded in writing and signed, and include any dissent, and must immediately be sent to the parties by certified mail or by fax to their attorneys.

**71.** The committee may order the complainant or the stenographer to pay all or part of the costs, or it may apportion the costs between them in the proportion it indicates.

**72.** The costs include the costs of stenography and transcribing testimony as well as the accommodation and travelling expenses of the committee members.

**73.** Where a stenographer has been convicted of an offence following a complaint made in accordance with section 46, the committee may impose one or more of the following penalties in respect of each count in the complaint:

- (1) a reprimand;
- (2) a restriction on the right to practise stenography;
- (3) temporary striking off the roll of stenographers;
- (4) revocation of the stenographer certificate;
- (5) the obligation to remit to a person entitled to it a sum of money the stenographer is holding for the person or received in contravention of the Tariff;
- (6) the obligation to transmit any document or information, or the obligation to complete, update or rectify any document or information.

**74.** A decision of the committee may also require the stenographer to successfully complete an internship or a refresher course, or both, and restrict the stenographer's right to practise or temporarily strike the stenographer off the roll until that requirement is met.

**75.** A decision of the committee may also recommend that the stenographer submit to a program designed to facilitate the stenographer's return to the practice of stenography.

**76.** The revocation of a stenographer certificate results in the permanent striking of the stenographer off the roll.

**77.** Every decision of the committee is final and without appeal.

**78.** Stenographers who have been struck off the roll or whose right to carry on their activities has been restricted may, before the expiry of the penalty, request to the Comité sur la sténographie, by way of a petition to the chair, that they be re-entered on the roll or, in the case of a restriction, that they be allowed to resume full right to practise.

The rules for hearings set out in this Regulation apply, with the necessary modifications, to the hearing of the petition.

**79.** A decision of the committee may be corrected if it contains an error in writing, a mistake in calculation or any other clerical error.

Such correction may be effected by the committee of its own initiative, as long as execution of the decision has not commenced. It may also be effected on the motion of a party served in accordance with the Code of Civil Procedure.

**80.** This Regulation comes into force on 1 May 2006.

## SCHEDULE I

(s. 3)

### OFFICIAL STENOGRAPHY EXAMINATION REGISTRATION FORM

Date of examination: \_\_\_\_\_

Surname: \_\_\_\_\_ Given name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Postal code: \_\_\_\_\_

Telephone residence: \_\_\_\_\_ office: \_\_\_\_\_

Examination:  French or  English

Method:  stenography  stenotypy  stenomask

Complete this form in block letters and attach a copy of your birth certificate and diploma from the École de sténographie judiciaire du Québec, or a certificate of training equivalent to a Diploma of College Studies (D.E.C.), along with a comparative assessment of studies completed outside Québec, if applicable, a stenography training certificate awarded by an organization recognized by the committee and proof of attendance at the theoretical training given by the École de sténographie judiciaire du Québec.

Enclose the sum of \$50 plus taxes (GST and QST) (cheque made payable to the Barreau du Québec).



## AGREEMENT

## BETWEEN

THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR, a legal person established in the public interest under the provisions of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., c. S-16.001), having its head office at 1000, boulevard Arthur-Sicard, Ville de Bécancour, G9H 2Z8, herein acting through and represented by the Chair of its Board of Directors, Henri Boudreau, and by its Vice-President, Serge Girard.

Hereinafter called “the Société” or “the S.P.I.P.B.”

## AND

VILLE DE BÉCANCOUR, a legal person established in the public interest by letters patent issued by the Lieutenant Governor in Council of the Province of Québec on 17 October 1965, having its head office at 1295 avenue Nicolas-Perrot, Ville de Bécancour, G9H 1A1, the letters patent issued under the provisions of the Act respecting the voluntary amalgamation of municipalities, (13-14 Elizabeth II, chapter 56), having an office at the Town Hall in Ville de Bécancour, herein acting through and represented by its Mayor, Maurice Richard, and by the Director-General and Deputy Clerk, Jules Thibeault, duly authorized to act in this Agreement under the terms of Resolution 04-328 passed at a meeting of the Municipal Council held on 18 October 2004.

Hereinafter called “the Town”

## 1. PREAMBLE

WHEREAS the parties herein are empowered to make this Agreement under the provisions of sections 29, 30 and 31 of the Act constituting the S.P.I.P.B. ;

THE PARTIES DO HEREBY agree as follows:

The Preamble is an integral part of this Agreement.

## 2. DEFINITIONS

(a) “park enterprises” means the industries or businesses located or to be located within the territory of activity of the Société and to which the Société offers services of a municipal nature;

(b) “constituting Act” means the Act under whose provisions the Société du parc industriel et portuaire de Bécancour was constituted, that Act being R.S.Q., c. S-16.001 entitled: “An Act respecting the Société du parc industriel et portuaire de Bécancour”;

(c) “port facilities” means the part of territory of activity of the Société reserved for the handling and stevedoring of goods transported by ship, and includes the wharves, docks and outdoor storage areas;

(d) “streets of the Société” means the roads and streets built by the Société within the territory of activity of the Société;

(e) “territory of activity of the Société” and “Bécancour waterfront industrial park” mean the territory described in Schedule I to the Act respecting the Société.

## 3. TERM OF THE AGREEMENT

This Agreement is effective from 1 April 2002 to 31 March 2006.

For the period between 1 April 2002 and 31 March 2004, the parties agree to apply the former agreement, approved by Order in Council 392-2000 dated 29 March 2000.

For the period from 1 April 2004 to 31 March 2006, the parties agree to apply the provisions of this Agreement.

On expiry, this Agreement is to be automatically renewed for periods of two (2) years unless one of the parties informs the other party of its wish to re-negotiate the Agreement, in which case that party must serve notice on the second party not later than ninety (90) days before the date of expiry of the Agreement.

## 4. OBLIGATIONS OF THE TOWN

Ville de Bécancour undertakes, at its own expense,

(a) to provide all enterprises located in the territory of activity of the Société with the quantities of potable water required for their needs in consideration of a metered water tax established on a uniform tariff basis for all the industrial or commercial users in Ville de Bécancour;

(b) to assume the costs of maintaining and operating the water supply system, the pumping station and the potable water reservoir located within the territory of activity of the Société and owned by the Société, including the cost of electricity, repairs and replacement of defective equipment and material, but not including the water supply system located within the port facilities, which is within the exclusive authority of the S.P.I.P.B. Major repairs that affect the viability of the water reservoir and that do not result from a failure to provide maintenance are to be shared equally by the Town and the Société.

It is also agreed that the costs relating to the construction of a new potable water reservoir in the Bécancour industrial park and port and all incidental charges, expenses and work are to be shared equally by the Town and the Société.

(c) to take out on behalf of the Société the following insurance coverage :

— property insurance coverage on full replacement value for the potable water reservoir and the pumping station ;

— machine breakdown insurance coverage on accidental damage to the equipment installed at the potable water reservoir and the pumping station ;

— civil liability insurance containing coverage for a maximum of \$5,000,000 for material harm, bodily harm or loss of use (including lessee liability insurance) and personal injury.

The following provisions are applicable to each type of coverage :

— deductible assumed by the Town and the Société in equal parts ;

— guarantee included for extra operating costs ;

— the Société named as an additional insured.

The insurance coverage must be in force for the entire term of the Agreement and its renewal periods. A notice by registered mail must be sent to the Société not less than 60 days before the effective date of any cancellation or reduced guarantee clause.

Evidence of insurance in the form of a certificate of insurance and, for each extension of term, a certificate of renewal of insurance, must be sent to the Société.

(d) to provide, within the territory of activity of the Société, all the services of a municipal nature that are offered to the other industrial or commercial users in Ville de Bécancour, excluding the services provided by the Société as described in this Agreement ; and

(e) to provide the S.P.I.P.B., at no cost to the Société, with all the potable water it requires to carry out its own operations.

## 5. OBLIGATIONS OF THE SOCIÉTÉ WITHIN THE TERRITORY OF ACTIVITY

The Société undertakes, at its own expense :

(a) to maintain the streets and roads of the Société in all seasons, such maintenance to include snow removal, the replacing of bituminous concrete wearing surfaces, and all other work of a similar nature, as needed ;

(b) to maintain and repair as necessary the sanitary sewer systems under its administration, including the pumping station, storm-water system and the lagoons ;

(c) to maintain and repair the lighting network in the streets and roads of the Société and to pay for the electricity expense ;

(d) to build all new infrastructures of a municipal nature necessary to enable the S.P.I.P.B. to fulfill its obligations within the territory of activity of the Société ; and

(e) to pay annually the sums necessary to reimburse the yearly instalments on the long-term loan as provided for under the terms of By-law 44 of Ville de Bécancour.

## 6. LAND USE MANAGEMENT

The Town and the Société are, by virtue of the authority vested in them under the terms of section 29 of the constituting Act, to set up a bipartite advisory committee whose function is to study any question relating to the adoption or amendment of any standard, norm, by-law or resolution relative to any question concerning the environment, zoning or emergency measures to be applied within the territory of activity of the S.P.I.P.B.

The committee will be made up of five (5) members, three (3) of whom will be appointed by the Town and two (2) by the S.P.I.P.B.

The committee will meet as often as required.

The term of the members will be for a period of three (3) years and is renewable.

The provisions of the Act respecting land use planning and development (R.S.Q., c. A-19.1) supplement this section should the parties to the Agreement be unable to come to an understanding.

Each member of the committee is to be advised of the holding of a meeting not later than ten (10) days before the date on which the meeting is to be held.

#### 7. FINANCIAL COMPENSATION

(a) In consideration of the services of a municipal nature provided by the S.P.I.P.B. within the territory of activity of the Société, the whole in conformity with the provisions of section 31 of the Act respecting the S.P.I.P.B., the Town, by way of reimbursement, is to pay financial compensation to the Société in the amount of \$530,000.00 for the period from 1 April 2004 to 31 March 2005.

As reimbursement of the water tax, the Town is to pay to the Société the sum of \$320,000.00 for the period from 1 April 2004 to 31 March 2005.

The amounts determined above, for the period from 1 April 2004 to 31 March 2005, correspond to 2.007% of the rental value of the business establishments situated within the park, as entered on the roll of rental values on 1 January 2004;

(b) The total amount payable annually is to be reassessed according to the equilibration effected to that roll on 1 January of each year, the parties agreeing that the contribution paid as consideration for the services of a municipal nature and as reimbursement of the water tax cannot be less than the amounts set out above;

(c) The annual amounts are payable in two equal instalments and come due on 1 April and 1 September of each year;

(d) Exceptionally, should the needs for the services of a municipal nature described in paragraphs *a*, *b* and *c* of section 5 differ from those provided for at the time of the signing of this Agreement, the Société, after consulting the park enterprises, is to determine the monetary contribution it must obtain and inform the Town of the percentage of the value of the roll of rental values that must be allocated to it to re-equilibrate the financial compensation provided for above and to harmonize it with the actual needs of the Société; and

(e) To implement the process described in paragraph *d*, the Société must inform the Town of any changes to be made by a notice sent before 30 September of the year preceding the year of the proposed tax.

#### 8. MUNICIPAL TAXES

The Société undertakes to pay to the Town an annual sum of \$137,500.00 to be considered as payment in full of all municipal taxes.

#### 9. DELEGATION OF POWERS

In accordance with section 29 of the Act respecting the S.P.I.P.B., the Town is to delegate to the Société its regulatory authority provided for in paragraphs 6, 29, 30, 30.1 and 32 of section 415 of the Cities and Towns Act and in paragraphs 4 to 12 of section 626 of the Highway Safety Code in matters concerning motor vehicle parking and traffic.

#### 10. CANCELLATION CLAUSE

This Agreement replaces the Agreement signed by the Town and the Société du parc industriel et portuaire de Bécancour on 2 December 1998 and authorized by Order in Council 392-2000 dated 29 March 2000.

#### 11. NOTIFICATIONS

The notices required under this Agreement must be sent by any means allowing proof of receipt by the intended addressee to be established.

IN WITNESS WHEREOF THE PARTIES HAVE  
AFFIXED THEIR SIGNATURES AS FOLLOWS:

LA SOCIÉTÉ DU PARC INDUSTRIEL ET  
PORTUAIRE DE BÉCANCOUR

At Ville de Bécancour on this 19th day of July 2005

\_\_\_\_\_  
HENRI BOUDREAU

\_\_\_\_\_  
SERGE GIRARD

VILLE DE BÉCANCOUR

At Ville de Bécancour on this 1st day of August 2005

\_\_\_\_\_  
MAURICE RICHARD

\_\_\_\_\_  
JULES THIBEAULT

Gouvernement du Québec

## O.C. 257-2006, 29 March 2006

Forest Act  
(R.S.Q., c. F-4.1; 2004, c. 6)

### Forest Management Funding Program

Regulation respecting the Forest Management Funding Program

WHEREAS, under section 124.37 of the Forest Act (R.S.Q., c. F-4.1), amended by section 6 of chapter 6 of the Statutes of 2004, the Government shall establish, by regulation, a forest management funding program to encourage the establishment, maintenance or development of forest production units;

WHEREAS, under section 172.2 of the Act, the Government may, by regulation, prescribe any measure necessary for the establishment and implementation of the forest management funding program provided for in section 124.37 of the Act and in particular

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, according to the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria to be used to determine the persons or classes of persons who may avail themselves of the program, and prescribe exclusions;

WHEREAS it is expedient to replace the Forest Management Funding Program made by Order in Council 384-97 dated 26 March 1997;

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 Forest Management Funding Program 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-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the Forest Management Funding Program, attached to this Order in Council, be made to replace the Forest Management Funding Program made by Order in Council 384-97 dated 26 March 1997.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation respecting the Forest Management Funding Program

Forest Act  
(R.S.Q., c. F-4.1, ss. 124.37 and 172.2; 2004, c. 6, s. 6)

**1.** The Forest Management Funding Program is hereby established to encourage the establishment, maintenance or development of forest production units of 60 hectares or more.

La Financière agricole du Québec, hereinafter referred to as the agency, administers the Program and, for that purpose, determines the assistance that may be granted to forest producers.

**2.** In this Regulation,

“forest producer” means a certified forest producer under section 120 of the Forest Act (R.S.Q., c. F-4.1); (*producteur forestier*)

“forest production unit” means the area of all the production units owned or operated by a forest producer or a person associated with the project.

A forest producer includes

(1) a natural person or a legal person or a body which, without being a forest producer, is composed of at least one forest producer or one person holding an interest in a forest producer; and

(2) a natural person who, without being a forest producer, acquires at least a 20% interest in a forest producer and subsequently any shares in the forest producer; (*unité de production forestière*)

“hypothecary interest rate” means,

(1) in the case of a lender who offers such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling; and



(2) in the case of a lender who does not offer such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling from the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce or the Bank of Montreal, or the interest rate recommended for such a loan by the Fédération des caisses Desjardins du Québec to its affiliated unions; (*taux d'intérêt hypothécaire*)

“interim interest rate” means the prime lending rate plus  $\frac{1}{2}$  %; (*taux d'intérêt intérimaire*)

“lender” means

(1) a savings and credit union governed by the Act respecting financial services cooperatives (R.S.Q., c. C-67.3);

(2) the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce, the Bank of Montreal, the Bank of Nova Scotia, the Toronto Dominion Bank or the Laurentian Bank of Canada;

(3) a person to whom all or part of the purchase price of forest assets, interests in a forest producer or non-voting or preferred shares in a forest producer is owed; and

(4) any other person authorized by the agency under subparagraph 3 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec (R.S.Q., c. L-0.1) to act as a lender; (*prêteur*)

“loan” means a loan, including a loan taken over by another borrower and all or part of the purchase price of forest assets, interests in a forest producer or non-voting or preferred shares in a forest producer, as the case may be, covered by a loan granted by a lender under this Program, the Forest Management Funding Program established by Order in Council 384-97 dated 26 March 1997, the Act to promote forest credit by private institutions (R.S.Q., c. C-78.1) or the Forestry Credit Act (R.S.Q., c. C-78); (*prêt*)

“prime lending rate” means the applicable prime lending rate among

(1) the prime lending rate of a lender who offers a prime rate;

(2) in the case of a savings and credit union affiliated with the Fédération des caisses Desjardins du Québec, the prime rate of the Caisse centrale Desjardins; and

(3) in all other cases, the prime rate offered by the majority of the following financial institutions: the Caisse centrale Desjardins, the National Bank of Canada, the

Royal Bank of Canada, the Canadian Imperial Bank of Commerce and the Bank of Montreal. (*taux d'intérêt préférentiel*)

**3.** For the purposes of the Program, the following constitute an interest in a forest producer:

(1) the rights held in a forest production unit if the forest producer is composed of one or more natural persons;

(2) the voting shares if the forest producer is a company;

(3) the shares held by the partners if the forest producer is a general or limited partnership;

(4) the shares if the forest producer is a cooperative; and

(5) the rights held in a forest production unit, the voting shares, the shares held by the partners, or the shares if the forest producer is composed of a combination of natural persons, companies, general or limited partnerships or cooperatives.

**4.** Financial assistance under the Program is in the form of a loan.

A loan may be granted by a lender to a forest producer who satisfies the conditions of the Program and the conditions under subparagraph 1 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec.

**5.** A loan may be granted only for

(1) the establishment, maintenance or development by a forest producer of a forest production unit under forest management covering a total of at least 60 hectares;

(2) the purchase by a forest producer composed of not more than four natural persons of machinery or equipment to be used exclusively for a forest management activity in the producer's forest production unit or in the forest production units belonging to those natural persons; and

(3) the acquisition or redemption of an interest in a forest producer, and the acquisition or redemption of any share in the forest producer.

The following are excluded from the Program:

(1) activities for which financial assistance may be provided under the Program for farm financing established by the agency by Resolution 46 adopted on 14 September 2001;

(2) activities related to forest seedling production and to the acquisition of assets for the processing of timber into firewood for commercial purposes;

(3) the purchase of machinery or equipment to be used for the processing of timber; and

(4) the holders of a wood processing plant operating permit that authorizes annual timber consumption of rough timber for peeling, sawing or pulp and paper production in excess of 2,000 cubic metres.

**6.** An application for a loan must be submitted in writing and be accompanied by the information and documents required by section 30 of the Act respecting La Financière agricole du Québec.

**7.** To be eligible for a loan, a forest producer must demonstrate,

(1) if the forest producer is a natural person, that he or she is of full age, is domiciled in Canada and is a Canadian citizen or permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) if the forest producer is a legal person, that it has its head office and principal establishment in Canada; or

(3) if the forest producer is composed of more than one person, that all persons satisfy the conditions set out in subparagraphs 1 and 2.

The forest producer must also

(1) demonstrate that the forest area covered by the forest producer's application has a forest management plan that conforms to subparagraph 1 of the first paragraph of section 120 of the Forest Act;

(2) need the financial assistance applied for, having regard to the forest producer's overall financial situation, to establish, maintain or develop a forest production unit;

(3) be able to meet the financial obligations;

(4) have the necessary resources to carry out the project; and

(5) provide any guarantees required by the agency pursuant to subparagraph 1 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec.

**8.** The maximum term of a loan is 30 years.

**9.** The maximum amount of loans granted to a forest producer under the Program is \$750,000.

The balance on the loans granted to the borrower under the Program, the Forest Management Funding Program established by Order in Council 384-97 dated 26 March 1997, the Act to promote forest credit by private institutions and the Forestry Credit Act is taken into account in the calculation of that amount. Despite the foregoing, debts that have devolved on the borrower by succession after the last loan was granted are not taken into account in the calculation.

**10.** Every borrower must continue to satisfy the loan eligibility conditions for the entire term of the loan.

**11.** A lender who grants a loan under the Program is insured under the Fonds d'assurance-prêts agricoles et forestiers for the entire term of the loan pursuant to section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1).

**12.** The interest rate on a loan may not exceed, at the option of the borrower,

(1) the hypothecary interest rate less the reduction in the interest rate provided for in section 14; or

(2) the prime lending rate, if the interest rate is variable.

Until the loan is fully disbursed, the interest rate cannot exceed the interim interest rate for a period that cannot exceed fifteen months following the date on which a loan certificate is issued by the agency under subparagraph 1 of the first paragraph of section 22 of the Act respecting La Financière agricole du Québec, after which the applicable interest rate must be one of the interest rates described in the first paragraph.

The prime lending rate and the interim interest rate are to be adjusted whenever the prime lending rate is changed.

**13.** The hypothecary interest rate on a loan may be adjusted on the expiry of each period of 12, 24, 36, 48, 60 or 84 months agreed between the lender and the borrower. The borrower may at that time again exercise the interest rate option under the first paragraph of section 12.

**14.** The hypothecary interest rate on a loan is reduced as set out in the table below:

Term of loan	Reduction
12 months	0.30%
24 months	0.35%
36 months	0.40%
48 months	0.45%
60 months	0.50%
84 months	0.60%

Despite the first paragraph, where in a calendar month the difference between the average rate of residential hypothecs for a term of five years and the average yield of Canadian five-year bonds, according to the generic rate published by Bloomberg LP, is less than 1.75%, the reduction in the hypothecary interest rate provided for in the first paragraph is suspended for the following three months for all loans whose interest rate is determined during that period. The reductions are reinstated in the month following a period of three consecutive months during which that difference is equal to or greater than 1.75%. When the interest rate on a loan is determined, it remains applicable for the term chosen by the borrower.

**15.** If the lender is a person to whom all or part of the purchase price of forest assets, interests in a forest producer or non-voting or preferred shares in a forest producer is owed, the interest rate may be set for a period not exceeding ten years, if the parties so agree. That interest rate may not exceed, for the chosen term, the current hypothecary interest rate of any of the financial institutions listed in paragraph 2 of the definition of “hypothecary interest rate” in section 2.

**16.** Interest on a loan is capitalized monthly and not in advance, regardless of the payment schedule agreed to by the parties.

**17.** No amount of money may be charged to a borrower by a lender for services offered free of charge by the lender in the normal course of business or for services provided by the agency.

**18.** This Regulation replaces the Forest Management Funding Program established under Order in Council 384-97 dated 26 March 1997.

Despite the foregoing, the replaced program continues to apply to financial assistance granted under the program before the date of coming into force of this Regulation,

and to applications for financial assistance received before that date that have not been disposed of by La Financière agricole du Québec.

**19.** This Regulation comes into force on 1 May 2006.  
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Gouvernement du Québec

### O.C. 258-2006, 29 March 2006

An Act respecting farm-loan insurance  
and forestry-loan insurance  
(R.S.Q., c. A-29.1)

#### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance

WHEREAS, under section 24 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1), the Government may make any regulation generally prescribing any measure necessary or advisable for the carrying out and proper operation of the Act;

WHEREAS it is expedient to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1);

WHEREAS, under 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 application of the Act respecting farm-loan insurance and forestry-loan insurance was published in Part 2 of the *Gazette officielle du Québec* of 24 August 2005 with a notice that it could be made on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS no comments on the draft Regulation were received within the 45-day period;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance\***

An Act respecting farm-loan insurance and forestry-loan insurance  
(R.S.Q., c. A-29.1, s. 24)

**1.** Section 2 of the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance is amended by replacing “the Forest Management Funding Program established under the Forest Act (R.S.Q., c. F-4.1)” in the second paragraph by “the Regulation respecting the Forest Management Funding Program made by Order in Council 257-2006 dated 29 March 2006 or the Forest Management Funding Program made by Order in Council 384-97 dated 26 March 1997 established under the Forest Act (R.S.Q., c. F-4.1)”.

**2.** This Regulation comes into force on 1 May 2006.

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Gouvernement du Québec

## **O.C. 279-2006, 29 March 2006**

An Act respecting manpower vocational training and qualification  
(R.S.Q., c. F-5)

### **Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry**

Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

WHEREAS, under section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations to ensure the efficient carrying out of the Act and in particular determine the qualification required to carry on trades or vocations, render obligatory apprenticeship and the certificate of qualification for the carrying on of a trade or vocation, determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewal of certificates of qualification, fix certain duties exigible and generally adopt any other related or supplementary provision for the efficient carrying out of the Act;

WHEREAS the Government made the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4);

WHEREAS it is expedient to replace 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 certificates of qualification and apprenticeship in electricity, pipe fitting, mechanical conveyor systems mechanics and hoisting apparatus operation in sectors other than the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 27 October 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

\* The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r.1) was last amended by the regulation made by Order in Council 206-2002 dated 6 March 2002 (2002, *G.O.* 2, 1613). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

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

THAT the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## **Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry**

An Act respecting manpower vocational training and qualification  
(R.S.Q., c. F-5, s. 30, 1st par, subpars. *a* to *c*, *g*, *h* and *l*, and s. 41.1, 1st par.)

### **DIVISION I INTERPRETATION**

#### **1.** In this Regulation,

“combustion and heating system” means the piping, apparatus, accessories and other devices necessary for the production and distribution of energy or heat in any form in any building or installation; (*système de chauffage et de combustion*)

“electrical installation” means an electrical installation within the meaning of section 5.03.01 of the Construction Code approved by Order in Council 953-2000 dated 26 July 2000, including baseboard heaters, heating panels and the lighting fixtures connected to the installation; (*installation électrique*)

“mechanical conveyor system” means the apparatus, accessories and other devices generally used or that may be used to transport persons, objects or materials, such as elevators, flying scaffolds, escalators, dumb waiters, passenger ropeways, movable stage platforms, elevators for handicapped persons, moving sidewalks and other similar devices; (*système de déplacement mécanisé*)

“plumbing system” means the piping, apparatus, accessories and other devices necessary for water service pipes, water distribution systems and building drainage systems up to the connection point with water mains and sewer networks or the heating and refrigeration system; (*système de plomberie*)

“process piping system” means the piping, apparatus, accessories and other devices necessary for the distribution of fluids, except plumbing systems, refrigeration systems and heating devices; (*système de tuyauterie de procédés techniques*)

“supervision” means the overseeing of the work of a person by the holder of a certificate of qualification required for the supervised work who is available to assist the person. (*supervision*)

### **DIVISION II SCOPE**

**2.** This Regulation governs admission to apprenticeship, the issue of certificates of qualification and the carrying on of the trades or vocations described in section 3 for work carried on in the fields of electricity, pipe fitting and mechanical conveyor systems mechanics, when the work is carried on in sectors not governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

However, it does not apply to

(1) work that consists in the factory mounting of an electrical installation in a prefabricated building approved pursuant to Division III of Chapter V of the Construction Code;

(2) work on an electrical installation used to provide the energy for the operation of electric railroads or subways or on the apparatus connected to it; or

(3) work on water mains and sewer systems.

### **DIVISION III CERTIFICATES OF QUALIFICATION**

**3.** The following certificates of qualification are required for the carrying on of work described for each certificate:

(1) certificate in electricity (CÉ) for the installation, maintenance, repair, renewal or alteration of an electrical installation;

(2) certificate in pipe fitting (CT) for work referred to in paragraphs 3 to 5;

(3) certificate in plumbing (CP) for the installation, maintenance, repair, renewal or alteration of plumbing systems;

(4) certificate in heating (CC) for the installation, maintenance, repair, renewal or alteration of combustion and heating systems;

(5) certificate in process pipe fitting (TPT) for the installation, maintenance, repair, renewal or alteration of process piping systems;

(6) certificate in fuel oil combustion-heating (CCM) for the installation, maintenance, repair, renewal or alteration of fuel oil heating apparatus of 120 kW or less, including burners, fuel and air supply lines and conduits, tanks, pumps, safety and control devices, exhaust systems, chimney linings and accessories such as air humidifiers and purifiers; the certificate does not cover work on heat or fluid distribution systems;

(7) certificate in refrigeration systems (SF) for the installation, maintenance, repair, renewal or alteration of refrigeration systems of a capacity of 200 watts or more, including the piping, apparatus, accessories and other devices necessary for the production of cold by the systems and for the distribution of the fluids and refrigerating mediums, as well as work on combustion and heating apparatus when such apparatus is an integral part of an air conditioning or refrigeration system;

(8) certificate in mechanical conveyor systems mechanics (MSDM) for work referred to in paragraphs 9 to 11;

(9) certificate in elevator mechanics (MA) for the installation, maintenance, repair, renewal or alteration on elevators and other mechanical conveyor systems, including the operation of a temporary or unfinished system and the electrical connection of the apparatus or accessories from the main line connection switch specific to the mechanical conveyor system, except work referred to in paragraphs 10 and 11;

(10) certificate in elevating platform mechanics (MPFÉ) for the installation, maintenance, repair, renewal or alteration on lifts for persons with physical disabilities referred to in CSA Standard CAN/CSA-B355 "Lifts for Persons with Physical Disabilities" and CSA Standard CAN/CSA-B613 "Private Residence Lifts for Persons with Physical Disabilities" including the operation of a temporary or unfinished system and the electrical connection of the apparatus and accessories from the main line connection switch specific to the mechanical conveyor system;

(11) certificate in passenger ropeway mechanics (MRM) for the installation, maintenance, repair, renewal or alteration on passenger ropeways such as chair lifts,

aerial tramways and ski lifts, including the operation of a temporary or unfinished system and the electrical connection of the apparatus and accessories from the main line connection switch specific to the mechanical conveyor system.

**4.** For work on propane piping and work on the combustion devices of gas apparatus, the holder of a Class 1 to Class 4 certificate of qualification in gas appliance techniques or the holder of a certificate of qualification in receptacle installation techniques issued under the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, made by Order in Council 280-2006 dated 29 March 2006, need not obtain a certificate in pipe fitting or refrigeration systems.

**5.** A certificate of qualification or of competency or an apprenticeship card issued by the Commission de la construction du Québec or issued outside Québec and recognized as equivalent by the Government of Québec under an intergovernmental agreement concerning manpower mobility or recognition of qualification, skills or work experience in trades or vocations, is held to be, as long as it is in force, a certificate of qualification or apprenticeship card required under this Regulation on the condition that it pertains to a trade or vocation which, under such an intergovernmental agreement or pursuant to it, is held to be a trade or vocation referred to in section 3.

If the holder of a certificate referred to in the first paragraph applies for the issue of a certificate of qualification corresponding to such an equivalence, the holder must pay the duties exigible for the issue of the certificate of qualification after being exempted from the qualification examination.

#### **DIVISION IV** **CONDITIONS FOR THE ISSUE OF A** **CERTIFICATE OF QUALIFICATION**

##### *§1. General*

**6.** In order to be issued a certificate of qualification other than the certificates referred to in paragraphs 2 and 8 of section 3, an apprentice must complete the apprenticeship period and pass the qualification examination prescribed for that certificate.

In order to be issued a certificate of qualification for pipe fitting provided for in paragraph 2 of section 3, a person must hold the certificates referred to in paragraphs 3 to 5 of that section. If the person meets that condition, the person is exempt from the qualification

examination and apprenticeship prescribed by subdivisions 2 and 3 for that certificate of qualification which is issued to the person to replace the certificates the person holds.

The same applies for the certificate of qualification for mechanical conveyor systems mechanics provided for in paragraph 8 of section 3, for a person who holds the certificates referred to in paragraphs 9 to 11 of that section.

**7.** A holder of a certificate of qualification or competency to whom section 5 does not apply who holds a certificate issued by the Commission de la construction du Québec or issued in Canada and requiring qualifications equivalent to those required for the issue of a certificate of qualification referred to in section 3, is exempt from the qualification examination required by the first paragraph of section 6. The holder must pay the duties exigible for the issue of the certificate of qualification following an exemption from the qualification examination.

**8.** A holder of a certificate of qualification may be issued a duplicate of the certificate on written application to the Minister and payment of the duties exigible.

## *§2. Qualification examination*

**9.** To be eligible for the qualification examination, an apprentice must have completed the apprenticeship prescribed in subdivision 3.

**10.** As soon as an apprentice is eligible for a qualification examination, the apprentice must register with the Minister and pay the duties exigible.

The apprenticeship card of an apprentice who fails to appear for the examination without a valid reason will be suspended by the Minister. The suspension will be lifted as soon as the apprentice appears for the examination.

**11.** The content of the qualification examination is designed to verify if an apprentice meets the qualification requirements for carrying on the work referred to in section 3 for each certificate of qualification and it deals with the elements described in the apprenticeship program.

**12.** An apprentice who fails an examination may take a make-up examination on the date determined by the Minister.

To be readmitted to an examination after three failures, an apprentice must again serve and complete the apprenticeship for the qualification elements for which the apprentice failed the examination.

An examination may not be taken within less than one month after the preceding examination.

**13.** The examination of an apprentice who is admitted to an examination under false pretenses or who disturbs the conduct of the examination, in particular by defrauding, copying or cheating or by cooperating in such manoeuvres, is cancelled and the apprentice may not be readmitted to an examination for one year after the date of cancellation.

## *§3. Apprenticeship*

**14.** For each certificate of qualification, the content of the apprenticeship is established in the apprenticeship program approved by the Minister. The program contains the list of the qualification elements to be acquired and assessed in a work environment, the description of required vocational training and the minimum duration of the apprenticeship prescribed, necessary for an apprentice to obtain the required vocational qualification to carry on autonomously the work referred to in section 3 for each certificate of qualification.

**15.** A person wishing to begin the apprenticeship of a trade or vocation described in section 3 must be registered as an apprentice and pay the duties exigible for the issue of an apprenticeship card.

**16.** To complete the apprenticeship, an apprentice must have acquired all the qualification elements described in the apprenticeship program, successfully completed the required vocational training and served the minimum duration of the apprenticeship prescribed. That information is recorded in an apprenticeship booklet.

The proficiency in each qualification element acquired must be assessed by a holder of the certificate of qualification required for the work involved and be certified in the apprenticeship booklet by the apprentice and the holder of the certificate.

The educational institution or the employer with which the apprenticeship is carried on certifies, in the apprenticeship booklet, the beginning and end of the apprenticeship period and the number of hours of apprenticeship worked.

**17.** For as long as the apprentice has not completed the apprenticeship of a qualification element, the apprentice may carry on the work referred to in section 3 for the required certificate of qualification only under the supervision of a holder of such a certificate of qualification who is on the premises and near the apprentice.

After completing the apprenticeship of a qualification element and for as long as the certificate of qualification has not been issued, the apprentice may carry on that work only under the supervision of a holder of a certificate of qualification required for the supervised work.

**18.** A holder of a certificate of qualification issued in Canada requiring certain qualification elements equivalent to those required for a certificate of qualification referred to in section 3 is exempt from acquiring the corresponding qualification elements described in the apprenticeship program. The holder must, however, pay the duties exigible for apprenticeship registration.

**19.** The vocational training courses passed by a person may be recognized as equivalent to those required under this Regulation if they meet the vocational training requirements described in the apprenticeship program.

**20.** The duration of the apprenticeship is reduced by a number of hours equal to the number of hours of relevant experience worked prior to the registration for apprenticeship that may be proven by the apprentice.

**21.** To remain valid, an apprenticeship card must be renewed annually, at the latest on the holder's birthday, on payment of the duties exigible and on presentation of a statement of the qualification elements acquired and assessed, the successful completion of vocational training and the duration of the apprenticeship served since the issue or the most recent renewal of the apprenticeship card. An apprenticeship card need not be renewed within 12 months following its issue.

Despite the first paragraph, a holder of more than one apprenticeship card for more than one certificate referred to in paragraphs 3 to 6 of section 3 must pay the duties exigible for the renewal of only one apprenticeship card, whatever the number of apprenticeship cards in trades or vocations referred to in those paragraphs for which the holder is requesting a renewal. The same applies to a holder of an apprenticeship card for more than one certificate referred to in paragraphs 9 to 11 of that section.

## **DIVISION V** **VALIDITY AND CONDITIONS FOR THE** **RENEWAL OF A CERTIFICATE OF** **QUALIFICATION**

**22.** A certificate of qualification is valid from the date it is issued to the date of the third birthday of the holder following that issue. It may be renewed for two-year periods thereafter.

**23.** A holder of one of the certificates of qualification referred to in paragraphs 3 to 6 of section 3 who qualifies for one of the other certificates referred to in those paragraphs, or a holder of one of the certificates of qualification referred to in paragraphs 9 to 11 of that section who qualifies for one of the other certificates referred to in those paragraphs, is issued a new certificate for the unexpired period of validity of the first certificate that person holds.

**24.** A certificate of qualification is renewed upon request by the holder, if the holder has taken the required training, where applicable, under section 25 and pays the duties exigible for each of the certificates of qualification for which the holder is requesting a renewal.

However, a holder of more than one certificate referred to in paragraphs 3 to 6 of section 3 or a holder of more than one certificate referred to in paragraphs 9 to 11 of that section is required to pay the duties exigible for only one certificate of qualification, whatever the number of certificates referred to in those paragraphs for which the holder is requesting a renewal.

**25.** In order for a certificate of qualification to be renewed, the holder must take the training courses necessary to maintain the qualification. Such training deals in particular with technical developments, work methods or amendments to the laws and regulations likely to influence the carrying on of the work referred to in this Regulation.

When training becomes necessary, the Minister notifies the holder of a certificate of qualification upon renewal of the certificate. The holder has until the date of the next renewal to complete the required training.

**26.** A person whose certificate of qualification has not been renewed for more than four consecutive years must pass a new qualification examination to be issued a certificate of qualification. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship.



**27.** A person whose certificate of qualification has not been renewed for a period of four consecutive years or less must pay the duties exigible for the renewal of a certificate of qualification and comply with any training requirements that could have been required under section 25 for a certificate to be issued. The certificate is then valid from the date of issue to the second birthday of the holder following such issue.

A person whose certificate of qualification has been expired for more than one year but less than four years must also pay the duties exigible for non-continuous renewal of a certificate.

#### **DIVISION VI** DUTIES EXIGIBLE

**28.** The duties exigible are as follows:

- |   |        |
|---|--------|
| (1) registration for apprenticeship and issue of apprenticeship card:   | \$100; |
| (2) annual renewal of apprenticeship card:  | \$50;  |
| (3) registration for a qualification examination:   | \$100; |
| (4) registration for a make-up examination:   | \$50;  |
| (5) issue of a certificate of qualification following an exemption from a qualification examination under the second paragraph of section 5 or section 7: | \$50;  |
| (6) renewal of a certificate of qualification:  | \$100; |
| (7) renewal of a restricted certificate of qualification issued pursuant to section 32 or 34:   | \$100; |
| (8) issue of a duplicate of a certificate of qualification:   | \$30;  |
| (9) non-continuous renewal of a certificate of qualification:   | \$50.  |

The duties are adjusted on 1 April of each year based on the change in the All-items Consumer Price Index for Canada for the preceding calendar year. The change is calculated on the basis of the ratio between the index for the preceding year and the index for the year preceding that year. The index for a given year is the average of the monthly indexes published by Statistics Canada.

The duties so adjusted are reduced to the nearest dollar if they include a fraction of dollar less than \$0.50; they are increased to the nearest dollar if they include a fraction of dollar equal to or greater than \$0.50.

The Minister is to publish the result of the indexing in Part 1 of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.

#### **DIVISION VII** CONTESTATION

**29.** Any person who believes he or she is aggrieved by a decision made pursuant to this Regulation may, within 30 days, contest the decision before the construction industry commissioner pursuant to the first paragraph of section 41.1 of the Act.

#### **DIVISION VIII** CONTROL

**30.** The holder of a certificate of qualification or an apprenticeship card must notify the Minister immediately of any change of address.

**31.** The holder of a certificate of qualification or an apprenticeship card must be in possession of it when carrying on work governed by this Regulation.

The holder must show the document upon request to a representative of the Minister or any other person authorized by law to carry out inspections or investigations in the field of manpower qualification.

#### **DIVISION IX** TRANSITIONAL AND FINAL

**32.** A certificate of qualification issued under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4) and in force on 1 January 2008 is held to be, from that date, the corresponding certificate or certificates of qualification listed in the following table and remains valid until the expiry of the certificate it replaces.

Qualification certificates issued under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry	Certificates of qualification provided for in this Regulation
Qualification certificate of electrician	Certificate of qualification in electricity (CÉ)
Qualification certificate of pipe fitter, specialty of the plumber	Certificate of qualification in plumbing (CP) and certificate of qualification in process pipe fitting (TPT)
Qualification certificate of pipe fitter, specialty of the sprinkler installer	Certificate of qualification in pipe fitting restricted to fire protection systems (CT-L-SPI)
Qualification certificate of pipe fitter, specialty of the heating systems installer	Certificate of qualification in heating (CC) and certificate of qualification in process pipe fitting (TPT)
Qualification certificate of pipe fitter, specialty of the refrigeration specialist	Certificate of qualification in refrigeration systems (SF)
Qualification certificate of elevator mechanics	Certificate of qualification in mechanical conveyor systems mechanics (MSDM)
Qualification certificate of oil burner installer	Certificate of qualification in fuel oil combustion-heating (CCM)

**33.** An apprenticeship booklet and an apprenticeship card issued before 1 January 2008 remain in force until the date provided for the revision of the booklet and are held to be, as of 1 January 2008, the apprenticeship booklet and apprenticeship card corresponding to the certificates of qualification provided for in this Regulation, according to the equivalence established in section 32.

An apprentice who completes apprenticeship between 1 January 2008 and 31 December 2009, according to the duration and periods prescribed by section 15 and Schedule C to the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry as it reads on 31 December 2007, is deemed to complete the apprenticeship under this Regulation.

During the same period, the apprentice may apply to the Minister to have the apprenticeship booklet issued under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry converted to an apprenticeship booklet provided for in this Regulation.

**34.** An attestation of experience issued under section 20 of the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry and in force on 1 January 2008 is held to be, as of that date, the corresponding certificate of qualification listed in the following table and remains valid until the date of expiry of the attestation it replaces.

Attestations of experience issued under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry	Certificates of qualification prescribed by this Regulation
Attestation of experience of oil burner installer	Certificate of qualification in fuel oil combustion-heating (CCM)

Attestation of experience of maintenance electrician	Certificate of qualification in electricity restricted to maintenance (CÉ-L-ÉE)
Attestation of experience of ferry electrician	Certificate of qualification in electricity restricted to ship electricity (CÉ-L-ÉN)
Attestation of experience of road lighting electrician	Certificate of qualification in electricity restricted to outdoor lighting (CÉ-L-ÉÉE)
Attestation of experience of electrician (no mention)	Certificate of qualification in electricity (CÉ)
Attestation of experience of plumber	Certificate of qualification in plumbing (CP)
Attestation of experience of heating systems installer	Certificate of qualification in fuel oil combustion-heating (CCM)
Attestation of experience of sprinkler installer	Certificate of qualification in pipe fitting restricted to fire protection systems (CT-L-SPI)
Attestation of experience of refrigeration specialist	Certificate of qualification in refrigeration systems (SF)
Attestation of experience of elevator mechanic	Certificate of qualification in elevator mechanics (MA)

A holder of an attestation of experience referred to in the preceding table may, if the holder believes that the certificate in lieu of the attestation does not correspond to the attestation of experience initially issued by the construction industry commissioner or the council of arbitration, request from the Minister, not later than 30 days after the expiry date of the attestation, the issue of a certificate of qualification or a restricted certificate of qualification provided for in this Regulation to replace the certificate listed in the preceding table. The Minister will issue such a certificate if the attestation of experience of the person does not correspond to the equivalences established under that table.

**35.** A person whose attestation of experience or certificate of qualification issued under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry has been expired for more than four years on 1 January 2008 must pass the qualification examination to obtain a certificate of qualification prescribed by this Regulation. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship.

**36.** A person whose attestation of experience or certificate of qualification issued under the Regulation respecting the vocational training and qualification of

manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry has been expired for four years or less on 1 January 2008 must pay the duties exigible for the renewal of a certificate of qualification prescribed by this Regulation for a certificate to be issued. The certificate is valid until the date of the second birthday of the holder following that issue.

In addition, a person whose certificate or attestation has been expired for more than one year but less than four years on 1 January 2008 must pay the duties exigible for the non-continuous renewal of a certificate.

**37.** This Regulation replaces the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4).

**38.** This Regulation comes into force on 1 January 2008, except the second, third and fourth paragraphs of section 28, which come into force on 2 April 2008.

Gouvernement du Québec

**O.C. 280-2006, 29 March 2006**

An Act respecting manpower vocational training and qualification  
(R.S.Q., c. F-5)

**Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels**

Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

WHEREAS, under section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations to ensure the efficient carrying out of the Act and in particular, determine the qualification required to carry on trades or vocations, render obligatory apprenticeship and the certificate of qualification for the carrying on of a trade or vocation, determine the conditions for admission to apprenticeship and to the examinations for qualification, for obtaining and renewal of certificates of qualification, fix certain duties exigible and generally adopt any other related or supplementary provision for the efficient carrying out of the Act;

WHEREAS the Government made provisions respecting the manpower vocational training and qualification by the Regulation respecting pressure vessels made by Order in Council 2519-82 dated 3 November 1982, the Order respecting certificates of competency with respect to gas (R.R.Q., 1981, c. D-10, r.2), the Regulation respecting gas and public safety (R.R.Q., 1981, c. D-10, r.4) and the Regulation respecting stationary enginemen (R.R.Q., 1981, c. M-6, r.1);

WHEREAS, under section 216 of the Building Act (R.S.Q., c. B-1.1), those provisions remain in force in so far as they are consistent with the Act respecting manpower vocational training and qualification;

WHEREAS under that section, such provisions are deemed to have been made under the Act respecting manpower vocational training and qualification;

WHEREAS it is expedient to replace the provisions of those regulations that relate to manpower vocational training and qualification;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting certificates of qualification and appren-

ticeship regarding gas, stationary engines and pressure vessels was published in Part 2 of the *Gazette officielle du Québec* of 27 October 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels**

An Act respecting manpower vocational training and qualification  
(R.S.Q., c. F-5, s. 30, 1st par., subpars. a to c, g, h and l, and s. 41.1, 1st par.)

**DIVISION I**  
**INTERPRETATION**

1. In this Regulation,

“certified appliance” means any appliance certified in accordance with Division IV of Chapter II of the Building Code approved by Order in Council 953-2000 dated 26 July 2000; (*appareil approuvé*)

“cylinder” means a receptacle designed and built for the use, storage and distribution of propane, in accordance with Division IV of Chapter III of the Safety Code approved by Order in Council 964-2002 dated 21 August 2002; (*bouteille*)

“gas” means a gas within the meaning of section 7 of the Building Act (R.S.Q., c. B-1.1); (*gaz*)

“gas appliance” means a device used to transform gas into energy, including the required controls, components, piping and wiring; (*appareil au gaz*)

“pressure vessel” means a pressure vessel within the meaning of section 7 of the Building Act; (*appareil sous pression*)

“propane” means propane within the meaning of section 28 of the Safety Code; (*propane*)

“stationary engine” means any of the following pressure vessels, including the piping and accessories used for their operation:

- (1) a steam, hot water or other fluid boiler or generator;
- (2) a steam engine or turbine; and
- (3) a refrigerating apparatus; (*machine fixe*)

“stationary engine installation” means a combination of stationary engines located on the same premises and connected together; (*installation de machines fixes*)

“supervise” means to watch over and control the operation of a stationary engine or stationary engine installation and fill out the required records; (*surveiller*)

“supervision” means the overseeing of the work of a person by the holder of a certificate of qualification required for the supervised work who is available to assist the person; (*supervision*)

“tank” means a receptacle, including a mobile tank, intended for gas storage or distribution. (*réservoir*)

## **DIVISION II** **SCOPE**

**2.** This Regulation governs admission to apprenticeship, the issue of certificates of qualification and the carrying on of the trades or vocations described in section 3 for work on gas appliances, stationary engines and pressure vessels.

The Regulation does not apply to work carried out by a manufacturer in its shops on the gas appliances and components of appliances it manufactures, or to work carried out by a manufacturer on the pressure vessels it manufactures.

## **DIVISION III** **CERTIFICATES OF QUALIFICATION**

**3.** The following certificates of qualification are required for the carrying on of work described for each certificate:

(1) certificate in gas piping installation (ITG) for the installation, connection, maintenance, repair or removal of any gas piping and its accessories and the connection of any gas piping to the natural gas distribution network or, in the case of propane, to an installation of cylinders or tanks and the connection of gas appliances to such piping;

(2) Class 1 certificate in gas appliance techniques (TAG-1) for the installation, connection, initial start-up, maintenance, repair or removal of any type of gas appliance, including its accessories and exhaust system;

(3) Class 2 certificate in gas appliance techniques (TAG-2) for the installation, connection, initial start-up, maintenance, repair or removal of any type of gas appliance with a capacity not exceeding 120 kW, including its accessories and exhaust system;

(4) Class 3 certificate in gas appliance techniques (TAG-3) for the installation, connection, initial start-up, maintenance, repair or removal of any certified propane appliance with a capacity not exceeding 120 kW, including its accessories and exhaust system, and the installation and connection of propane piping and cylinders, including its accessories, whatever the capacity of the gas appliances supplied;

(5) Class 4 certificate in gas appliance techniques (TAG-4) for the installation, connection, initial start-up, maintenance, repair or removal, on a structure that is not connected to an electric power supply and used to shelter persons, of any type of certified propane appliance with a capacity not exceeding 30 kW, including its accessories, exhaust systems, supply lines and cylinders;

(6) certificate in restricted gas appliance maintenance techniques (TERAG) for the connection, initial start-up, maintenance, repair or removal of any type of gas appliance installed on the premises of the employer of the holder of the certificate for which the apprenticeship has been completed;

(7) certificate in receptacle installation techniques (TIR) for the installation, initial start-up, maintenance, repair or removal of any installation of cylinders or tanks of any refuelling station for receptacles and vehicles, any filling station and any mobile tank, including accessories such as vaporizers, pumps, compressors, distribution devices and the piping connecting the receptacles and their accessories; the certificate is not required for work on the fuel tanks of gas-powered vehicles;

(8) certificate in distribution system control (VSD) for the supervision of the quality and regulatory compliance of installation, maintenance, repair or removal work for any transport system, distribution network or natural gas service pipe of a building;

(9) certificate in gas carburetion techniques (TCG) for the installation, putting into service, inspection, maintenance, repair or removal of components, including the fuel tanks, for the supply of gas-powered internal combustion engines and for filling road vehicle tanks and cylinders;

(10) certificate in propane handling (MP) for the transfer of propane between receptacles or the connection of cylinders of more than 34 kilograms;

(11) certificate in cylinder and vehicle filling (RBV) for the filling of cylinders and fuel tanks of gas-powered vehicles;

(12) certificate in stationary engine mechanics (MMF) to operate, supervise, control or maintain a stationary engine or an installation of stationary engines and see to its repair or alteration, according to the categories and classes established in section 4; and

(13) certificate in pressure installation inspection (IISP) for the inspection of the manufacture, installation, repair or alteration of a pressure installation within the meaning of section 7 of the Building Act.

**4.** The certificate of qualification in stationary engine mechanics comprises the following categories:

- (1) the energy production category; and
- (2) the refrigerating apparatus category.

The certificate of qualification in stationary engine mechanics of the energy production category comprises four classes and that of the refrigerating apparatus category comprises two classes according to the type of engines the holder is authorized to operate or supervise pursuant to Schedule I.

**5.** A person who operates or supervises a stationary engine or an installation of stationary engines must hold a certificate of qualification of the same category and of a class equal to or higher than the classification of that engine or installation.

**6.** Despite section 5, the holder of a certificate of qualification of a class immediately lower than the class required may operate or supervise a stationary engine or an installation of stationary engines of that class for a

period not exceeding 90 days in case of death, illness, holiday, resignation or dismissal of the holder of the appropriate certificate.

In addition, the holder may at all times, under the supervision of the holder of a certificate of qualification of the appropriate class and category who operates the stationary engine or installation, carry on work authorized by the certificate of qualification for that class and category.

**7.** A person who tests, maintains or in the case of a stationary engine requiring no supervision under section 27 of the Regulation respecting stationary enginemen (R.R.Q., 1981, c. M-6, r.1), starts-up or stops a stationary engine or installation of stationary engines under the supervision of the holder of a certificate of qualification of the category and class required to operate or supervise that stationary engine or installation of stationary engines is exempt from the issue of a certificate of qualification in stationary engine mechanics.

**8.** A person who fills the fuel tanks of natural gas-powered vehicles under the supervision of the holder of a certificate of qualification in gas carburetion techniques or a certificate of qualification in cylinder and vehicle filling who is on the premises and near the supervised person is exempt from the issue of a certificate of qualification in cylinder and vehicle filling.

#### **DIVISION IV** CONDITIONS FOR THE ISSUE OF A CERTIFICATE OF QUALIFICATION

##### *§1. General*

**9.** In order to be issued a certificate of qualification, an apprentice must complete the apprenticeship period and pass the qualification examination prescribed for that certificate or, in the case of a certificate of qualification in stationary engine mechanics, for the class of the category of certificate sought.

However, a person who holds an attestation issued by the Association québécoise du propane inc., according to which the person passed the course entitled "Approvisionnement du produit" given by the association, is exempt from the apprenticeship and qualification examination required by this Regulation for the issue of the certificate of qualification in cylinder and vehicle filling. The person must, however, pay the duties exigible for the issue of the certificate of qualification following an exemption from the qualification examination.

The same applies to a person who has successfully taken a program of vocational studies in stationary engine mechanics comprising an apprenticeship period meeting the requirements of the apprenticeship program referred to in section 18 for the certificate of qualification in stationary engine mechanics, Class 4 of the energy production category or Class B of the refrigerating apparatus category, given by an educational institution recognized by the Minister of Education, Recreation and Sports.

**10.** A holder of a certificate of competency or qualification issued in Canada, recognized as equivalent by the Government of Québec under an intergovernmental agreement concerning manpower mobility or recognition of qualification, skills or work experience in trades or vocations, or the issue of which requires qualification requirements equivalent to those required in Québec for the issue of a certificate of qualification described in section 3, is exempt from the qualification examination required by section 9. The person must, however, pay the duties exigible for the issue of the certificate of qualification following an exemption from the qualification examination.

**11.** The holder of a certificate of qualification may be issued a duplicate of the certificate on written application to the Minister and payment of the duties exigible.

## §2. *Qualification examination*

**12.** To be eligible for the qualification examination, an apprentice must have completed the apprenticeship prescribed in subdivision 3.

In addition, the person who, in accordance with section 25, registered for apprenticeship in gas piping installation because the person holds an apprenticeship card in pipe-fitting, heating or technical process piping issued by the Minister or because the person holds an apprenticeship competency certificate – pipe fitter issued by the Commission de la construction du Québec must have been issued a qualification certificate or journeyman competency certificate in that qualification to be eligible for the qualification examination.

The same applies to the person who, in accordance with the same section registered for a restricted gas appliance maintenance technique apprenticeship, because the person holds an apprenticeship card in electricity, plumbing, heating or technical process piping, in fuel-oil heating and combustion, in stationary engine mechanics or refrigeration system issued by the Minister or because the person holds an apprenticeship competency certificate as an electrician, pipe fitter or refrigeration specialist issued by the Commission de la construction du Québec.

**13.** To be eligible for the qualification examination in stationary engine mechanics class 3, 2 or 1 in the energy production category or Class A in the refrigerating apparatus category, the apprentice must, in addition to completing the apprenticeship for the class sought, have been issued certificates of a lower class or have completed the training and the minimum number of apprenticeship hours prescribed in the apprenticeship program for those classes.

**14.** As soon as an apprentice is eligible for a qualification examination, the apprentice must register with the Minister and pay the duties exigible.

The apprenticeship card of an apprentice who fails to appear for the examination without a valid reason will be suspended by the Minister. The suspension will be lifted as soon as the apprentice appears for the examination.

**15.** The content of the qualification examination is designed to verify if an apprentice meets the qualification requirements for carrying on the work referred to in section 3 for each certificate of qualification and it deals with the elements described in the apprenticeship program.

**16.** An apprentice who fails an examination may take a make-up examination on the date determined by the Minister.

To be readmitted to an examination after three failures, an apprentice must again serve and complete the apprenticeship of the qualification elements for which the apprentice failed the examination.

An examination may not be taken less than one month after the preceding examination.

**17.** The examination of an apprentice who is admitted to an examination under false pretenses or who disturbs the conduct of the examination, in particular by defrauding, copying or cheating or by cooperating in such manoeuvres, is cancelled and the apprentice may not be readmitted to an examination for one year after the date of cancellation.

## §3. *Apprenticeship*

**18.** For each certificate of qualification, the content of the apprenticeship is established in the apprenticeship program approved by the Minister. The program contains the list of the qualification elements to be acquired and assessed in a work environment, the description of required vocational training and the minimum duration of apprenticeship prescribed, necessary for an appren-

tice to obtain the required vocational qualification to carry on autonomously the work referred to in section 3 for each certificate of qualification.

**19.** A person wishing to begin the apprenticeship of a trade or vocation described in section 3 must be registered as an apprentice and pay the duties exigible for the issue of an apprenticeship card in addition to meeting one of the conditions prescribed by section 25, if applicable.

**20.** To complete the apprenticeship, an apprentice must have acquired all the qualification elements described in the apprenticeship program, successfully completed the required vocational training and served the minimum apprenticeship period prescribed. That information is recorded in an apprenticeship booklet.

The proficiency in each qualification element acquired must be assessed by a holder of the certificate of qualification required for the work involved and be certified in the apprenticeship booklet by the apprentice and the holder of the certificate.

The educational institution or the employer with which the apprenticeship is carried on certifies, in the apprenticeship booklet, the beginning and end of the apprenticeship period and the number of hours of apprenticeship worked.

**21.** For as long as the apprentice has not completed the apprenticeship of a qualification element, the apprentice may carry on the work referred to in section 3 for the required certificate of qualification only under the supervision of a holder of such a certificate of qualification who is on the premises and near the apprentice.

After completing the apprenticeship of a qualification element and for as long as the certificate of qualification has not been issued, the apprentice may carry on that work only under the supervision of a holder of a certificate of qualification required for the supervised work.

**22.** A holder of a certificate of qualification issued in Canada requiring certain qualification elements equivalent to those required for a certificate of qualification referred to in section 3 is exempt from acquiring the corresponding qualification elements described in the apprenticeship booklet. The holder must, however, pay the duties exigible for apprenticeship registration.

**23.** The vocational training courses passed by a person may be recognized as equivalent to those required under this Regulation if they meet the vocational training requirements described in the apprenticeship program.

**24.** The duration of the apprenticeship is reduced by a number of hours equal to the number of hours of relevant experience worked prior to apprenticeship registration that may be proven by the apprentice.

**25.** For each certificate of qualification referred to hereunder, a person who wishes to register for apprenticeship must meet the conditions described in the corresponding paragraphs or subparagraphs:

(1) certificate of qualification in gas carburetion techniques: have at least 24 months of experience as a motorized equipment mechanic;

(2) certificate of qualification in gas piping installation:

(a) hold a certificate of qualification in pipe fitting or a certificate of qualification or an apprenticeship card in plumbing, heating, or technical process piping issued by the Minister; or

(b) hold a journeyman competency certificate or an apprenticeship competency certificate of pipe fitter issued by the Commission de la construction du Québec;

(3) certificate of qualification in gas appliance:

(a) hold a certificate of qualification in pipe fitting or a certificate of qualification or an apprenticeship card in electricity, plumbing, heating, technical process piping, in fuel-oil heating-combustion, in stationary engine mechanics or refrigeration systems issued by the Minister;

(b) hold a journeyman competency certificate or an apprenticeship competency certificate of electrician, pipe fitter or refrigeration specialist issued by the Commission de la construction du Québec;

(c) hold a certificate of qualification in class 2 or class 3 gas appliance techniques;

(d) hold a diploma in gas appliance repair, electro-mechanics, electrotechnology, building mechanics, stationary engine mechanics or engineering issued by an educational institution recognized by the Minister of Education, Recreation and Sports; or

(e) have at least 24 months of experience as a millwright.

**26.** Each class of a category of certificate of qualification in stationary engine mechanics requires a separate apprenticeship.



The apprenticeship in stationary engine mechanics must be served on an installation of stationary engines corresponding at least to the class of the certificate of qualification sought.

**27.** To remain valid, an apprenticeship card must be renewed annually, at the latest on the holder's birthday, on payment of the duties exigible and on presentation of a statement of the qualification elements acquired and assessed, the successful completion of vocational training and the duration of the apprenticeship served since the issue or the most recent renewal of the apprenticeship card. An apprenticeship card need not be renewed within 12 months following its issue.

Despite the first paragraph, a holder of more than one apprenticeship card for more than one certificate referred to in paragraphs 1 to 10 of section 3 must pay the duties exigible for the renewal of only one apprenticeship card, whatever the number of apprenticeship cards in trades or vocations referred to in those paragraphs for which the holder is requesting a renewal. The same applies to a holder of an apprenticeship card in stationary engine mechanics in both categories established in section 4.

#### **DIVISION V** VALIDITY AND CONDITIONS FOR THE RENEWAL OF A CERTIFICATE OF QUALIFICATION

**28.** A certificate of qualification is valid from the date it is issued to the date of the third birthday of the holder following that issue. It may be renewed for two-year periods thereafter.

Despite the first paragraph, the certificate of qualification in cylinder and vehicle refilling is valid from the date it is issued to the date of the tenth birthday of its holder following that issue and it may be renewed for ten-year periods thereafter.

**29.** A holder of one of the certificates of qualification referred to in paragraphs 1 to 10 of section 3 who qualifies for one of the other certificates referred to in those paragraphs is issued a new certificate for the unexpired period of validity of the first certificate the person holds. The same applies to the holder of a certificate of qualification in stationary engine mechanics in a category who qualifies for a certificate in the other category.

**30.** A certificate of qualification is renewed upon request by the holder, if the holder has taken the required training, where applicable, under section 31 and pays the duties exigible for each of the certificates of qualification for which the holder is requesting a renewal.

However, a holder of more than one certificate referred to in paragraphs 1 to 10 of section 3 is required to pay the duties exigible for only one certificate of qualification, whatever the number of certificates referred to in those paragraphs for which the holder is requesting a renewal. The same applies to the holder of a certificate of qualification in stationary engine mechanics for both categories established in section 4.

**31.** In order for a certificate of qualification to be renewed, the holder must take the training courses necessary to maintain the qualification. Such training deals in particular with technical developments, work methods or amendments to the laws and regulations likely to influence the carrying on of the work referred to in this Regulation.

When training becomes necessary, the Minister notifies the holder of a certificate of qualification upon renewal of the certificate. The holder has until the date of the next renewal to complete the required training.

In the case of a certificate of qualification in cylinder and vehicle refilling, the notice may be given at any time by the Minister and the holder must complete the training required within two years following the sending of the notice.

**32.** A person whose certificate of qualification has not been renewed for more than four consecutive years must pass a new qualification examination to be issued a certificate of qualification. In case of failure, the person may not be readmitted to the examination unless the person again completes the apprenticeship.

**33.** A person whose certificate of qualification has not been renewed for a period of four consecutive years or less must pay the duties exigible for the renewal of a certificate of qualification and comply with any training requirements that could have been required under section 31 for a certificate to be issued. The certificate is then valid from the date of issue to the second birthday of the holder following such issue.

A person whose certificate of qualification has been expired for more than one year but less than four years must also pay the duties exigible for non-continuous renewal of a certificate.

## DIVISION VI DUTIES EXIGIBLE

**34.** The duties exigible are as follows :

- |  |        |
|--|--------|
| (1) registration for apprenticeship and issue of apprenticeship card :   | \$100; |
| (2) annual renewal of apprenticeship card :  | \$50;  |
| (3) registration for a qualification examination :   | \$100; |
| (4) registration for a make-up examination :   | \$50;  |
| (5) issue of a certificate of qualification following an exemption from a qualification examination under the second or third paragraph of section 9 or section 10 : | \$50;  |
| (6) renewal of a certificate of qualification :  | \$100; |
| (7) renewal of a restricted certificate of qualification issued under section 40, 41 or 43 :   | \$100; |
| (8) issue of a duplicate of a certificate of qualification :   | \$30;  |
| (9) non-continuous renewal of a certificate of qualification :   | \$50.  |

The duties are adjusted on 1 April of each year based on the change in the All-items Consumer Price Index for Canada for the preceding calendar year. The change is calculated on the basis of the ratio between the index for the preceding year and the index for the year preceding that year. The index for a given year is the average of the monthly indexes published by Statistics Canada.

The duties so adjusted are reduced to the nearest dollar if they include a fraction of dollar less than \$0.50; they are increased to the nearest dollar if they include a fraction of dollar equal to or greater than \$0.50.

The Minister is to publish the result of the indexing in Part 1 of the *Gazette officielle du Québec* and by any other means the Minister considers appropriate.

## DIVISION VII CONTESTATION

**35.** Any person who believes he or she is aggrieved by a decision made pursuant to this Regulation may, within 30 days, contest the decision before the construction industry commissioner pursuant to the first paragraph of section 41.1 of the Act.

## DIVISION VIII CONTROL

**36.** The holder of a certificate of qualification or apprenticeship card must notify the Minister immediately of any change of address.

**37.** The holder of a certificate of qualification or apprenticeship card must be in possession of it when carrying on work governed by this Regulation.

The holder must show the document upon request to a representative of the Minister or any other person authorized by law to carry out inspections or investigations in the field of manpower qualification.

The holder of a certificate of qualification in stationary engine mechanics must post the original certificate or a duplicate on the work premises.

## DIVISION IX TRANSITIONAL AND FINAL

**38.** The following certificates of competency issued under the Order respecting certificates of competency with respect to gas (R.R.Q., 1981, c. D-10 r.2) and in force on 1 January 2008 are held to be, as of that date, the corresponding certificates of qualification listed in the following table and remain valid until the birthday of the holder in 2009.

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Certificates of competency under the Order respecting certificates of competency with respect to gas

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Certificates of qualification provided for in this Regulation

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Certificate of competency, category 121,  
Pipe fitter

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Certificate of qualification, Class 3 gas appliance techniques (TAG-3)

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Certificate of competency, category 122,  
General tank installer

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Certificate of qualification in receptacle installation techniques (TIR)

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Certificate of competency, category 131, Appliance serviceman	Certificate of qualification, Class 1 gas appliance techniques (TAG-1)
Certificate of competency, category 132, General appliance serviceman	Certificate of qualification, Class 1 gas appliance techniques (TAG-1)
Certificate of competency, category 134, “Préposé au service d’appareils”	Certificate of qualification, Class 2 gas appliance techniques (TAG-2)
Certificate of competency, category 223, Bulk carrier and handler	Certificate of qualification in propane handling (MP)
Certificate of competency, category 224, Bulk carrier	Certificate of qualification in propane handling (MP)
Certificate of competency, category 225, “Préposé au remplissage”	Certificate of qualification in cylinder and vehicle filling (RBV)
Certificate of competency, category 226, “Préposé à la carburation”	Certificate of qualification in gas carburetion techniques (TCG)
Certificate of competency, category 312, Supervisor	Certificate of qualification in distribution system control (VSD)
Certificate of competency, category 314, “Préposé à la carburation”	Certificate of qualification in gas carburetion techniques (TCG)

**39.** The certificate of competency, category 111, pipe fitter, issued under the Order respecting certificates of competency with respect to gas and in force on 1 January 2008, is held to be, as of that date, a certificate of qualification, class 2, gas appliance technique, (TAG-2) and remains valid until the birthday of the holder in 2009.

That certificate is also held to be a certificate of qualification in gas piping installation (ITG) if the holder also holds a certificate of qualification of pipe fitter, specialty of the plumber or heating systems installer issued under the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r.4) or a journeyman competency certificate – pipe fitter, specialty of the plumber or heating systems installer issued under the Regulation respecting the vocational training of manpower in the construction industry made by Order in Council 313-93 dated 10 March 1993.

**40.** A certificate of competency, category 133, General exhaust system installer, issued under the Order respecting certificates of competency with respect to gas and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in gas appliance techniques, Class 1 restricted to exhaust systems (TAG-1-L-SÉ) and is valid until the birthday of the holder in 2009.

**41.** A certificate of competency, category 221, cylinder handler, issued under the Order respecting certificates of competency with respect to gas and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in propane handling, restricted to cylinder connection (MP-L-RB) and remains valid until the birthday of the holder in 2009. That holder is also admitted, without paying duties, to the qualification examination required for the issue of the certificate of qualification in propane handling (MP). In case of failure at that examination, the duties exigible apply for a make-up examination.

**42.** A certificate of competency, category 222, Cylinder filler, issued under the Order respecting certificates of competency with respect to gas and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in cylinder and vehicle filling (RBV) and remains valid until the birthday of the holder in 2009. That holder is also admitted, without paying duties, to the qualification examination required for the issue of the certificate of qualification in propane handling (MP). In case of failure at that examination, the duties exigible apply for a make-up examination.

**43.** A certificate of competency, category 313, “Préposé au remplissage”, issued under the Order respecting certificates of competency with respect to gas and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in cylinder and vehicle filling,

restricted to gas-powered vehicle filling (RBV-L-VGN) and remains valid until the birthday of the holder in 2009.

**44.** A certificate of competency with respect to gas bearing the mention “RESTRICTION” issued under the Order respecting certificates of competency with respect to gas and in force on 1 January 2008 is held to be, as of that date, an apprenticeship card corresponding to the certificate of qualification prescribed in this Regulation, according to the equivalences established in sections 38 to 43. An apprenticeship booklet is issued without duties to its holder.

**45.** A stationary engineman’s certificate of the “heating and steam engines” category issued under the Regulation respecting stationary enginemen (R.R.Q., 1981, c. M-6, r.1) and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in stationary engine mechanics (MMF) of the energy production category of the same class as that of the certificate held and remains valid until the expiry date of the certificate it replaces.

A stationary engineman’s certificate of the “refrigerating apparatus” category issued under the Regulation respecting stationary enginemen and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in stationary engine mechanics (MMF) of the refrigerating apparatus category of the same class as that of the certificate held and remains valid until the expiry date of the certificate it replaces.

**46.** The Class A or B inspector’s qualification certificate issued under the Regulation respecting pressure vessels made by Order in Council 2519-82 dated 3 November 1982 and in force on 1 January 2008 is held to be, as of that date, a certificate of qualification in pressure installation inspection (IISP) and remains valid until the date of expiry of the certificate it replaces.

**47.** A person whose stationary engineman’s certificate issued under the Regulation respecting stationary enginemen, certificate of competency issued under the Order respecting certificates of competency with respect to gas or Class A or B inspector’s qualification certifi-

cate issued under the Regulation respecting pressure vessels has been expired for more than four years on 1 January 2008 must pass the qualification examination in order to be issued a certificate of qualification provided for in this Regulation. In case of failure, the person may not be readmitted to the examination unless he or she again completes the apprenticeship.

**48.** A person whose stationary engineman’s certificate issued under the Regulation respecting stationary enginemen, a certificate of competency issued under the Order respecting certificates of competency with respect to gas or Class A or B inspector’s qualification certificate issued under the Regulation respecting pressure vessels has been expired for four years or less on 1 January 2008 must pay the duties exigible for the renewal of a certificate of qualification prescribed by this Regulation to be issued a certificate. That certificate is valid until the second birthday of the holder following the issue.

In addition, a person whose certificate on 1 January 2008 has been expired for more than one year but less than four years must pay the duties exigible for the non-continuous renewal of a certificate.

**49.** This Regulation replaces sections 43 to 55, 58 to 64, 78 and 86 of the Regulation respecting pressure vessels made by Order in Council 2519-82 dated 3 November 1982, concerning the personal qualification of welder and the qualification of inspectors, the Order respecting certificates of competency with respect to gas (R.R.Q., 1981, c. D-10, r.2), except for category 311 under the heading “300 – Distribution”, of section 1, Schedule A and the list of categories in Schedule B, sections 17 and 32 of the Regulation respecting gas and public safety (R.R.Q., 1981, c. D-10, r.4), sections 28 to 39 and 41 to 60 of the Regulation respecting stationary enginemen (R.R.Q., 1981, c. M-6, r.1) and Schedule D to that Regulation, maintained in force by section 216 of the Building Act (R.S.Q., c. B-1.1).

**50.** This Regulation comes into force on 1 January 2008, except the second, third and fourth paragraphs of section 34, which come into force on 2 April 2008.

**SCHEDULE I**

(s. 4)

**STATIONARY ENGINE AND STATIONARY ENGINE INSTALLATION CLASSIFICATION FOR CLASSIFYING THE CERTIFICATES OF QUALIFICATION IN STATIONARY ENGINE MECHANICS**

Type of machine within the meaning of the Regulation respecting stationary enginemen	Maximum capacity permitted, in kW					
	Energy production				Refrigerating apparatus	
	Class 4	Class 3	Class 2	Class 1	Class B	Class A
High-pressure boilers	6 000	12 000	20 000	All		
Low-pressure steam boilers	6 000	12 000	20 000	All		
High or low pressure coiled tube boilers	All	All	All	All		
Low-pressure hot water boilers	All	All	All	All		
Thermal liquid boilers	All	All	All	All		
High-pressure steam generators	All	All	All	All		
Steam engines and turbines	All	All	All	All		
Refrigerating apparatus Group A2, A3, B2 or B3					250	All
Refrigerating apparatus Group A1 or B1					900	All

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Gouvernement du Québec

**Agreement**Election Act  
(R.S.Q., c. E-3.3)AGREEMENT CONCERNING THE TESTING  
OF NEW METHODS OF VOTING

BETWEEN

MR JEAN CHAREST, LEADER OF THE QUÉBEC  
LIBERAL PARTY, AN AUTHORIZED PARTY  
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR ANDRÉ BOISCLAIR, LEADER OF THE  
PARTI QUÉBÉCOIS, AN AUTHORIZED PARTY  
REPRESENTED IN THE NATIONAL ASSEMBLY

AND

MR MARIO DUMONT, LEADER OF THE  
ACTION DÉMOCRATIQUE DU QUÉBEC /  
TEAM MARIO DUMONT, AN AUTHORIZED  
PARTY REPRESENTED IN THE NATIONAL  
ASSEMBLY

AND

MR MARCEL BLANCHET, IN HIS CAPACITY  
AS THE CHIEF ELECTORAL OFFICER OF  
QUÉBECWHEREAS on September 14, 2005, the seat of member  
of the electoral division of Sainte-Marie–Saint-Jacques  
became vacant following the resignation of Mr André  
Boulerice;WHEREAS pursuant to section 130 of the Election Act  
(R.S.Q., c. E-3.3), a by-election to fill a vacant seat has  
to be called latest six months after the seat becomes  
vacant;

WHEREAS pursuant to the provisions of section 489 of the Election Act, the Chief Electoral Officer may test new methods of voting during a by-election;

WHEREAS on April 22, 2004, the Chief Electoral Officer tabled the report “Améliorer l'accès au vote et favoriser son exercice – Une proposition du Directeur général des élections” that proposes a set of measures aimed at improving the exercise of voting rights;

WHEREAS the Minister for the Reform of Democratic Institutions tabled a draft bill replacing the Election Act on December 15, 2004;

WHEREAS many of the measures proposed in the report of the Chief Electoral Officer are included in the draft election bill;

WHEREAS during the by-elections that will take place in the electoral division of Sainte-Marie–Saint-Jacques, the Chief Electoral Officer would like to test some of the measures proposed in the report tabled in April 2004 and in the draft election bill concerning mobile advance polling stations, mobile polling stations, mobile boards of revisors and the opening hours of advance polling stations;

WHEREAS during the same by-election the Chief Electoral Officer would like to test new measures related to assisting electors in voting and a poster bearing the photographs of candidates in voting places;

WHEREAS an agreement between the Chief Electoral Officer of Québec and the leaders of the authorized parties represented in the National Assembly is required to implement these new voting procedures;

WHEREAS this agreement has to describe the new voting procedures, mention the provisions of the Election Act that it replaces and be signed by each of these persons;

WHEREAS the present agreement has force of law.

CONSEQUENTLY, THE PARTIES AGREE AS FOLLOWS:

### 1. PREAMBLE

The preamble to this agreement forms an integral part of this agreement.

### 2. PURPOSE OF THE AGREEMENT

This agreement is intended to test, during the by-election that is scheduled in the electoral division of Sainte-Marie–Saint-Jacques, mobile advance polling stations

and mobile polling stations in private and public residence for the elderly, in hospitals offering long-term care and in residential and long-term care centres, and to test mobile boards of revisors. It is also intended to test new opening hours for advance polling stations, new procedures for assisting electors during voting and a poster bearing the photographs of candidates in voting places.

## 3. MODIFICATIONS TO THE ELECTION ACT

### 3.1 Access

Section 135.1 of the said Act is replaced by the following:

“**135.1.** The owner, manager, superintendent or caretaker of a residential building or a residence for the elderly listed in the register established under the Act respecting health services and social services must allow and facilitate access to the building by persons in charge of distributing notices or documents from the chief electoral officer or the returning officer.

The same rule applies to the director general of an institution referred to in section 3 with regard to any facility maintained by the institution.”.

### 3.2 Setting up of the mobile board of revisors

The said Act is amended by inserting the following after section 179:

“**179.1.** The returning officer shall set up as many mobile boards of revisors as needed in the electoral division.

He shall assign to each board the polling subdivisions he designates.

A mobile board of revisors shall be set up with the consent of the owner or the manager, in all institutions referred to in section 3 and in all residences for the elderly identified in the register prepared in accordance with the Act respecting health services and social services that houses 50 people or more. These institutions shall meet the criteria established by the chief electoral officer.

A mobile board of revisors may also visit electors who are unable to move about and who are domiciled or living in any institution referred to in section 3 or in a residence for the elderly identified in the register prepared in accordance with the Act respecting health services and social services.

**179.2.** The institutions referred to in section 179.1 must allow their premises to be used free of charge for mobile boards of revisors.”.

### 3.3 Notice to electors regarding the mobile board of revisors

Section 182 of this Act is modified by inserting the following after the first paragraph:

“However, information on the days and hours of mobile boards of revisors are provided by the returning officer to the electors concerned.”.

### 3.4 Duration of the sessions of the mobile board of revisors

Section 195 of this Act is modified by inserting the following after the second paragraph:

“The mobile board of revisors seats on the days and during the hours determined by the returning officer for the period referred to in the first paragraph.”.

### 3.5 Written request to a board of revisors

Section 206 of the said Act is replaced by the following:

“**206.** An elector domiciled or living in a residence for the elderly listed in the register established under the Act respecting health services and social services or in a facility referred to in section 3 and who wishes to avail himself of the provisions of that section may apply in writing to the returning officer to have his name entered or struck off the list of electors, or for a correction thereto.

The returning officer shall transmit the applications received to the competent board of revisors.”.

### 3.6 Application to a mobile board of revisors by an elector who is unable to move about

The said Act is amended by inserting the following after section 206:

“**206.1.** The mobile board of revisors may go to the room or apartment of an elector unable to move about domiciled or living in a facility referred to in section 3 or in a residence for the elderly listed in the register established under the Act respecting health services and social services and who applies to the returning officer not later than the thirteenth day before polling day.

**206.2.** Despite section 206.1, during its visit of a facility referred to in this section, the mobile board of revisors may visit the room or apartment of an elector who is unable to move about and who so requests.”.

### 3.7 Request to verify the list of electors submitted to the mobile board of revisors by the returning officer

This Act is amended by inserting the following after section 209:

“**209.1.** The returning officer may send to the mobile board of revisors cases of electors registered on the list of electors of an institution referred to in section 3 or of a residence for the elderly listed in the register established under the Act respecting health services and social services.

In these cases, the board exercises the same powers and performs the same duties as those that it has for requests made by an elector.”.

### 3.8 Poster with photographs of candidates

Section 241 of this Act is modified by inserting the following after the third paragraph:

“The photograph referred to in the first paragraph is used by the chief electoral officer to produce a poster containing the name, party affiliation or the mention “independent” as the case may be, that is placed at voting places.

However, a candidate may refuse to have his photograph appear on such a poster by sending a written request to the returning officer. This written request should be received at the office of the returning officer before 2 p.m. on the sixteenth day before polling day.

A candidate may submit a different photograph before 2 p.m. on the sixteenth day before polling day as long as it complies with the directives issued by the chief electoral officer.”.

### 3.9 Provisions applicable to advance polling

Section 263 of this Act is amended by replacing the second paragraph with the following:

“However, there shall be no officers assigned to the list of electors during this vote. In addition, the deputy returning officer and the poll clerk may act as members of the identity verification panel in polling stations for inmates, mobile advance polling stations and mobile polling stations.”.

### 3.10 Opening hours of advance polling stations

Section 264 of the said Act is replaced by the following:

**264.** Advance polling stations are open from 9:30 a.m. to 8:30 p.m. on the Sunday and Monday before polling day.

If polling cannot begin at the prescribed time, is interrupted by irresistible force or cannot be concluded for lack of ballot papers, the chief electoral officer may extend polling hours as needed at the polling station affected.”.

### 3.11 Electors who vote in the advance poll

Section 270 of the said Act is replaced by the following:

**270.** At the end of each day of the advance poll, the returning officer sends the candidates the information relating to electors who voted in the advance poll.”.

### 3.12 Mobile advance polling stations and mobile polling stations

This Act is amended by replacing sub-section 3, division II, chapter V, title IV by the following:

#### “§3. *special provisions governing mobile advance polling stations*

**287.** The returning officer may set up as many mobile advance polling stations as needed in an electoral division.

These stations are established with the consent of the owner or manager, in any facility referred to in section 3 and in a residence for the elderly listed in the register established under the Act respecting health services and social services that houses 50 people or more.

The institutions referred to in the second paragraph must meet the criteria determined by the chief electoral officer.

**288.** The mobile advance poll is held on the eighth and seventh days before polling day during the hours determined by the returning officer for each institution.

Information on the days and hours of the mobile advance polling station are provided to the electors concerned by the returning officer.

**289.** An elector domiciled in an institution referred to in section 287 who wishes to vote in an advance poll must vote in the advance polling station set up in that institution.

**290.** An elector referred to in section 289 who is unable to move about may vote in his or her apartment or room provided a request to that effect is addressed to the returning officer not later than the thirteenth day before polling day and provided the elector is registered on the list of electors of the polling subdivision in which the institution is situated.

**291.** The returning officer draws up a list of electors who have filed a request under section 290, and sends a copy to the candidates.

**292.** Mobile advance polling stations are operated by a deputy returning officer and a poll clerk appointed by the returning officer.

**292.1.** At the time set by the returning officer, the deputy returning officer must stop receiving votes at the mobile advance polling station and move all the necessary material to the room or apartment of an elector on the list referred to in section 291 who is unable to move about.

The deputy returning officer must give the elector all the necessary assistance to vote.

The representatives of the candidates are not admitted into the elector’s room or apartment.

**292.2.** Despite section 290, a mobile advance polling station may, during its time at the institution referred to in this section, go to the room or apartment of an elector who is unable to move about upon request. The list referred to in section 291 has to mention this if need be.

**292.3.** The director general, owner or person in charge of an institution referred to in section 287 must facilitate access to the mobile advance polling station in the institution and cooperate with the deputy returning officer or the poll clerk.

#### §3.1 *Special provisions governing mobile polling stations*

**292.4.** The returning officer shall determine which advance polling stations will serve as mobile polling stations.

These stations shall be set up in the institutions referred to in section 287 in which an advance polling station has not been established or when less than 50 people are living in such an institution.



When serving as a mobile polling station, the advance polling station shall consist of the deputy returning officer and the poll clerk of the polling station.

**292.5.** A mobile polling station may receive the vote of electors on the ninth and sixth days before polling day at times determined by the returning officer for each institution.

**292.6.** Electors living in an institution referred to in section 292.4 who wishes to vote at a mobile polling station have to

(1) apply to the returning officer, not later than the thirteenth day before polling day;

(2) be registered on the list of electors of the subdivision where the institution is situated;

(3) be unable to move about.

**292.7.** The returning officer draws up a list of the electors who have filed a request under section 292.6, and send a copy to the candidates.

**292.8.** Paragraphs two and three of section 292.1 and sections 292.2 and 292.3 apply to mobile polling stations, with the necessary modifications.”.

### 3.13 Polling stations and subdivisions

Section 302 of this Act is modified by inserting the following after the third paragraph:

“The returning officer may regroup a polling subdivision, created in order to create a mobile advance polling station, with the nearest subdivision.”.

### 3.14 Polling station in an institution referred to in section 3

Section 304 of the Act is repealed.

### 3.15 Officer in charge of information and order at a mobile advance polling station

Section 309 of this Act is modified by inserting the following after the second paragraph:

“However, in a mobile advance polling station, the returning officer may assign the function of officer in charge of information and order to another polling officer.”.

### 3.16 Assistance to electors

Section 347 of the said Act is replaced by the following:

“**347.** An elector who declares that he is unable to mark his ballot paper himself may be assisted:

(1) by a person who is his spouse or a relative within the meaning of section 205;

(2) by another person, in the presence of the deputy returning officer and the poll clerk assigned to the polling station. That person shall declare under oath that he has not assisted, during the poll, any other elector who is not a spouse or relative within the meaning of section 205.

(3) by the deputy returning officer, in the presence of the poll clerk.

In either case, an indication thereof shall be entered in the poll book.”.

### 3.17 Extension of polling

Section 353 of the said Act is replaced by the following:

“**353.** If polling cannot begin at the prescribed time, is interrupted by irresistible force or cannot be concluded for a lack of ballot papers, the chief electoral officer may extend polling hours as needed at the polling station affected.”.

### 3.18 Discretion of the Chief Electoral Officer upon observing an error, emergency or exceptional circumstance

Section 490 of the said Act is replaced by the following:

“**490.** If, during the election period, the chief electoral officer realizes that because of an error, emergency or an exceptional circumstance, a provision of the current Act is inadequate, the chief electoral officer may adapt the provision in order to achieve its object.

However, the chief electoral officer must inform the authorized parties represented in the National Assembly beforehand of the intended decision and must use all means necessary to inform the other authorized parties, candidates and electors concerned of the decision.

Within 30 days after polling day, the chief electoral officer must send the President or the Secretary General of the National Assembly a report on the decisions under this section. The President lays the report before the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days after resumption.”.

### 3.19 Penal Provision

The first paragraph of section 551 of this Act is replaced by the following :

The owner, manager, superintendent or caretaker of a residential building or a residence for the elderly identified in the register that is prepared pursuant to the Act respecting health services and social services or the director general of an institution referred to in section 3 for all facilities maintained by this institution who limits, restricts or fails to facilitate access to the building or residence by a person in charge of distributing a notice or document from the chief electoral officer or the returning officer.”

### 4. APPLICATION OF THE AGREEMENT

The Chief Electoral Officer and the returning officer of the electoral division of Sainte-Marie–Saint-Jacques are responsible for applying this agreement and, as a result, for the good conduct of the testing of the new methods of voting.

### 5. EVALUATION REPORT

Within 90 days following the date of the by-election, the Chief Electoral Officer shall transmit to the leaders of political parties represented in the National Assembly a report covering the following points :

— election preparations related to the present agreement ;

— the setting up of mobile advance polling stations, mobile polling stations and mobile boards of revisors ;

— the conduct of the mobile advance polling and the mobile revision ;

— the use of new methods of assisting electors in voting ;

— the impacts of new opening hours on the advance poll ;

— the production of a poster bearing the candidates’ photographs ;

— the advantages and disadvantages of using the new methods of voting.

### 6. APPLICATION OF THE ELECTION ACT

The Election Act (c. E-3.3) applies in the electoral division of Sainte-Marie–Saint-Jacques for the by-election covered by the present agreement, subject to the provisions of this Act that this agreement modifies or replaces.

### 7. EFFECT OF THE AGREEMENT

This agreement takes effect on the date of the order directing the Chief Electoral Officer to hold a by-election in the electoral division of Sainte-Marie–Saint-Jacques.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED, IN FOUR COPIES,

In Montréal, on 19th of March 2006

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JEAN CHAREST,  
*Leader of the Québec Liberal Party*

In Montréal, on 23rd March 2006

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ANDRÉ BOISCLAIR,  
*Leader of the Parti québécois*

In Montréal, on 28th March 2006

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MARIO DUMONT,  
*Leader of the Action démocratique du Québec / Team Mario Dumont*

In Québec, on 28th March

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MARCEL BLANCHET,  
*Chief Electoral Officer of Québec*

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## Draft Regulations

### Draft Regulation

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

#### Geologists

- Diplomas giving access to permits
- Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting 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 draft Regulation proposes to add section 1.32 to the Regulation respecting the diplomas issued by designated teaching establishments which give access to permits or specialist's certificates of professional orders so as to determine the diplomas that give access to the permit issued by the Ordre des géologues du Québec.

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

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre des géologues du Québec for advice. The Office will seek the advice of the Order and forward it with its own advice to the Minister responsible for the administration of legislation respecting the professions after consultation with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Raymond Z. Legault, President of the Ordre des géologues du Québec, 1117, rue Sainte-Catherine Ouest, bureau 912, Montréal (Québec) H3B 1H9; telephone: 514 278-6220 or 1 888 377-7708; fax: 514 278-7591.

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<sup>e</sup> 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 sent to the professional order concerned and to interested persons, departments, educational institutions 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 adding the following section at the end of Division I:

“**1.32.** The following diplomas awarded by the teaching establishments listed below give access to the permit issued by the Ordre des géologues du Québec :

(1) the Baccalauréat ès sciences, B. Sc., obtained upon completion of one of the following programs :

(a) Baccalauréat en géologie from Université Laval ;

(b) Baccalauréat en géologie from the Université du Québec offered by the Université du Québec à Chicoutimi ;

\* 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 1280-2005 dated 21 December 2005 (2006, *G.O.* 2, 205) and 30-2006 dated 25 January 2006 (2006, *G.O.* 2, 877). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2005, updated to 1 September 2005.

(c) Baccalauréat en géologie or Baccalauréat en géologie (concentration en géologie des ressources) from the Université du Québec offered by the Université du Québec à Montréal;

(d) Bachelor of Science, Major in Earth and Planetary Sciences or Bachelor of Science, Honours in Earth Sciences from McGill University;

(e) Bachelor of Science, Honours in Geology or Bachelor of Science, Specialization in Geology from Concordia University;

(f) Baccalauréat spécialisé en géologie from the Université de Montréal;

(2) the Baccalauréat en ingénierie, B. Ing., obtained upon completion of one of the following programs:

(a) Baccalauréat en génie géologique from the Université du Québec offered by the Université du Québec à Chicoutimi;

(b) Baccalauréat en génie géologique from the École polytechnique de Montréal, awarded before 1 January 2003.”.

**2.** This Regulation does not affect the rights of a person who, on (*insert the date of coming into force of this Regulation*), has applied for a permit to practise the profession of geologist pursuant to section 20 of the Geologists Act (R.S.Q., c. G-1.01).

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

## Decisions

### Decision

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

#### Chief Electoral Officer

##### — By-election in the Draveurs 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 regarding the by-election in the Draveurs School Board

WHEREAS a by-election is to be held on March 26, 2006, in electoral division n° 17 of the Draveurs School Board in accordance with sections 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 this Act apply to a by-election;

WHEREAS pursuant to section 53 of the Act respecting school elections, the Chief Electoral Officer shall send to each address for which no electors' names are entered on the permanent list of electors, a notice indicating that no electors' names are entered for that address;

WHEREAS the 550 notices that had to be sent for the by-election in electoral division n° 17 of the Draveurs School Board were mailed on March 9, 2006, that is the last day for submitting applications to the board of revisors;

WHEREAS following the delay in mailing the notices envisaged in section 53 of the Act respecting school elections, the electors in question could not present themselves before the board of revisors in order to be entered on the list of electors if necessary;

WHEREAS the Act respecting school elections stipulates that an elector has to be entered on the list of electors to exercise his voting rights;

WHEREAS following the situation described hereinabove electors may be unable to exercise their voting rights;

WHEREAS section 30.8 of the Act respecting school elections authorizes the Chief Electoral Officer to adapt a provision of the Act where it comes to his attention that, subsequent to 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 Sport 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 sections 51, 54, 55, 57 and 58.2 of the Act respecting school elections as follows:

1. The preamble is an integral part of this decision.
2. The returning officer of the Draveurs School Board is authorized to set up a board of revisors for electoral division n° 17 in order to receive applications for entry on the list of electors from the electors covered by this decision, on March 23, 2006, from 5 p.m. to 8 p.m.
3. The Chief Electoral Officer shall take necessary measures to inform the electors covered by this decision.
4. The returning officer shall inform every candidate involved in the by-election as soon as possible.
5. This decision takes effect on March 20, 2006.

March 20, 2006

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

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

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(2001, c. 64)		
Barreau du Québec, An Act respecting the... — Training, skill and knowledge evaluation, accreditation and discipline of stenographers . . . . .	1236	N
(R.S.Q., c. B-1)		
Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyer systems mechanics in sectors other than construction industry . . . . .	1252	N
(An Act respecting manpower vocational training and qualification, R.S.Q., c. F-5)		
Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels . . . . .	1260	N
(An Act respecting manpower vocational training and qualification, R.S.Q., c. F-5)		
Chief Electoral Officer — By-election in the Draveurs School Board . . . . .	1277	Decision
(An Act respecting school elections, R.S.Q., c. E-2.3)		
Code of Penal Procedure — Certain court costs in penal matters applicable to persons under 18 years of age . . . . .	1234	M
(R.S.Q., c. C-25.1)		
Code of Penal Procedure — Tariff of court costs in penal matters . . . . .	1234	M
(R.S.Q., c. C-25.1)		
Court costs in penal matters applicable to persons under 18 years of age . . . . .	1234	M
(Code of Penal Procedure, R.S.Q., c. C-25.1)		
Courts of Justice Act — Tariff of fees for the recording and transcription of depositions of witnesses . . . . .	1234	N
(R.S.Q., c. T-16)		
Designation of persons that may offer an insurance product that cannot be offered by a distributor . . . . .	1233	N
(An Act respecting the distribution of financial products and services, R.S.Q., c. D-9.2)		
Director of Criminal and Penal Prosecutions, An Act respecting the... — Coming into force of certain provisions (2005, c. 34) . . . . .	1230	
Distribution of financial products and services, An Act respecting the... — Designation of persons that may offer an insurance product that cannot be offered by a distributor . . . . .	1233	N
(R.S.Q., c. D-9.2)		

Election Act — Agreement concerning the testing of new methods of voting . . . . . (R.S.Q., c. E-3.3)	1269	N
Farm-loan insurance and forestry-loan insurance, An Act respecting... — Regulation . . . . . (R.S.Q., c. A-29.1)	1251	M
Forest Act — Forest Management Funding Program . . . . . (R.S.Q., c. F-4.1; 2004, c. 6)	1248	N
Forest Act, An Act to amend the Act respecting... — Coming into force of a provision . . . . . (2004, c. 6)	1230	
Forest Management Funding Program . . . . . (Forest Act, R.S.Q., c. F-4.1; 2004, c. 6)	1248	N
Geologists — Diplomas giving access to permits . . . . . (Professional Code, R.S.Q., c. C-26)	1275	Draft
Labour Code — Ministère du Conseil exécutif — Application of the definition of “employee” in the Labour Code to certain public servants . . . . . (R.S.Q., c. C-27)	1233	N
Legal Aid Act — Tariff of fees for the recording and transcription of depositions of witnesses . . . . . (R.S.Q., c. A-14)	1234	N
Manpower vocational training and qualification, An Act respecting... — Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than construction industry . . . . . (R.S.Q., c. F-5)	1252	N
Manpower vocational training and qualification, An Act respecting... — Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels . . . . . (R.S.Q., c. F-5)	1260	N
Ministère du Conseil exécutif — Application of the definition of “employee” in the Labour Code to certain public servants . . . . . (Labour Code, R.S.Q., c. C-27)	1233	N
Prescription drug insurance and other legislative provisions, An Act to amend the Act respecting... — Coming into force of certain provisions . . . . . (2005, c. 40)	1229	
Professional Code — Geologists — Diplomas giving access to permits . . . . . (R.S.Q., c. C-26)	1275	Draft
School elections, An Act respecting... — Chief Electoral Officer — By-election in the Draveurs School Board . . . . . (R.S.Q., c. E-2.3)	1277	Decision
Secure the handicapped in the exercise of their rights and other legislative provisions, An Act to amend the Act to... — Coming into force of paragraph 1 of section 3 and sections 29 and 33 . . . . . (2004, c. 31)	1229	



Société du parc industriel et portuaire de Bécancour, An Act respecting the... — Agreement between the Société du parc industriel et portuaire de Bécancour and Ville de Bécancour — Approval . . . . .	1244	N
(R.S.Q., c. S-16.001)		
Stenographers' Act — Tariff of fees for the recording and transcription of depositions of witnesses . . . . .	1234	N
(R.S.Q., c. S-33)		
Tariff of court costs in penal matters . . . . .	1234	M
(Code of Penal Procedure, R.S.Q., c. C-25.1)		
Tariff of fees for the recording and transcription of depositions of witnesses . . . . .	1234	N
(Courts of Justice Act, R.S.Q., c. T-16)		
Tariff of fees for the recording and transcription of depositions of witnesses . . . . .	1234	N
(Legal Aid Act, R.S.Q., c. A-14)		
Tariff of fees for the recording and transcription of depositions of witnesses . . . . .	1234	N
(Stenographers' Act, R.S.Q., c. S-33)		
Training, skill and knowledge evaluation, accreditation and discipline of stenographers . . . . .	1236	N
(An Act respecting the Barreau du Québec, R.S.Q., c. B-1)		

