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Laws and Regulations

Volume 138

Summary

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PROVINCE OF QUÉBEC

2nd SESSION

37th LEGISLATURE

QUÉBEC, 6 APRIL 2006

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 6 April 2006*

This day, at thirty-eight minutes past twelve o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bill:

- 10 An Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.

PROVINCE OF QUÉBEC

2nd SESSION

37th LEGISLATURE

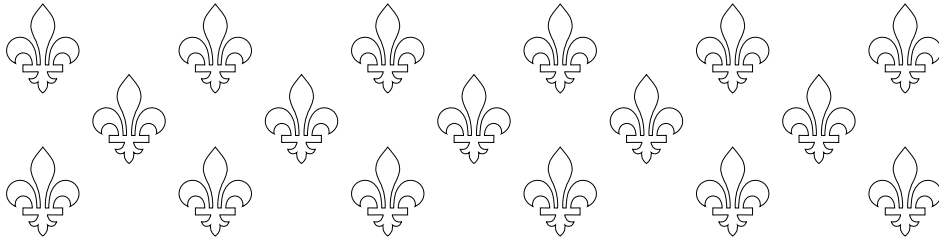
QUÉBEC, 19 APRIL 2006

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 19 April 2006*

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

- 118 Sustainable Development Act
- 137 An Act respecting reserved designations and added-value claims

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 10
(2006, chapter 2)

**An Act to amend the Act respecting the
Ministère de l'Agriculture, des Pêcheries
et de l'Alimentation**

**Introduced 4 April 2006
Passage in principle 6 April 2006
Passage 6 April 2006
Assented to 6 April 2006**

**Québec Official Publisher
2006**

EXPLANATORY NOTES

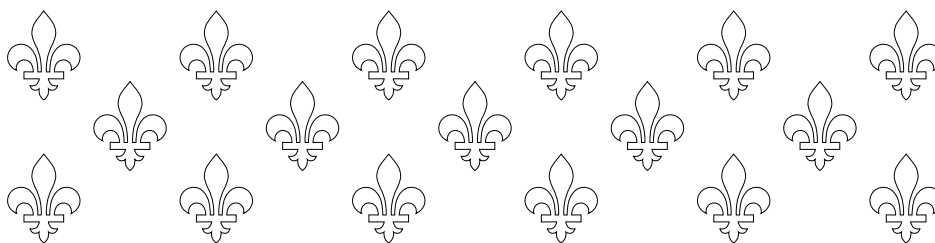
This bill amends the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation in order to set a new deadline for sending in an application for the reimbursement of property taxes and of compensations for municipal services granted agricultural operations.

Bill 10

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE L'AGRICULTURE, DES PÊCHERIES ET DE L'ALIMENTATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14), amended by section 4 of chapter 8 of the statutes of 2005, is again amended by replacing "31 March following the expiry of" in the second line of the second paragraph by "30 November preceding".
- 2.** For the purposes of the second paragraph of section 36.2 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, amended by section 1 of this Act, an application for reimbursement for the school fiscal year 2005-2006 or the municipal fiscal year 2006 must be sent in not later than 30 November 2006.
- 3.** This Act comes into force on 6 April 2006.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 118

(2006, chapter 3)

Sustainable Development Act

Introduced 13 June 2005

Passage in principle 15 November 2005

Passage 13 April 2006

Assented to 19 April 2006

**Québec Official Publisher
2006**

EXPLANATORY NOTES

The purpose of this bill is to set up a new management framework within the Administration to ensure that powers and responsibilities are exercised in the pursuit of sustainable development.

The measures introduced by the bill are intended to better integrate the pursuit of sustainable development into the policies, programs and actions of the Administration, and to ensure, in particular through the establishment of a set of principles and a sustainable development strategy, that government actions in this area are coherent.

Under the proposed measures, “sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development is based on a long-term approach which takes into account the inextricable nature of the environmental, social and economic dimensions of development activities.

The bill provides for the appointment of an Assistant Auditor General, bearing the title of Sustainable Development Commissioner, to assist the Auditor General in the performance of the duties of office relating to sustainable development auditing.

The bill also provides for the establishment of a Green Fund to finance measures or programs that the Minister of Sustainable Development, Environment and Parks may carry out within the scope of ministerial functions. The Fund is intended, among other purposes, to support measures promoting sustainable development, especially in its environmental aspects, and make it possible for the Minister to grant financial assistance, within the framework of the law, in particular to municipalities and non-profit organizations working in the environmental field.

Lastly, the bill contains amending and consequential provisions. It adds a new right to the economic and social rights listed in the Charter of human rights and freedoms in order to affirm the right of every person to live in a healthful environment in which biodiversity is preserved, to the extent and according to the standards provided by law. In addition, the bill defines the functions of the Minister of Sustainable Development, Environment and Parks as regards parks.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1);
- Charter of human rights and freedoms (R.S.Q., chapter C-12);
- Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011);
- Act respecting the Ministère de l'Environnement (R.S.Q., chapter M-15.2.1);
- Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2);
- Act respecting Mauricie Park and its surroundings (R.S.Q., chapter P-7);
- Act respecting Forillon Park and its surroundings (R.S.Q., chapter P-8);
- Act respecting the Saguenay–St. Lawrence Marine Park (R.S.Q., chapter P-8.1);
- Parks Act (R.S.Q., chapter P-9);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Auditor General Act (R.S.Q., chapter V-5.01).

LEGISLATION REPEALED BY THIS BILL:

- Act to establish the Fonds national de l'eau (R.S.Q., chapter F-4.002).

Bill 118

SUSTAINABLE DEVELOPMENT ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

GOVERNANCE FOR SUSTAINABLE DEVELOPMENT

CHAPTER I

PRELIMINARY PROVISIONS

1. The object of this Act is to establish a new management framework within the Administration to ensure that powers and responsibilities are exercised in the pursuit of sustainable development.

The measures introduced by this Act are intended, more specifically, to bring about the necessary change within society with respect to non-viable development methods by further integrating the pursuit of sustainable development into the policies, programs and actions of the Administration, at all levels and in all areas of intervention. They are designed to ensure that government actions in the area of sustainable development are coherent and to enhance the accountability of the Administration in that area, in particular through the controls exercised by the Sustainable Development Commissioner under the Auditor General Act (R.S.Q., chapter V-5.01).

2. Within the scope of the proposed measures, “sustainable development” means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development is based on a long-term approach which takes into account the inextricable nature of the environmental, social and economic dimensions of development activities.

3. In this Act, unless otherwise indicated by the context, “Administration” means the Government, the Conseil exécutif, the Conseil du trésor, all government departments, and government agencies and government enterprises within the meaning of the Auditor General Act.

A person appointed or designated by the Government or by a minister, when exercising functions assigned by law, the Government or that minister, together with the personnel directed by that person, is considered to be an agency.

The Administration does not include courts of justice within the meaning of the Courts of Justice Act (R.S.Q., chapter T-16), bodies whose membership is wholly made up of judges of the Court of Québec, the Conseil de la magistrature, the committee on the remuneration of the judges of the Court of Québec or the municipal courts, or administrative bodies established to exercise adjudicative functions, when exercising those functions.

4. The Government may determine as of what dates, according to what timetable and, if applicable, with what modifications one or more provisions of this Act that apply to the Administration also apply to

(1) one or more municipal bodies referred to in section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1); or

(2) one or more school bodies and health and social services institutions respectively referred to in sections 6 and 7 of that Act.

Before the issue of any Order in Council making provisions of this Act applicable to them, the bodies and institutions are to be consulted directly or through their associations or competent regional bodies.

CHAPTER II

SUSTAINABLE DEVELOPMENT STRATEGY AND MEASURES TO BE TAKEN BY THE ADMINISTRATION

DIVISION I

SUSTAINABLE DEVELOPMENT PRINCIPLES AND STRATEGY

5. The implementation of sustainable development within the Administration is to be based on the sustainable development strategy adopted by the Government and is to be carried out in a manner consistent with the principles stated in the strategy and those established by this division.

6. In order to better integrate the pursuit of sustainable development into its areas of intervention, the Administration is to take the following set of principles into account when framing its actions:

(a) “*Health and quality of life*”: People, human health and improved quality of life are at the centre of sustainable development concerns. People are entitled to a healthy and productive life in harmony with nature;

(b) “*Social equity and solidarity*”: Development must be undertaken in a spirit of intra- and inter-generational equity and social ethics and solidarity;

(c) “*Environmental protection*”: To achieve sustainable development, environmental protection must constitute an integral part of the development process;

(d) “*Economic efficiency*”: The economy of Québec and its regions must be effective, geared toward innovation and economic prosperity that is conducive to social progress and respectful of the environment;

(e) “*Participation and commitment*”: The participation and commitment of citizens and citizens’ groups are needed to define a concerted vision of development and to ensure its environmental, social and economic sustainability;

(f) “*Access to knowledge*”: Measures favourable to education, access to information and research must be encouraged in order to stimulate innovation, raise awareness and ensure effective participation of the public in the implementation of sustainable development;

(g) “*Subsidiarity*”: Powers and responsibilities must be delegated to the appropriate level of authority. Decision-making centres should be adequately distributed and as close as possible to the citizens and communities concerned;

(h) “*Inter-governmental partnership and cooperation*”: Governments must collaborate to ensure that development is sustainable from an environmental, social and economic standpoint. The external impact of actions in a given territory must be taken into consideration;

(i) “*Prevention*”: In the presence of a known risk, preventive, mitigating and corrective actions must be taken, with priority given to actions at the source;

(j) “*Precaution*”: When there are threats of serious or irreversible damage, lack of full scientific certainty must not be used as a reason for postponing the adoption of effective measures to prevent environmental degradation;

(k) “*Protection of cultural heritage*”: The cultural heritage, made up of property, sites, landscapes, traditions and knowledge, reflects the identity of a society. It passes on the values of a society from generation to generation, and the preservation of this heritage fosters the sustainability of development. Cultural heritage components must be identified, protected and enhanced, taking their intrinsic rarity and fragility into account;

(l) “*Biodiversity preservation*”: Biological diversity offers incalculable advantages and must be preserved for the benefit of present and future generations. The protection of species, ecosystems and the natural processes that maintain life is essential if quality of human life is to be maintained;

(m) “*Respect for ecosystem support capacity*”: Human activities must be respectful of the support capacity of ecosystems and ensure the perennality of ecosystems;

(n) “*Responsible production and consumption*”: Production and consumption patterns must be changed in order to make production and consumption more viable and more socially and environmentally responsible, in particular through an ecoefficient approach that avoids waste and optimizes the use of resources;

(o) “*Polluter pays*”: Those who generate pollution or whose actions otherwise degrade the environment must bear their share of the cost of measures to prevent, reduce, control and mitigate environmental damage;

(p) “*Internalization of costs*”: The value of goods and services must reflect all the costs they generate for society during their whole life cycle, from their design to their final consumption and their disposal.

7. The Government’s sustainable development strategy must state the selected approach, the main issues, the directions or areas of intervention, and the objectives to be pursued by the Administration in the area of sustainable development. Where appropriate, it must also state the sustainable development principles to be taken into consideration by the Administration, in addition to those enumerated in section 6 and those set out in sections 152 and 186 of the Environment Quality Act (R.S.Q., chapter Q-2).

For the purposes of its implementation by the Administration, the strategy must identify certain means selected to foster a concerted approach that is in keeping with all the principles of sustainable development; it must also state the roles and responsibilities of each player or certain members of the Administration in order to ensure internal efficiency and coherence. The strategy must also specify monitoring mechanisms or means.

A status report on sustainable development in Québec must also be presented upon periodic reviews of the strategy based on sustainable development indicators or other criteria set out in the strategy to monitor or measure progress in the economic, social and environmental fields.

Moreover, in order to foster a synergy of interventions for sustainable development, the strategy may specify which objectives, among those that have been set, all or some of the bodies and institutions referred to in section 4 are encouraged to pursue, even before an Order in Council is issued under that section.

8. The Minister of Sustainable Development, Environment and Parks, in collaboration with the other ministers concerned, is to ensure that the strategy is developed in a way that reflects the range of concerns of citizens and communities and all living conditions in Québec, so that the differences between the rural and urban areas and the situation of Native communities are taken into account.

In collaboration with the other ministers concerned, the Minister may take any measure to consult the public and bring the public to take part in the development of any project or any review of the strategy, in order to promote discussion and enrich the content of the strategy, make it known and promote its implementation.

In addition, the strategy and any review of the strategy must be submitted to public consultation in the form of parliamentary committee hearings.

9. The sustainable development strategy takes effect on the date on which it is adopted by the Government or on any later date determined by the Government.

The Government must review the whole content of the strategy every five years. However, the Government may defer a review for a period not exceeding two years.

In the intervals between reviews, the Government may also make any amendment to the strategy that allows the viability of development to be better promoted.

10. The sustainable development strategy, and any review of the strategy, are to be published and made accessible, among other ways, in the manner and under the conditions the Government considers appropriate.

They must be laid before the National Assembly by the Premier. The same applies to the implementation status reports that must be prepared under paragraph 3 of section 13.

11. The first version of the sustainable development strategy must be adopted by the Government in the year following the year of assent to this Act.

The first version of the strategy must, in particular, address the following issues:

(1) the sustainable development information and education measures to be implemented, in particular for certain classes of the personnel of the Administration;

(2) the development of tools or models for the design, determination and analysis of projects in terms of sustainable development, among other things to take into account all the principles of sustainable development or to implement approaches related to those principles, in particular concerning the life cycle of products and services;

(3) the mechanisms to be implemented to encourage the participation of the various stakeholders in society; and

(4) the means selected to foster an integrated approach and the coherence of the various interventions undertaken in the area of sustainable development by the local and regional authorities concerned, including those undertaken by Native communities.

12. Not later than one year after the end of the year in which the strategy is adopted, the Minister of Sustainable Development, Environment and Parks submits to the Government for adoption a first list of sustainable development indicators designed to monitor and measure progress in Québec in the area of sustainable development.

Sections 8 and 10 apply, with the necessary modifications, to the adoption of the indicators.

13. To ensure the carrying out of this Act, the functions of the Minister of Sustainable Development, Environment and Parks consist more specifically in,

(1) promoting sustainable development within the Administration and among the general public, and fostering joint and cohesive action in order to harmonize interventions;

(2) coordinating the efforts of the government departments to define, renew or revise the components of the sustainable development strategy, including sustainable development indicators, and recommending the adoption of the strategy and indicators by the Government;

(3) coordinating efforts to prepare periodic assessments of the implementation of the sustainable development strategy within the Administration and, at least every five years, drafting, in collaboration with the other government departments concerned, an implementation status report and submitting it to the Government for approval;

(4) enhancing knowledge and analyzing experiences elsewhere in the field of sustainable development, in particular as regards the directions pursued by strategies and action plans and their implementation, and the development of indicators and other methods for measuring the progression of sustainable development and the integration of related environmental, social and economic concerns; and

(5) advising and providing expertise and assistance to the Government and third persons as regards sustainable development to help achieve the objectives of the strategy and to ensure that the principles of sustainable development are applied and complied with.

14. When so requested by the Minister, government departments, agencies and enterprises in the Administration provide assistance for sustainable development to the Minister in the areas under their jurisdiction. In particular, they provide the information needed by the Minister to develop, revise or

assess the implementation of the sustainable development strategy, including indicators or any other monitoring and accountability mechanisms.

This section also applies to bodies and institutions mentioned in section 4, whether or not an Order in Council has been issued under that section.

DIVISION II

IMPLEMENTATION OF THE STRATEGY AND ACCOUNTABILITY

15. In order to focus its priorities and plan its actions in a way that will foster sustainable development in keeping with the strategy of the Government, every government department, agency and enterprise in the Administration must identify, in a document to be made public, the specific objectives it intends to pursue in order to contribute to a progressive and compliant implementation of the strategy, as well as the activities or interventions it plans on carrying out to that end, directly or in collaboration with one or more stakeholders in society.

The interventions may include a review of existing Acts, regulations, policies or programs to ensure better compliance with the strategy and the principles on which it is based.

On a voluntary basis, a body or an institution mentioned in section 4 may also, without waiting for an Order in Council under that section, submit to the same obligation to identify, in a document to be made public, the objectives, actions and interventions it intends to pursue or carry out within its jurisdiction and its powers and functions, in order to contribute to sustainable development and to the implementation of the strategy.

16. The Government may specify the terms and conditions under which the obligation set out in section 15 must be performed. It may, in particular, issue directives concerning the form and content of the proposed planning operation and the frequency of or intervals between required updates.

17. Each government department, agency and enterprise in the Administration that is subject to section 15, must state in a special section of its annual report

(1) the objectives it had set in keeping with those of the strategy, in order to contribute to sustainable development and the progressive implementation of the strategy or, if applicable, the reasons why no specific objective was identified for the year given the content of the strategy adopted;

(2) the various activities or interventions aimed at achieving those objectives which it successfully carried out or failed to carry out during the year, the degree to which target results were achieved, the sustainable development indicators and other monitoring mechanisms or means used; and

(3) if applicable, the measures taken following comments or recommendations by the Sustainable Development Commissioner.

TITLE II

AMENDING AND FINAL PROVISIONS

18. Section 41 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) is amended by inserting “, 43.1” after “43” in the second line of paragraph 4.

19. The Charter of human rights and freedoms (R.S.Q., chapter C-12) is amended by inserting the following section after section 46:

“**46.1.** Every person has a right to live in a healthful environment in which biodiversity is preserved, to the extent and according to the standards provided by law.”

20. The Act to establish the Fonds national de l’eau (R.S.Q., chapter F-4.002) is repealed.

21. The Act respecting the Institut de la statistique du Québec (R.S.Q., chapter I-13.011) is amended by inserting the following section after section 3:

“**3.1.** In the pursuit of its mission, the Institut shall collect, produce and disseminate the statistical information needed to develop and monitor the Government’s sustainable development strategy, including the statistical information needed for sustainable development indicators, as well as the statistical information needed to prepare the reports provided for in the Sustainable Development Act (2006, chapter 3).”

22. The title of the Act respecting the Ministère de l’Environnement (R.S.Q., chapter M-15.2.1) is replaced by the following title:

“Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs”.

23. Section 10 of the Act is replaced by the following section:

“**10.** The Minister is responsible for the protection of the environment.

The Minister is also responsible for coordinating government action in the area of sustainable development and for promoting compliance with the principles of sustainable development, especially in their environmental aspects, within the Administration and among the public.”

24. The Act is amended by inserting the following section after section 11:

“**11.1.** In addition, the Minister shall, with respect to parks,

(1) develop and propose to the Government policies concerning parks, see to their implementation and coordinate their application; and

(2) be responsible for the management, development, supervision and protection of parks under the Parks Act (chapter P-9) and the Act respecting the Saguenay–St. Lawrence Marine Park (chapter P-8.1).”

25. Section 12 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) prepare plans and programs to promote the sustainability of development and, with the authorization of the Government, see to the carrying out of those plans and programs;”.

26. The Act is amended by inserting the following division after Division II:

“**DIVISION II.1**

“**GREEN FUND**

“**15.1.** A Green Fund is established.

The Fund is dedicated to the financing of measures or programs that the Minister may carry out within the scope of ministerial functions.

The Fund is intended, among other purposes, to support measures promoting sustainable development, especially in its environmental aspects, and make it possible for the Minister to grant financial assistance, within the framework of the law, in particular to municipalities and non-profit organizations working in the environmental field.

“**15.2.** In managing the Fund, the Minister sees to it that the revenue derived from fees related to the use, management or purification of water provided for in section 31 of the Environment Quality Act (chapter Q-2) are allocated to the funding of measures the Minister may take to ensure water governance, including measures to protect and develop water resources and measures to ensure that there is an adequate quality and quantity of water in a sustainable development perspective.

“**15.3.** The Government fixes the date on which the Fund begins to operate and determines its assets and liabilities and the nature of the costs that may be charged to it.

“15.4. The Fund is made up of

(1) the sums paid into the Fund by the Minister of Finance under sections 15.6, 15.7 and 15.11;

(2) the gifts, legacies and other contributions paid into the Fund to further the achievement of the objects of the Fund;

(3) the sums paid into the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(4) the revenue allocated to that purpose by the Government, and any contribution determined by the Government on a proposal of the Minister of Finance, including all or part of the revenue from taxes or other economic instruments intended to promote sustainable development that are identified by the Government;

(5) the revenue derived from fees or other amounts collected under the Acts or regulations under the administration of the Minister, including revenue from economic instruments for the purpose of achieving environmental objectives prescribed under paragraph *e.1* of section 31 of the Environment Quality Act (chapter Q-2), except revenue specifically allocated, in accordance with the applicable Act or regulation, as in the case provided for in the third paragraph of section 31 of the Environment Quality Act, or in the case of a specified purpose account or a net voted appropriation;

(6) the fines paid by offenders for an offence against a provision of an Act or regulation under the administration of the Minister;

(7) the fees or other amounts collected by the Minister to compensate expenditure or costs incurred for the measures the Minister is authorized to take, within the scope of ministerial functions, to protect or restore the environment, such as the costs and other amounts referred to in sections 113, 114.3, 115, 115.0.1, 115.1, 116.1 and 116.1.1 of the Environment Quality Act;

(8) damages, including punitive damages, paid following a civil suit instituted on behalf of the Minister; and

(9) the income generated by the investment of the sums making up the Fund.

“15.5. The management of the sums making up the Fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Minister of Sustainable Development, Environment and Parks keeps the books of account of the Fund and records the financial commitments chargeable to it. The Minister also ensures that such commitments and the

payments arising from them do not exceed and are consistent with the available balances.

“**15.6.** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the Fund sums taken out of the consolidated revenue fund.

Conversely, the Minister of Finance may, subject to the conditions determined by that minister, advance to the consolidated revenue fund on a short-term basis any part of the sums making up the Fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

“**15.7.** The Minister, as manager of the Fund, may borrow sums from the Minister of Finance out of the financing fund of the Ministère des Finances.

“**15.8.** Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (chapter A-6.001) apply to the Fund, with the necessary modifications.

“**15.9.** The fiscal year of the Fund ends on 31 March.

“**15.10.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the Green Fund the sums required for the execution of a judgment against the State that has become *res judicata*.

“**15.11.** The Minister of Finance advances the required start-up sums to the Fund. The Government determines the amount of the sums advanced and the date on which they must be paid into the Fund. The sums are taken out of the consolidated revenue fund.”

27. Section 11.1 of the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs (R.S.Q., chapter M-25.2) is amended

(1) by striking out “, including parks” at the end of the first paragraph;

(2) by replacing “, Wildlife and Parks and the Minister of the Environment” in the second and third lines of the second paragraph by “and Wildlife and the Minister of Sustainable Development, Environment and Parks”;

(3) by striking out “by the Minister” in the fifth line of the second paragraph.

28. Section 12.1 of the Act is amended

(1) by striking out “and parks” in the first line;

(2) by striking out “and park development and management” in paragraph 3;

(3) by replacing “, wildlife habitats and parks” in the first line of paragraph 4 by “and wildlife habitats”;

(4) by striking out paragraph 7.

29. Section 31 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended

(1) by replacing “to the Fonds national de l’eau for the purpose for which that fund is intended” at the end of the second paragraph by “into the Green Fund for the purpose of ensuring water governance, including protecting and developing water resources and ensuring that there is an adequate quality and quantity of water in a sustainable development perspective”;

(2) by replacing “into a green fund set up for that purpose” at the end of the sixth paragraph by “into the Green Fund”.

30. Section 18 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01) is amended by replacing “by the Minister of Natural Resources, Wildlife and Parks” in the fourth and fifth lines of paragraph 3 by “, according to the subject matter concerned, by the Minister of Sustainable Development, Environment and Parks or the Minister of Natural Resources and Wildlife”.

31. Section 17 of the Auditor General Act (R.S.Q., chapter V-5.01) is replaced by the following section:

“**17.** The Auditor General shall, with the approval of the Office of the National Assembly, appoint an Assistant Auditor General, bearing the title of Sustainable Development Commissioner, mainly to assist the Auditor General in the performance of the duties of office relating to sustainable development auditing.

In addition, the Auditor General may, with the approval of the Office of the National Assembly, appoint other Assistant Auditor Generals to assist the Auditor General in the performance of the duties of office.

The Auditor General shall determine the duties and powers of the Assistant Auditor Generals to the extent that they are not determined by law.

If the Public Service Act (chapter F-3.1.1) is not already applicable to an Assistant Auditor General at the time of appointment, it becomes applicable to the Assistant Auditor General without other formality, unless the Assistant Auditor General is hired under a contract for a period determined by the Auditor General. In the latter case, section 57 of the Public Service Act applies with the necessary modifications.”

32. Section 22 of the Act is amended by adding the following paragraph at the end:

“(3) the carrying out by the bodies and institutions mentioned in section 4 of the Sustainable Development Act (2006, chapter 3) of the provisions of that Act to which they are subject.”

33. Section 26 of the Act is amended by adding the following paragraph after paragraph 7:

“(8) implementation of sustainable development.”

34. The Act is amended by inserting the following section after section 43:

“43.1. Under the authority of the Auditor General, the Sustainable Development Commissioner shall prepare, at least once a year, a report stating, to the extent deemed appropriate by the Commissioner,

(1) the Commissioner’s findings and recommendations respecting the carrying out of the Sustainable Development Act (2006, chapter 3);

(2) any matter or any case arising from auditing or investigations in the area of sustainable development; and

(3) the Commissioner’s comments concerning the principles, procedures or other methods used in the area of sustainable development by the Administration within the meaning of the Sustainable Development Act and by the other bodies and institutions that are subject to that Act.

The Auditor General shall include the report in the annual or special report prepared for the National Assembly under section 42 or 45.”

35. The words “of Natural Resources, Wildlife and Parks” are replaced by “of Sustainable Development, Environment and Parks” in the following provisions:

(1) section 1 of the Act respecting Mauricie Park and its surroundings (R.S.Q., chapter P-7);

(2) sections 1, 3 and 5 of the Act respecting Forillon Park and its surroundings (R.S.Q., chapter P-8);

(3) sections 3 and 24 of the Act respecting the Saguenay–St. Lawrence Marine Park (R.S.Q., chapter P-8.1);

(4) sections 1 and 16 of the Parks Act (R.S.Q., chapter P-9).

In any other legislative provision,

(1) a reference to the Minister or Deputy Minister of the Environment is replaced by a reference to the Minister or Deputy Minister of Sustainable

Development, Environment and Parks and a reference to the Ministère de l'Environnement is replaced by a reference to the Ministère du Développement durable, de l'Environnement et des Parcs; and

(2) a reference to the Minister or Deputy Minister of Natural Resources, Wildlife and Parks is replaced by a reference to the Minister or Deputy Minister of Natural Resources and Wildlife and a reference to the Ministère des Ressources naturelles, de la Faune et des Parcs is replaced by a reference to the Ministère des Ressources naturelles et de la Faune.

Unless the context indicates otherwise, in any other document,

(1) a reference to the Minister or Deputy Minister of the Environment is a reference to the Minister or Deputy Minister of Sustainable Development, Environment and Parks and a reference to the Ministère de l'Environnement is a reference to the Ministère du Développement durable, de l'Environnement et des Parcs;

(2) a reference to the Minister or Deputy Minister of Natural Resources, Wildlife and Parks or to the Ministère des Ressources naturelles, de la Faune et des Parcs is, according to the subject matter concerned, a reference to the Minister or Deputy Minister of Natural Resources and Wildlife or to the Ministère des Ressources naturelles et de la Faune, or to the Minister or Deputy Minister of Sustainable Development, Environment and Parks or to the Ministère du Développement durable, de l'Environnement et des Parcs; and

(3) a reference to the Act respecting the Ministère des Ressources naturelles, de la Faune et des Parcs or to any of its provisions is, according to the subject matter concerned, a reference to the Act respecting the Ministère des Ressources naturelles et de la Faune, to the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs or to the corresponding provision of either of those Acts.

36. The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.

37. At the latest on 19 April 2013, and every ten years thereafter, the Minister must report to the Government on the carrying out of this Act.

The report must be laid before the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

38. This Act comes into force on 19 April 2006.

Regulations and other acts

Gouvernement du Québec

O.C. 328-2006, 26 April 2006

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6)

Suspension of the issue of video lottery machine site operator's licences

WHEREAS, under section 138 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Minister of Public Security is responsible for the administration of that Act;

WHEREAS, under section 2 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., c. R-6.1), the Régie des alcools, des courses et des jeux is responsible for the carrying out of the Act respecting lotteries, publicity contests and amusement machines;

WHEREAS, under paragraph 1 of section 23 of the Act respecting the Régie des alcools, des courses et des jeux and section 34 of the Act respecting lotteries, publicity contests and amusement machines, the board issues video lottery machine site operator's licences;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, the board may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for a period not exceeding one year and may exempt from the application of that measure the licence applications indicated by the board;

WHEREAS, in its plenary session of 23 February 2006, the board decided, in the public interest, to suspend the issue of video lottery machine site operator's licences for all of the territory of Québec for a period of one year, calculated from the date on which the suspension measure becomes effective and to exempt from the application of that measure certain licence applications;

WHEREAS, under the third paragraph of section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines, a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on any later date mentioned therein;

WHEREAS it is expedient to approve the suspension measure;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the suspension measure concerning the issue of video lottery machine site operator's licences, taken by the Régie des alcools, des courses et des jeux in its plenary session of 23 February 2006, and attached to this Order in Council, be approved.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decision – Number 5 (2005-2006)

Suspension of the issue of video lottery machine site operator's licences for the 2006-2007 period

WHEREAS it is in the public interest to prevent and reduce the negative effects associated with games of chance and money and to protect vulnerable persons;

WHEREAS restraining accessibility to video lottery machines through a reduction in the number of machines and sites operating them is an appropriate means;

WHEREAS studies on gaming have led to recommendations that propose, among other things, limiting the number of video lottery machine sites, seeking a balanced distribution of video lottery machines between the various regions of the province and the urban areas, in keeping with prevailing socio-economic conditions, locating gaming-related activities in areas where the social dynamic will not be undermined, and restricting gaming availability in areas where the risk of social problems, including the costs associated with them, are high;

WHEREAS the board is the body responsible for regulating video lottery machines and issuing licences for such machines;

WHEREAS, under section 50.0.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the board may, in plenary session, if the public interest so requires, suspend the issue of licences for all or part of the territory of Québec for the period, not exceeding one year, determined by the board;

WHEREAS a suspension measure taken under that section 50.0.1 applies to licence applications filed before the measure becomes effective and in respect of which the board has not made a decision;

WHEREAS a suspension measure may indicate the licence applications that are exempted from its application;

WHEREAS the most recent suspension measure is effective from 20 April 2005 to 19 April 2006;

WHEREAS it is necessary and in the public interest for the board to once again suspend the issue of video lottery machine site operator's licences so as to prevent an increase in gaming availability and to enable the implementation of appropriate measures to minimize the social impacts of games of chance and money;

WHEREAS a suspension measure must be submitted to the Government for approval and shall take effect on the date of its publication in the *Gazette officielle du Québec* or on a later date mentioned therein;

THEREFORE, the board, meeting in plenary session on 23 February 2006, decided to suspend the issue of video lottery machine site operator's licences for all of the territory of Québec for a period of one year, calculated from the effective date of this suspension measure.

The suspension measure applies to video lottery machine site operator's licence applications received from the date on which the suspension measure becomes effective and to those received before that date and in respect of which the board has not made a decision.

The suspension measure shall not prevent the board from renewing a site operator's licence.

The suspension measure shall not prevent the board from issuing a new site operator's licence in respect of an establishment for which a licence is in force, to the extent that such issuance does not bring together sites or increase the number of sites where video lottery machines are operated, if the new licence is applied for

(1) by reason of the death of the holder of the licence, by the liquidator of the succession, the legatee by particular title or heir of the holder of the licence or by a person designated by them;

(2) by a trustee, a liquidator, a sequestrator or a trustee in bankruptcy who is temporarily administering the establishment;

(3) by reason of the alienation of the establishment, of the leasing or retaking of possession following the exercise of a right to take in payment or the carrying out of a similar agreement; or

(4) by the holder if the holder is required to rearrange or change the site being operated under the liquor permit to which the licence is attached.

Trois-Rivières, 23 February 2006

FRANÇOIS CÔTÉ,
Secretary of the board

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Gouvernement du Québec

O.C. 344-2006, 26 April 2006

Marine Products Processing Act
(R.S.Q., c. T-11.01)

Exemption from the application of the Marine Products Processing Act

WHEREAS, under section 53 of the Marine Products Processing Act (R.S.Q., c. T-11.01), the Government may wholly or partially exempt any class of persons, marine products, objects or activities it indicates from the application of the Act or its regulations;

WHEREAS the Government made Order in Council 1312-87 dated 26 August 1987, amended by Order in Council 1140-88 dated 20 July 1988, respecting exemptions from the application of the Marine Products Processing Act;

WHEREAS, under that Order in Council, lobster marketed live is exempt from the application of the Marine Products Processing Act and its regulations;

WHEREAS it is expedient to replace the Order in Council to provide that lobster marketed live is not exempt from the application of the Marine Products Processing Act and its regulations;

WHEREAS it is expedient to make the Order in Council;

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

THAT the classes of marine products not covered by the Regulation respecting minimum standards for processing marine products, made by Minister's Order

dated 23 July 1987, other than lobster marketed live, be exempt from the application of the Marine Products Processing Act (R.S.Q., c. T-11.01) and its regulations;

THAT a retailer who is not an itinerant merchant within the meaning of section 55 of the Consumer Protection Act (R.S.Q., c. P-40.1) be exempt from the application of section 10 of the Marine Products Processing Act if the retailer sells marine products to a restaurateur;

THAT a consumer be exempt from the application of section 11 of the Marine Products Processing Act;

THAT a financial institution be exempt from the application of sections 4 to 10 of the Marine Products Processing Act if it acquires or transfers a marine product under the Bank Act (S.C. 1991, c. 46) or the Civil Code;

THAT Order in Council 1312-87 dated 26 August 1987, amended by Order in Council 1140-88 dated 20 July 1988, be revoked;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 351-2006, 26 April 2006

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

Installation of petroleum equipment — Amendments

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

WHEREAS the Government, in accordance with section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), made the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r.33);

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

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

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft amendment decree was published in Part 2 of the *Gazette officielle du Québec* of 14 December 2005 and, on this same date, in two French-language newspapers and in an English-language newspaper, with a notice that it could be made by the Government upon the expiry of the 45 days following this publication;

WHEREAS no comment was brought forward concerning this project;

WHEREAS it is expedient to make this draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

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

1. The Decree respecting the installation of petroleum equipment is amended in section 1.01:

(1) by inserting the words “as it reads at the time of its application” after the figure “1991” in paragraph 1;

(2) in the French text, by inserting the words “et à l’opération” after the words “à l’exploitation” in subparagraph *a* of paragraph 1;

(3) in the French text, by inserting the words “et à l’opération” after the words “à l’exploitation” in subparagraph *b* of paragraph 1.

* The Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r.33) was last amended by the Regulation made by Order in Council No. 736-2005 dated 9 August 2005 (2005, *G.O.* 2, 3444). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 September 2005.

2. Section 3.04 is amended by adding the following at the end of the first paragraph: “This increase also applies to any travelling done on Saturdays, Sundays or general holidays.”.

3. Section 3.08 is amended by inserting the words “at least” after the word “overtime” in subsection 2.

4. The Decree is amended by inserting the following after section 6.04:

“**6.04.1.** Employees usually working the entire year must indicate, in writing, their choice of vacation, before 1 April of the current year. The employer must post, no later than the 21 May following, a list showing the employees’ names and the vacation period they have chosen.”.

5. Section 6.09 is amended by substituting the number “3” for the number “2” wherever it is found.

6. Section 7.05 is amended by substituting “\$12 for the noonday meal and of \$15” for “\$10 for the noonday meal and of 10”.

7. The following is substituted for section 9.01:

“**9.01.** (1) The minimum hourly rate payable to the service mechanic, the installation mechanic, the shop mechanic and the tank-truck mechanic is established as follows for each class of employment:

Class of Employment	As of 2006-05-03	As of 2007-01-01	As of 2007-12-31
A	\$25.23	\$25.87	\$26.42;
B	\$21.23	\$21.87	\$22.42;
C	\$18.13	\$18.77	\$19.32.

(2) The labourer is paid according to the number of hours accumulated since the date on which he or she is hired. The minimum hourly rate payable is established as follows:

Labourer	As of 2006-05-03	As of 2007-01-01	As of 2007-12-31
starting:	\$15.42	\$16.06	\$16.61;
after 2,000 hours:	\$15.83	\$16.47	\$17.02;
after 4,000 hours:	\$16.28	\$16.92	\$17.47;
after 6,000 hours:	\$16.87	\$17.51	\$18.06.

(3) The minimum hourly rate payable to a student is established as follows:

Student	As of 2006-05-03	As of 2007-01-01	As of 2007-12-31
	\$11.60	\$12.24	\$12.79.

(4) For every four employees governed by this Decree in his employ, the employer has an employee governed by this Decree and paid at the Class A rate.

For the purposes of paragraph 4, the multiple of four is deemed to be reached as soon as the number of employees reaches a number lower than one below the multiple of four.

8. Section 10.03 is amended by substituting “4%” for “11%” in the first paragraph.

9. Section 11.08 is amended by substituting the following for paragraph 1:

“(1) The employer’s contribution to the employees’ pension plan, except for students, is \$0.82 as of 3 May 2006 and \$0.92 as of 1 January 2007, for each hour worked by the employees. The employer deducts from the pay of each employee the amount that each of them elects to pay as contribution; however, that amount may not be lower than \$0.82 as of 3 May 2006 and \$0.92 as of 1 January 2007, for each hour worked.”.

10. Section 12.01 is amended by substituting the figure “2007” for the figure “2004” wherever it is found.

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

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Gouvernement du Québec

O.C. 352-2006, 26 April 2006

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

Building service employees – Montréal — Amendments

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

WHEREAS the Government, in accordance with section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), made the Decree respecting building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39);

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

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the amending Decree was published in Part 2 of the *Gazette officielle du Québec* of 7 December 2005 and, on this same date, in two French-language newspapers and in an English-language newspaper, with notice that it could be made by the Government on the expiry of the 45 days following this publication;

WHEREAS the comments received were considered;

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

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

THAT the Decree to amend the Decree respecting building service employees in the Montréal region, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

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

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

1. The Decree respecting building service employees in the Montréal region is amended in section 1.01 by inserting “washing or cleaning carpets,” after “treating floors,” in paragraph *d*.

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

“An employee is considered to be at work during the preparation of material required for the work.”.

3. Section 4.03 is amended by substituting “3 hours or more” for “more than 3 hours” in the first paragraph.

4. Section 5.02 is amended by adding the following at the end:

“He shall also be entitled to the payment of the holiday pay.”.

5. The following is substituted for section 6.01:

“**6.01.** The employee receives at least the following hourly wage:

(1) (a) Class A: \$13.55;

(b) Class B: \$13.15;

(c) Class C: \$14.05;

(2) as of 1 June 2006:

(a) Class A: \$13.95;

(b) Class B: \$13.55;

(c) Class C: \$14.45;

(3) as of 1 June 2007:

(a) Class A: \$14.30;

(b) Class B: \$13.90;

(c) Class C: \$14.80;

(4) as of 1 June 2008:

(a) Class A: \$14.65;

(b) Class B: \$14.25;

(c) Class C: \$15.15;

(5) as of 1 June 2009:

(a) Class A: \$15.00;

(b) Class B: \$14.60;

(c) Class C: \$15.50;

* The Decree respecting building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39) was last amended by the Regulation made by Order in Council No. 1082-2005 dated 9 November 2005 (2005, *G.O.* 2, 6558). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 September 2005.

(6) as of 1 June 2010:

- (a) Class A: \$15.35;
 (b) Class B: \$14.95;
 (c) Class C: \$15.85.”.

6. Section 6.02 is amended by substituting “a minimum premium of 2% of the hourly wage” for “0,25 \$ per hour”.

7. The Decree is amended by inserting the following division after section 6.04:

“DIVISION 6.100
GROUP REGISTERED RETIREMENT SAVINGS
PLAN

6.101. Effective 1 June 2009, a group registered retirement savings plan is established and administered by the Parity Committee.

6.102. The employer’s contribution to the plan is \$0.05 per hour paid to the employee as of 1 June 2009 and \$0.10 per hour paid as of 1 June 2010.

6.103. The employer must send to the Parity Committee, no later than the 15th day of each month, his contribution to the plan for the preceding month.”.

8. Section 9.07 is amended by striking out “in accordance with the Act related to the practice of midwifery within the framework of pilot projects (R.S.Q., c. P-16.1)”.

9. Section 10.02 is amended by adding the following after paragraph 15:

“(16) as of 1 June 2009, the employer’s contribution to the group registered retirement savings plan during the period and the total contribution during the calendar year.”.

10. Section 14.01 is amended:

(1) by substituting “1 June 2010” for “31 May 2005”;

(2) by substituting the number “2009” for the number “2004”.

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

M.O., 2006

Order number AM 2006-013 of the Minister of Natural Resources and Wildlife dated 19 April 2006

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

CONCERNING the delimitation of areas on land in the domain of the State in view of increased utilization of wildlife resources of the lake au Foin, located on the territory of the Municipality of Saint-Alexis-des-Monts, in the MRC of Maskinongé

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

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

CONSIDERING that it is expedient to delimit the areas on land in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

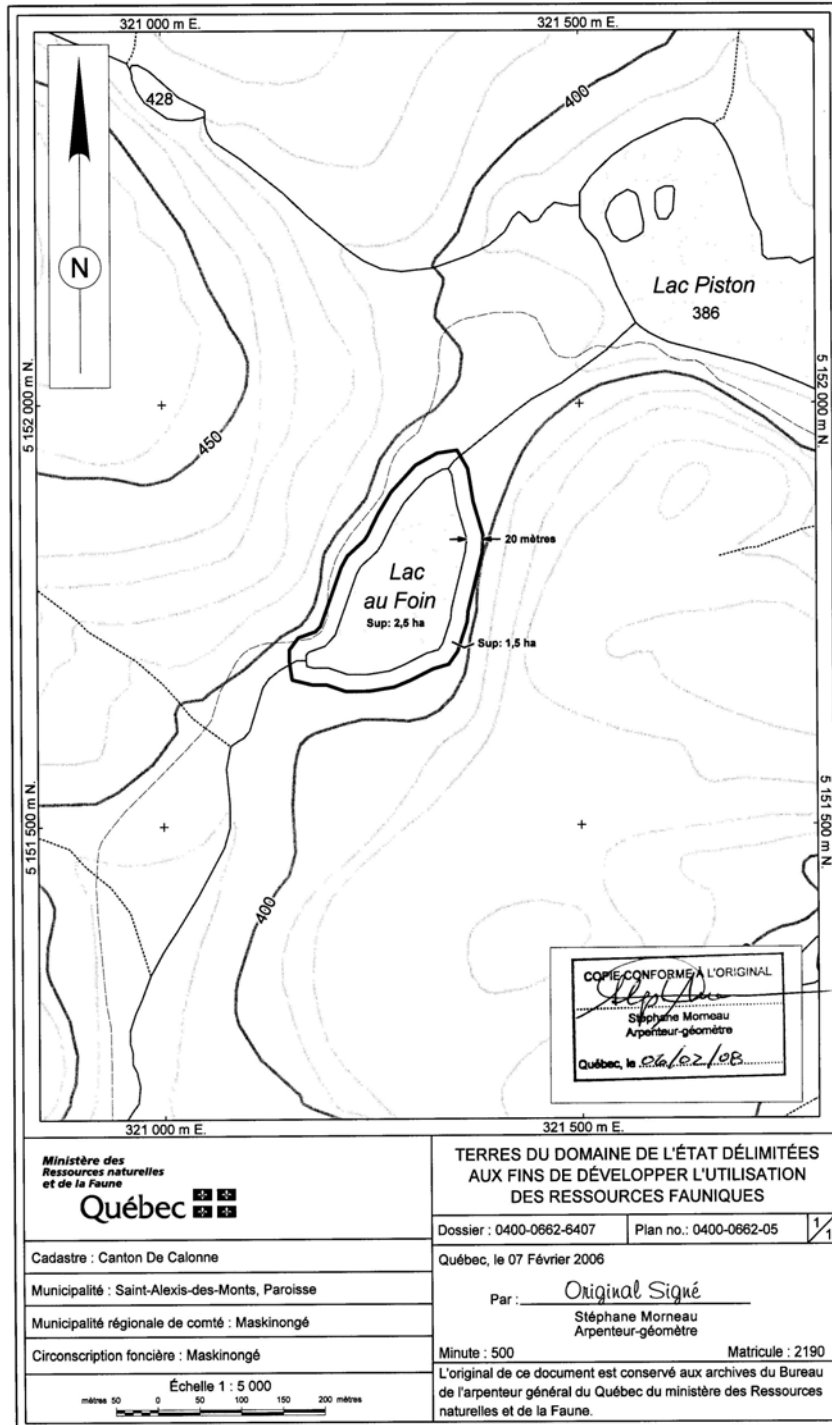
ORDERS THAT:

The areas on land in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources and secondarily, the practice of recreational activities;

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

Québec, 19 April 2006

PIERRE CORBEIL,
 Minister of Natural Resources,
 and Wildlife



Ministère des Ressources naturelles et de la Faune
Québec

Cadastre : Canton De Calonne
 Municipalité : Saint-Alexis-des-Monts, Paroisse
 Municipalité régionale de comté : Maskinongé
 Circonscription foncière : Maskinongé

Échelle 1 : 5 000
 mètres 50 0 50 100 150 200 mètres

TERRES DU DOMAINE DE L'ÉTAT DÉLIMITÉES AUX FINS DE DÉVELOPPER L'UTILISATION DES RESSOURCES FAUNIQUES

Dossier : 0400-0662-6407 Plan no. : 0400-0662-05 1/1

Québec, le 07 Février 2006

Par : Original Signé
 Stéphane Morneau
 Arpenteur-géomètre

Minute : 500 Matricule : 2190

L'original de ce document est conservé aux archives du Bureau de l'arpenteur général du Québec du ministère des Ressources naturelles et de la Faune.

Decisions

Decision

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

Chief Electoral Officer — Holding of by-elections in the Énergie and Côte-du-Sud school boards

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning the holding of by-elections in the Énergie and Côte-du-Sud school boards

WHEREAS by-elections are to be held on May 7, 2006, in electoral division number 6 of the Énergie School Board and in electoral division number 9 of the Côte-du-Sud 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 the said Act shall apply to by-elections;

WHEREAS some of the said provisions have been adapted by means of special decisions of the Chief Electoral Officer made on October 3, 2003, pursuant to section 30.8 of the Act respecting school elections, concerning the power of election officers to administer oaths, acceptance of nomination papers by an assistant of the returning officer, the ballot paper, the poll book and the statement of votes;

WHEREAS it is necessary for these special decisions to apply to the by-elections in the Énergie School Board and in the Côte-du-Sud School Board;

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

WHEREAS the Chief Electoral Officer has first informed the Minister of Education, Recreation and Sports of the decision he intends to make;

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

— The following decisions made by the Chief Electoral Officer during the election period ending on November 16, 2003, shall apply, adapted as required, to the by-elections in the Énergie School Board and in the Côte-du-Sud School Board:

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

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

This decision has been in force from the time the returning officers of the school boards contemplated in this decision first took action in respect of the by-elections to which it applies.

Québec, 11 April 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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Suspension of the issue of video lottery machine site operator's licences (An Act respecting lotteries, publicity contests and amusement machines, R.S.Q., c. L-6)	1399	N
Sustainable Development Act (2006, Bill 118)	1381	