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Laws and Regulations

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PROVINCE OF QUÉBEC

2nd SESSION

37th LEGISLATURE

QUÉBEC, 14 DECEMBER 2006

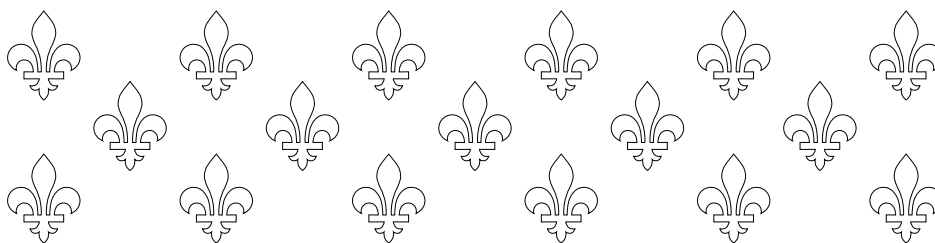
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 14 December 2006*

This day, at thirty minutes past seven o'clock in the evening, Her Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 27 An Act respecting the Commission administrative des régimes de retraite et d'assurances
- 29 An Act to amend the Securities Act and other legislative provisions
- 32 An Act to amend the Act respecting school elections and the Education Act
- 34 An Act to amend the Act respecting the Conseil supérieur de l'éducation and other legislative provisions
- 40 An Act to amend the Act respecting industrial accidents and occupational diseases and the Workers' Compensation Act
- 43 An Act to amend the Education Act and the Act respecting municipal taxation
- 44 An Act to amend various legislative provisions concerning retirement

- 48 An Act to amend the Consumer Protection Act and the Act respecting the collection of certain debts
- 50 An Act respecting the Centre de la francophonie des Amériques
- 51 An Act to amend the Labour Code and other legislative provisions
- 53 An Act respecting the governance of state-owned enterprises and amending various legislative provisions
- 55 An Act to again amend various legislative provisions respecting municipal affairs
- 200 An Act respecting Ville de Québec
- 206 An Act respecting the pension plan of certain employees of the Commission scolaire de la Capitale
- 207 An Act respecting Le Parc Co-ownership
- 208 An Act respecting the demutualization of Sherbrooke-Vie, société de secours mutuels
- 209 An Act respecting the Agence de développement de Saint-Donat
- 211 An Act to amend the Act to incorporate Sir George Williams University
- 212 An Act to again amend the charter of La Communauté des Sœurs de Charité de la Providence
- 213 An Act respecting the Institut de recherches cliniques de Montréal
- 214 An Act to amend the charter of the City of Laval
- 215 An Act to amalgamate the Mackay Rehabilitation Centre and The Montreal Association for the Blind under the name MAB-Mackay Rehabilitation Centre / Centre de réadaptation MAB-Mackay (*modified title*)

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



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 27
(2006, chapter 49)

**An Act respecting the Commission
administrative des régimes de retraite
et d'assurances**

**Introduced 13 June 2006
Passage in principle 28 November 2006
Passage 14 December 2006
Assented to 14 December 2006**

**Québec Official Publisher
2006**

EXPLANATORY NOTES

This bill establishes, in a separate Act, the Commission administrative des régimes de retraite et d'assurances. The Commission is a legal person and a mandatary of the State. The main function of the Commission is to administer the pension plans of public sector employees.

The bill amends the administrative organization of the Commission to provide for the establishment of a board of directors and four board committees: the audit committee, the governance and ethics committee, the human resources committee and the client services committee. The bill also specifies certain functions of the board of directors and substantially maintains the Commission's current financing rules.

Moreover, the bill makes amendments to the responsibilities of the pension committees and their composition. It also amends the Act respecting the Pension Plan of Management Personnel to introduce provisions on the pension committee of that plan, on reexamination and on the arbitration of decisions that were formerly found in the Act respecting the Government and Public Employees Retirement Plan.

Lastly, the bill includes consequential amendments to several Acts as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Public Administration Act (R.S.Q., chapter A-6.01);
- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1);
- Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);
- Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2);

- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1);
- Courts of Justice Act (R.S.Q., chapter T-16).

Bill 27

AN ACT RESPECTING THE COMMISSION ADMINISTRATIVE DES RÉGIMES DE RETRAITE ET D'ASSURANCES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT

- 1.** A legal person is established under the name “Commission administrative des régimes de retraite et d’assurances”.
- 2.** The Commission is a mandatary of the State.

The property of the Commission forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The Commission binds none but itself when it acts in its own name.

- 3.** The head office of the Commission is located in the territory of the Communauté métropolitaine de Québec. The Commission may hold its meetings anywhere in Québec.

CHAPTER II

FUNCTIONS AND POWERS

- 4.** The function of the Commission is to administer the pension plans established under

(1) the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

(2) the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(3) the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(4) the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12); and

(5) the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

The function of the Commission is also to administer every other pension or insurance plan entrusted to its administration by statute, the Office of the National Assembly or the Government.

5. The Commission must prepare actuarial valuations at the request of the Minister of Finance in order that its obligations under the pension plans may be recorded in the Government's financial statements.

6. Unless a request to do more is made jointly by the Government and the associations negotiating the conditions of employment of the employees who are members of the pension plans referred to in subparagraphs 1 to 4 of the first paragraph of section 4, or by the Government and the associations representing the employees who are members of the pension plan referred to in subparagraph 5 of that paragraph, the only studies the Commission may carry out on those plans are studies on their administration.

7. The Commission must adopt policies on the security and management of its information resources.

8. The Commission may enter into a service agreement with the pension committee of a plan it administers.

The service agreement must describe, in particular, the services offered by the Commission, the functions and responsibilities it assumes, the information and communication channels it agrees to use and the reporting procedures to which it is committed.

9. Subject to the applicable legislative provisions, the Commission may enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

10. Chapter II of the Public Administration Act (R.S.Q., chapter A-6.01), except section 29, the second paragraph of section 32 and Chapter VI of that Act do not apply to the Commission.

CHAPTER III

ORGANIZATION AND OPERATION

11. The affairs of the Commission are administered by a board of directors composed of 15 members appointed by the Government, including the chair of the board, the president and chief executive officer of the Commission, who is a member of the board by virtue of office, and 13 other members, including

(1) four members representing the Government;

(2) three members representing the employees who are members of the pension plans administered by the Commission, two of whom represent the employees covered by the Government and Public Employees Retirement Plan and one, the employees covered by the Pension Plan of Management Personnel;

(3) one member representing the pensioners under any of the pension plans administered by the Commission; and

(4) five independent members.

The members referred to in subparagraph 2 of the first paragraph are appointed after consultation with the unions and associations referred to in subparagraph 1 of the first paragraph of section 164 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) or the associations referred to in subparagraph 1 of the first paragraph of section 196.3 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), depending on the employees represented.

The pensioners' representative on the board of directors of the Commission is appointed after consultation with the associations that are the most representative of the pensioners under the pension plans administered by the Commission, unless a different consultation process is determined by the Government.

A member of the board may not be a member of the pension committee of a pension plan administered by the Commission.

12. Members qualify as independent if they have no direct or indirect relationships or interests, whether financial, commercial, professional, philanthropic, or other, likely to interfere with the quality of their decisions as regards the interests of the Commission.

Independent members may not

(1) be in the employ of the Commission, the Government or a body whose employees are members of a pension plan administered by the Commission or have been in such employ in the three years preceding appointment to office, or be in the employ of or be an officer of an association of employees or an association of managers representing those employees or have been in such employ or been such an officer during that period; or

(2) have an immediate family member who is a senior officer of the Commission.

The Government may adopt a policy concerning situations it intends to examine to determine if a board member qualifies as an independent member. The Government may specify the meaning it intends to assign to the expression "immediate family member".

13. For a member of the board of directors having the status of independent member, the sole fact of being in a limited and specific conflict of interest situation does not disqualify the member as an independent member.

14. A member of the board of directors appointed as an independent member must disclose in writing to the board and to the Minister any situation likely to affect the member's status.

15. No act or document of the Commission or decision of the board of directors is invalid because fewer than six members are independent members.

16. A member of the board of directors who exercises functions on a full-time basis within the Commission may not have a direct or indirect interest in a body, enterprise or association that places the member's personal interests in conflict with the Commission's interests. If such an interest devolves to the board member, including by succession or gift, it must be renounced or disposed of with dispatch.

Any other member of the board who has a direct or indirect interest in a body, enterprise or association that places the member's personal interests in conflict with the Commission's interests must disclose it in writing to the chair of the board and abstain from participating in any discussion or decision involving the body, enterprise or association. The member must also withdraw from a meeting for the duration of a discussion or vote on such a matter.

17. If a member of the board of directors is sued by a third party for an act done in the exercise of the functions of office, the Commission assumes the member's defence and pays any damages awarded as compensation, unless the member committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, the Commission pays the defence costs of a member of the board only if the member was discharged or acquitted or if the Commission judges that the member acted in good faith.

18. If the Commission sues a member of the board of directors for an act done in the exercise of the functions of office and loses its case, it must pay the member's defence costs if the court so decides.

If the Commission wins its case only in part, the court may determine the amount of the defence costs it must pay.

19. The chair of the board of directors must be an independent member.

The offices of chair of the board and president and chief executive officer may not be held concurrently.

20. The chair of the board of directors presides at meetings of the board and sees to the smooth operation of the board and the board committees.

The chair also assumes any other responsibility assigned by the board.

21. The president and chief executive officer and the independent members of the board of directors are appointed after consulting with the board and taking into account any expertise and experience profile established by it.

22. The Government may dismiss the president and chief executive officer after consulting with the board of directors.

23. Members of the board of directors, other than the president and chief executive officer, receive no remuneration except in the cases and on the conditions that may be determined by the Government. They are entitled, however, to the reimbursement of expenses incurred in the exercise of their functions in the cases, on the conditions and to the extent determined by the Government.

24. Members of the board of directors are appointed for a term of up to four years, except for the chair of the board and the president and chief executive officer, who are appointed for a term of up to five years.

On expiry of their term, the members of the board remain in office until replaced or reappointed.

25. A vacancy on the board of directors, except for the position of president and chief executive officer, must be filled for the remainder of the term of office in accordance with the rules of appointment provided in this Act.

Absence from the number of board meetings determined by by-law of the Commission constitutes a vacancy in the cases and circumstances indicated in the by-law.

26. Depending on its priorities, the board of directors designates the chair of a committee established in section 33 to act as a replacement when the chair of the board is absent or unable to act.

27. The responsibilities of the board of directors include

- (1) adopting the strategic plan, the action plan and the service statement;
- (2) approving the service agreements developed with the pension committees;
- (3) determining the Commission's annual budget;
- (4) approving the Commission's financial statements and annual report;
- (5) approving pension plan financial statements, unless that function has been assigned to a pension committee under the provisions of an Act or of a

pension plan and the pension committee has exercised it within the time prescribed by those provisions;

(6) adopting a code of ethics and professional conduct applicable to the members of the board and the vice-presidents of the Commission; and

(7) approving the expertise and experience profiles to be used in appointing the independent members of the board and the president and chief executive officer.

28. The quorum at meetings of the board of directors is the majority of its members, including the chair.

Decisions of the board are made by a majority vote of the members present. In the case of a tie vote, the person presiding at the meeting has a casting vote.

29. The members of the board of directors may waive notice of a meeting. Attendance at a meeting of the board constitutes a waiver of notice, unless the members are present to contest the legality of the meeting.

30. Written resolutions signed by all the members of the board of directors entitled to vote have the same value as if they had been adopted during a meeting of the board.

A copy of all such resolutions is kept with the minutes of the proceedings or other equivalent record.

31. If all agree, the members of the board of directors may take part in a meeting by means of equipment enabling all participants to communicate directly with one another.

32. The minutes of the meetings of the board of directors, approved by the board and certified by the chair of the board, the president and chief executive officer, the secretary or any other person authorized by the Commission, are authentic. The same applies to documents and copies of documents emanating from the Commission or forming part of its records, if they are certified in the same manner.

33. The board of directors must establish the following committees:

- (1) an audit committee;
- (2) a governance and ethics committee;
- (3) a human resources committee; and
- (4) a client services committee.

The committees must be chaired by independent members.

The board may establish any other committee to facilitate the smooth operation of the Commission or examine specific issues concerning its management.

34. The chair of the board of directors may take part in board committee meetings.

The president and chief executive officer of the Commission may not be a member of the audit committee, the governance and ethics committee, the human resources committee or the client services committee.

35. Each board committee must submit to the board of directors a summary of its proceedings. The summary must be included in the Commission's annual report.

36. The audit committee is composed of three independent members of the board of directors, one of whom must have accounting or financial expertise. That person must be a member of one of the professional orders of accountants mentioned in the Professional Code (R.S.Q., chapter C-26).

The functions of the committee include

- (1) approving the annual internal audit plan;
- (2) examining the financial statements of the Commission and of the pension plans with the Auditor General;
- (3) recommending the approval of pension plan financial statements by the pension committee concerned if the function of that committee is to approve them; and
- (4) recommending the approval by the board of the financial statements of the Commission and of the pension plans except the pension plan financial statements approved by the pension committee concerned.

If the function of the pension committee of a plan is to approve the financial statements, the meeting of the audit committee of the board concerning the submission and examination of those financial statements is held in the presence of four members of the pension committee, namely two representatives of the participants and beneficiaries under the plan and two representatives of the Government. Those members are not entitled to vote.

37. The audit committee must notify the board of directors in writing on finding operations or management practices that are unsound or do not comply with the law, with the regulations or with the policies of the Commission.

38. The human resources committee is composed of three members of the board of directors.

The functions of the committee include

- (1) seeing that human resources policies are put in place; and
- (2) establishing expertise and experience profiles to be used in appointing the president and chief executive officer.

39. The governance and ethics committee is composed of three members of the board of directors.

The functions of the committee include

- (1) establishing governance rules and rules of ethics for carrying on the Commission's business;
- (2) establishing a code of ethics and professional conduct applicable to the members of the board and to the vice-presidents of the Commission;
- (3) developing structures and procedures to enable the board to act independently from the Commission's management;
- (4) establishing criteria for evaluating the members of the board; and
- (5) establishing expertise and experience profiles to be used in appointing the independent members of the board.

40. The client services committee is composed of three members of the board of directors.

The functions of the committee include

- (1) assessing the strategies and general policy directions of the Commission in the area of client services;
- (2) following up on the Commission's policy directions in that area;
- (3) recommending the approval of the service agreements by the board of directors; and
- (4) seeing to the adequate implementation of the service agreements.

41. The president and chief executive officer of the Commission is responsible for the direction and management of the Commission within the framework of its by-laws and policies and must see that the decisions of the pension committees are carried out.

The president and chief executive officer assumes any other responsibility assigned by the board of directors.

42. The president and chief executive officer must see that the board of directors and the pension committees have, on request, adequate human, material and financial resources to exercise their functions.

43. The president and chief executive officer is assisted by two vice-presidents appointed by the Government.

The Government designates the vice-president who will exercise the functions of president and chief executive officer if the incumbent of that office is absent or unable to act.

44. The vice-presidents are appointed for a term of up to five years.

On expiry of their term, the vice-presidents remain in office until replaced or reappointed.

45. The offices of president and chief executive officer and of vice-president are full-time positions.

46. The Government determines the remuneration, the benefits and the other conditions of employment of the president and chief executive officer and the vice-presidents of the Commission.

47. The secretary and other employees of the Commission are appointed under the Public Service Act (R.S.Q., chapter F-3.1.1).

48. No proceedings may be brought against the Commission, the members of the board of directors, the vice-presidents or the personnel members of the Commission by reason of an omission made or an act performed in good faith in the exercise of their functions.

49. A deed, document or writing is binding on and may be attributed to the Commission only if it is signed by the chair of the board of directors, the president and chief executive officer, a vice-president, the secretary or another personnel member of the Commission, but in the latter case, only to the extent determined by by-law of the Commission.

50. Subject to the conditions it sets, the Commission may allow the required signature to be affixed on certain documents by means of an automatic device. The Commission may allow a facsimile of a signature to be engraved, lithographed or printed on certain documents. A facsimile has the same force as the signature itself if the document is countersigned by a person referred to in section 32.

51. An intelligible transcription of a decision or other data stored by the Commission in a computer or in a computer-readable medium is a document of the Commission and is evidence of its contents if it is certified by a person referred to in section 32.

CHAPTER IV

SERVICE STATEMENT AND STRATEGIC PLAN

52. The Commission must publish a service statement setting out its objectives with regard to the level and quality of the services provided.

The statement must specify the time frame within which services are to be provided and provide clear information on their nature and accessibility.

In addition, the statement must mention any service agreement that the Commission entered into with a pension committee.

53. The Commission must

- (1) remain receptive to the expectations of its clients;
- (2) simplify service delivery rules and procedures to the greatest extent possible; and
- (3) encourage the members of its personnel to provide quality services and to collaborate in achieving the results targeted.

54. The Commission must adopt a strategic plan covering a period of more than one year.

55. The strategic plan must include

- (1) the mission of the Commission;
- (2) the context in which the Commission acts and the main challenges it faces;
- (3) the strategic directions, objectives and lines of action selected;
- (4) the results targeted over the period covered by the plan; and
- (5) the performance indicators to be used in measuring results.

56. The Commission must transmit the strategic plan to the Minister, who tables it in the National Assembly.

CHAPTER V

FINANCIAL PROVISIONS

57. The Commission's annual budget must specify the amount attributable to

- (1) the administrative expenses related to the Government and Public Employees Retirement Plan;

- (2) the administrative expenses related to the Pension Plan of Management Personnel;
- (3) the administrative expenses related to the other pension plans;
- (4) the expenses related to the actuarial valuations of the plans for the purposes of section 5; and
- (5) the administrative expenses related to the insurance plans.

The administrative expenses related to the pension plans include those related to the pension committees and those related to any additional services requested by the pension committees and offered to employees and beneficiaries under the pension plans concerned. The administrative expenses related to the pension credits referred to in section 3.2 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) are included in the administrative expenses related to the Pension Plan of Management Personnel.

58. The sums required to cover the administrative expenses related to the Government and Public Employees Retirement Plan are taken in equal proportions

- (1) out of the employees' contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and
- (2) out of the employers' contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and then in accordance with section 133 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10).

However, the sums required to cover the administrative expenses related to additional services offered to employees and beneficiaries under the plan are taken in the proportions determined by the pension committee in its request.

The sums taken out of the consolidated revenue fund are deemed to be contributions by the Government as employer with respect to that plan.

59. The sums required to cover the administrative expenses related to the Pension Plan of Management Personnel are taken in equal proportions

- (1) out of the employees' contribution fund under the plan, at the Caisse de dépôt et placement du Québec; and
- (2) out of the employers' contributory fund under the plan, at the Caisse de dépôt et placement du Québec, and then in accordance with section 182 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

However, the sums required to cover the administrative expenses related to additional services offered to employees and beneficiaries under the plan are taken in the proportions determined by the pension committee in its request.

Despite the first and second paragraphs, the sums required to cover the administrative expenses related to the special provisions applicable to the classes of employees designated under the first paragraph of section 23 of the Act respecting the Pension Plan of Management Personnel and to the provisions on supplemental benefits payable to certain classes of employees under section 208 of that Act are taken out of the consolidated revenue fund.

The sums taken out of the consolidated revenue fund are deemed to be contributions by the Government as employer with respect to that plan.

60. Despite sections 58 and 59, the sums required to cover the administrative expenses related to benefits paid by the Commission administrative des régimes de retraite et d'assurances or to pension credits obtained under the Government and Public Employees Retirement Plan, resulting from the termination of a supplemental pension plan and from a transfer of the funds of that plan after 31 December 2006 to a special fund at the Caisse de dépôt et placement du Québec, are taken out of that fund.

61. The sums required to cover the administrative expenses related to pension plans other than the Government and Public Employees Retirement Plan, the Pension Plan of Management Personnel, the pension plan established under the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14), the Pension Plan of Elected Municipal Officers and the supplementary benefits plan for participants under the Pension Plan of Elected Municipal Officers are taken out of the consolidated revenue fund.

The sums taken out of the consolidated revenue fund are deemed to be contributions by the Government as employer with respect to the plan concerned.

62. The sums required to cover the expenses related to the actuarial valuations of the pension plans for the purposes of section 5 are taken out of the consolidated revenue fund.

63. The administrative expenses related to the Pension Plan of Elected Municipal Officers and the expenses of the supplementary benefits plan for participants under that pension plan are paid under sections 81 and 76.3 respectively of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

The administrative expenses related to the pension plan established under the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14) are paid in accordance with section 67.3 of the Police Act (R.S.Q., chapter P-13.1).

64. The sums required to cover the administrative expenses related to insurance plans are taken out of the consolidated revenue fund.

65. The Commission may not, without the Government's authorization,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits determined by the Government;

(3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(4) dispose of shares in a legal person or an interest in a partnership in excess of the limits or contrary to the conditions determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the conditions determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

66. The Government may, on the conditions and in the manner it determines,

(1) secure the payment in capital and interest of any loan contracted by the Commission and any of its obligations; and

(2) authorize the Minister of Finance to advance to the Commission any amount considered necessary to meet its obligations or to carry out its mission.

The sums required for the purposes of this section are to be taken out of the consolidated revenue fund.

CHAPTER VI

ACCOUNTS AND REPORTS

67. The fiscal year of the Commission ends on 31 December each year.

68. Before 30 June each year, the Commission must report to the Minister on the results achieved with regard to the objectives set under its strategic plan. The report must contain the financial statements of the Commission and those of the pension plans it administers.

The report must also include or provide information on

(1) the mandates conferred on the Commission;

(2) the Commission's service statement and the service agreements entered into with the pension committees;

(3) the programs placed under the administration of the Commission;

(4) personnel turnover;

(5) the summary of the board committee reports;

(6) a statement by the president and chief executive officer on the reliability of the report and the monitoring mechanisms;

(7) the rules of professional conduct applicable to the members of the board of directors and to the vice-presidents of the Commission; and

(8) the expertise and experience profiles of the members of the board and their attendance record at board and committee meetings.

69. The Minister must table the Commission's report in the National Assembly within 30 days of its receipt or, if the National Assembly is not sitting, within 30 days of resumption.

70. The Commission must provide the Minister with any information the Minister requires.

The Commission must also provide the Minister of Finance, on request, with the data and information required to conduct the necessary analyses and follow-up concerning pension plan obligations and liabilities shown in the financial statements of the Government.

71. The books and accounts of the Commission are to be audited by the Auditor General every year and whenever ordered by the Government.

The Auditor General's report must accompany the Commission's annual report.

CHAPTER VII

AMENDING PROVISIONS

PUBLIC ADMINISTRATION ACT

72. Section 40 of the Public Administration Act (R.S.Q., chapter A-6.01) is amended

(1) by striking out "section 4.1," in the first line of paragraph 1;

(2) by replacing ", 144 and 158.9, the second paragraph of section 173.1 and section" in the first and second lines of paragraph 2 by "and".

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

73. Section 74 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) is amended by striking out the last sentence.

ACT RESPECTING THE PENSION PLAN OF CERTAIN TEACHERS

74. Section 35.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1) is amended by replacing “Comité de retraite referred to in section 164” in the first line by “pension committee referred to in section 163”.

75. Section 41.8 of the Act is amended by replacing “Division I of Chapter II of Title III” in the second and third lines by “section 163”.

76. Section 56 of the Act is amended by striking out “except those required for its administration, which are paid in accordance with section 158.5 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the last three lines.

ACT RESPECTING THE PENSION PLAN OF PEACE OFFICERS IN CORRECTIONAL SERVICES

77. Section 7 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., chapter R-9.2) is amended by replacing “, established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the sixth and seventh lines of the first paragraph by “established under section 1 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49)”.

78. Section 134 of the Act is amended by striking out everything in the second paragraph that comes after “fund”.

79. Section 143.27 of the Act is amended by replacing “applies” in the second line by “or section 196.18 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) applies, as the case may be,”.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

80. The Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing the heading of Chapter IX.1 by the following heading:

“PENSION COMMITTEE OF THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS”.

81. Section 70.1 of the Act is amended

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

“**70.1.** The pension committee of the Pension Plan of Elected Municipal Officers is hereby established.”;

(2) by replacing “The committee shall be composed of the chairman” in the first line of the second paragraph by “Despite the fourth paragraph of section 11 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49), the Committee is composed of the president and chief executive officer”.

82. Section 70.2 of the Act is amended by replacing paragraphs 1 and 2 by the following paragraphs:

“(1) receiving the reports on the actuarial valuation of the plan;

“(2) receiving the draft financial statements of the plan for review and reporting on them to the Commission, and receiving the Auditor General’s report on the plan, for review;”.

83. Section 70.4 of the Act is amended

(1) by replacing “chairman” in the first line of the second paragraph by “president and chief executive officer”;

(2) by replacing “vice-chairman” in the second line of the second paragraph by “vice-president”.

84. Section 70.6 of the Act is replaced by the following section:

“**70.6.** The chief executive officer of the Commission chairs the committee. The chair may only cast a vote to break a tie.”

85. Section 70.10 of the Act is amended by replacing “vice-chairmen, except where a vice-chairman replaces the chairman” by “vice-presidents, except where a vice-president replaces the president and chief executive officer”.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES
RETIREMENT PLAN

86. The heading of Chapter I of Title III of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is replaced by the following heading:

“PROVISIONS APPLICABLE TO CERTAIN RETIREMENT PLANS”.

87. Division I of Chapter I of Title III of the Act, comprising sections 136 to 145, is repealed.

88. The Act is amended by striking out “DIVISION II” and the heading of that division in Chapter I of Title III.

89. Section 158 of the Act is amended by inserting “on the recommendation of the pension committee and” after “may,” in the first line of the first paragraph.

90. Divisions II.1 and III of Chapter I of Title III of the Act, comprising sections 158.1 to 162, are repealed.

91. The heading of Chapter II of Title III of the Act is amended by replacing “COMMITTEES” by “COMMITTEE”.

92. Section 163 of the Act is replaced by the following section:

“**163.** The pension committee of the pension plans established under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Act respecting the Teachers Pension Plan (chapter R-11), the Act respecting the Civil Service Superannuation Plan (chapter R-12) and the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) is hereby established.”

93. The Act is amended by striking out “DIVISION I” and the heading of that division after section 163.

94. Section 164 of the Act is replaced by the following section:

“**164.** The committee is composed of a chair and 24 other members appointed by the Government for a term of up to two years, as follows:

(1) 10 members from the labour sector, appointed after consultation with the union or association concerned, including

(a) two from the Confédération des syndicats nationaux;

(b) two from the Centrale des syndicats du Québec;

(c) one from the Fédération des travailleurs et travailleuses du Québec;

(d) one from the Syndicat de la fonction publique du Québec;

(e) one from the Fédération interprofessionnelle de la santé du Québec – FIQ;

(f) one from the Syndicat des professionnelles et professionnels du gouvernement du Québec;

(g) one from the Alliance du personnel professionnel et technique de la santé et des services sociaux; and

(h) one appointed from the lists provided by the groups of associations of employees to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) applies and by the associations certified under the Public Service Act (chapter F-3.1.1) if they are not concerned by subparagraphs *a* to *g*;

(2) two pensioners under any of the pension plans referred to in section 163, chosen after consultation with the pensioners associations that are the most representative of those plans, unless a different consultation process is determined by the Government; and

(3) 12 members representing the Government.

The chair of the committee is appointed by the Government, for a term not exceeding three years, after consultation with the committee members. The chair must be independent. Sections 12 to 18 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49) apply to the chair of the committee with the necessary modifications.”

95. Section 165 of the Act is amended by replacing the first paragraph by the following paragraph:

“**165.** The committee is responsible for

(1) reexamining, on request, the decisions made by the Commission in respect of the employees and beneficiaries to whom the pension plans established under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the Act respecting the Teachers Pension Plan (chapter R-11), the Act respecting the Civil Service Superannuation Plan (chapter R-12) and the Act respecting the Pension Plan of Certain Teachers (chapter R-9.1) apply;

(2) determining the conditions of implementation of the agreements entered into by the parties negotiating the conditions of employment of the employees referred to in subparagraph 1 if the agreements fail to do so, to the extent that the costs of those conditions are consistent with the Commission’s budget;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of funds derived from contributions paid by employees to whom the Government and Public Employees Retirement Plan applies;

(4) approving the financial statements of the Government and Public Employees Retirement Plan within 30 days after the recommendation of the audit committee of the board of directors of the Commission;

(5) receiving for examination the Commission's plan of action for the Government and Public Employees Retirement Plan, and reporting on it to the Commission; and

(6) receiving for examination the actuarial valuation reports of the plans identified in subparagraph 1.

For the purposes of subparagraph 4 of the first paragraph, the financial statements of the plan must be signed by two members of the committee, one of whom represents the employees and beneficiaries and the other of whom represents the Government. If the financial statements are not approved by the committee within the time prescribed in that subparagraph, the board of directors of the Commission is responsible for approving them.”

96. The Act is amended by inserting the following sections after section 165:

“**165.1.** The committee may request that the Commission carry out studies on the administration of the plans identified in subparagraph 1 of the first paragraph of section 165.

The committee may also request that the Commission provide additional services to employees and beneficiaries under the Government and Public Employees Retirement Plan and determine the manner in which the resulting administrative expenses are to be shared by the employees and the Government, without more than one half of those expenses being borne by the Government.

“**165.2.** The committee may make recommendations on the application of the plans identified in subparagraph 1 of the first paragraph of section 165 to the Government, to the associations negotiating the conditions of employment of employees who are members of the plans referred to in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49), to the Commission and to the Minister.”

97. The Act is amended by inserting the following section after section 166:

“**166.1.** If the chair of the committee is absent or unable to act, the chair of the pension committee established under section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) replaces the chair of the committee temporarily.”

98. Section 167 of the Act is amended

(1) by inserting “, other than the chair,” after “committee” in the first paragraph;

(2) by striking out “, except the chairman and, where such is the case, the vice-chairmen of the Commission” in the second paragraph, and by adding the following sentence at the end: “The Government determines the remuneration of the chair.”

99. Section 168 of the Act is replaced by the following section:

“**168.** Fifteen members, including the chair, seven members representing employees and beneficiaries under the plan and seven members representing the Government, form a quorum at meetings of the committee.”

100. Section 169 of the Act is replaced by the following section:

“**169.** Each member of the committee is entitled to one vote. The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning

(1) additional services requested by the pension committee under the second paragraph of section 165.1;

(2) a mandate to be given to a consultant hired to advise the committee;

(3) the approval of the financial statements of the Government and Public Employees Retirement Plan; or

(4) any matter entailing an increase in the cost of the plan or a budget overrun for the Commission.”

101. Section 170 of the Act is amended by striking out the second sentence.

102. Section 173 of the Act is amended

(1) by replacing “and 2.1” in the second line of the first paragraph by “and 3”;

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

“The subcommittees are composed of two persons representing the Government and two persons representing employees and beneficiaries.”;

(3) by replacing “Comité de retraite referred to in section 173.1” in the tenth and eleventh lines of the third paragraph by “pension committee referred to in section 196.2 of the Act respecting the Pension Plan of Management Personnel (chapter R-12.1)”.

103. Section 173.0.1 of the Act is replaced by the following section:

“**173.0.1.** The president and chief executive officer, the vice-presidents and the employees of the Commission may not be members of the committee.”

104. Section 173.0.2 of the Act is replaced by the following section:

“**173.0.2.** No proceedings may be brought against the pension committee, its subcommittees or their members by reason of an omission made or an act performed in good faith in the exercise of their functions.”

105. Division II of Chapter II of Title III of the Act, comprising sections 173.1 to 173.5, is repealed.

106. Section 174 of the Act is amended

(1) by replacing “the Comité de retraite referred to in section 164” in the first and second lines of the first paragraph by “the pension committee referred to in section 163”;

(2) by replacing “Comité de retraite” in the second and third paragraphs by “pension committee”.

107. Section 179 of the Act is amended

(1) by striking out “competent” in the first line of the first paragraph;

(2) by replacing “the Pension Plan of Management Personnel and the plans established under sections 9, 10 and 10.0.1 of this Act and” in the third and fourth lines of subparagraph 1 of the first paragraph by “a plan established under section 9, 10 or 10.0.1 of this Act or”.

108. Section 183 of the Act is amended

(1) by striking out “referred to in section 164” in the first and second lines of the first paragraph;

(2) by striking out the second paragraph.

109. The Act is amended by inserting the following section after the heading of Title V:

“**215.19.** The Commission administrative des régimes de retraite et d’assurances is responsible for the administration of the pension plans established under this Act.”

110. Paragraph 1 of Schedule I and Schedule II.1 to the Act are amended by replacing “the Fédération des infirmières et infirmiers du Québec” by “the Fédération interprofessionnelle de la santé du Québec – FIQ”.

ACT RESPECTING THE TEACHERS PENSION PLAN

111. Section 66.7 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing “Comité de retraite referred to in section 164” in the first line by “pension committee referred to in section 163”.

112. Section 78 of the Act is amended by striking out everything in the second paragraph that comes after “fund”.

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

113. Section 114 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by striking out the last paragraph.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

114. Section 23 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by replacing the third and fourth sentences of the first paragraph by the following sentences: “Division I of Chapter XI.2 does not apply to an employee belonging to a designated class of employees, but the employee may, in the year following the date on which a decision of the Commission concerning the employee was sent, file an application for arbitration with the Commission. The arbitrator shall be one of the arbitrators appointed under section 196.22, and sections 196.23 to 196.26 shall apply.”

115. Section 54 of the Act is amended by replacing “in the first paragraph of section 137 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the fifth, sixth and seventh lines of the first paragraph by “in section 4 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (2006, chapter 49)”.

116. Section 170 of the Act is amended by replacing “IV of Title III of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the first and second lines by “XI.2”.

117. Section 171 of the Act is amended

(1) by replacing “Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the first paragraph by “pension committee referred to in section 196.2”;

(2) by replacing “Comité de retraite” in the second and third paragraphs by “committee”.

118. Section 190 of the Act is amended by replacing the last sentence of the second paragraph by the following sentence: “The special-purpose fund is subject to subparagraph 3 of the first paragraph of section 196.5.”

119. Section 196 of the Act is amended

(1) by replacing “Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10)” in the second, third and fourth lines of the first paragraph by “pension committee referred to in section 196.2”;

(2) by replacing “Comité de retraite referred to in section 173.1 of the Act respecting the Government and Public Employees Retirement Plan” in the second, third and fourth lines of the last paragraph by “pension committee referred to in section 196.2”.

120. Section 196.1 of the Act is amended

(1) by replacing “section 173.1 of the said Act” in the fifth line by “section 196.2”;

(2) by striking out “of this Act” at the end.

121. The Act is amended by inserting the following chapters after section 196.1:

“CHAPTER XI.1

“PENSION COMMITTEE OF THE PENSION PLAN OF MANAGEMENT PERSONNEL

“**196.2.** The pension committee of the Pension Plan of Management Personnel is hereby established.

“**196.3.** The pension committee is composed of a chair and 16 other members appointed by the Government for a term of up to two years, as follows:

(1) seven members representing the employees covered by the Pension Plan of Management Personnel, appointed after consultation with the associations concerned, including

(a) one person representing the employees of the public service sector, appointed after consultation with the associations representing those employees;

(b) two persons representing the employees of the education sector, appointed after consultation with the associations representing those employees; and

(c) four persons representing the employees of the health and social services sector, including one representing the directors general, one representing the senior management officers and two representing the middle management officers, appointed after consultation with the associations representing the group of employees concerned;

(2) a pensioner under the Pension Plan of Management Personnel, appointed after consultation with the pensioners associations that are the most representative of the plan, unless a different consultation process is determined by the Government;

(3) eight members representing the Government.

The chair is appointed by the Government, for a term not exceeding three years, after consultation with the committee members. The chair must be independent. Sections 12 to 18 of the Act respecting the Commission administrative des régimes de retraite et d'assurances (2006, chapter 49) apply to the chair of the committee with the necessary modifications.

“196.4. The president and chief executive officer, the vice-presidents and the employees of the Commission, may not sit on the committee.

“196.5. The functions of the committee include

(1) reexamining, on request, the decisions made by the Commission in respect of employees and beneficiaries under the plan;

(2) determining the conditions of implementation of the amendments to the plan agreed on by the associations representing those employees and the Government if no such conditions have been determined, to the extent that the costs of those conditions are consistent with the Commission's budget;

(3) establishing, jointly with the Caisse de dépôt et placement du Québec, an investment policy in respect of funds derived from contributions paid by those employees;

(4) approving the financial statements of the pension plan within 30 days after the recommendation of the audit committee of the board of directors of the Commission;

(5) receiving for examination the Commission's annual action plan for the pension plan, and reporting on it to the Commission; and

(6) receiving for examination the actuarial valuation reports for the plan.

In addition to the decisions mentioned in subparagraph 1 of the first paragraph, the committee also reexamines the decisions made by the Commission in respect of an employee who is a member of the Government

and Public Employees Retirement Plan if they relate to an application to redeem years or parts of a year of service filed by the employee while a member of this plan and if those years and parts of a year are subject to section 109.1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).

For the purposes of subparagraph 4 of the first paragraph, the financial statements of the plan must be signed by two members of the committee, one of whom represents the employees and beneficiaries and the other of whom represents the Government. If the financial statements are not approved by the committee within the time prescribed in that subparagraph, the board of directors of the Commission is responsible for approving them.

“196.6. The committee may request that the Commission carry out studies on the administration of the Pension Plan of Management Personnel.

The committee may also request that the Commission provide additional services to employees and beneficiaries under the plan and determine the conditions according to which the resulting administrative expenses are to be shared by the employees and the Government, without more than one half of those expenses being borne by the Government.

“196.7. The committee may make recommendations on the application of the plan to the Government, to the associations representing the employees covered by the plan, to the Commission and to the Minister.

“196.8. At the expiry of their term, the members of the committee shall remain in office until they are replaced or reappointed.

A vacancy occurring during a term of office is filled in the manner prescribed for appointing the member to be replaced.

“196.9. If the chair of the committee is absent or unable to act, the chair of the pension committee established under section 163 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) replaces the chair of the committee temporarily.

“196.10. The members of the committee, other than the chair, are not remunerated.

However, the members of the committee are entitled, according to the standards established by the Government, to an attendance allowance and to the reimbursement of justifiable expenses incurred in the exercise of their functions. The Government determines the remuneration of the chair.

“196.11. At least 11 members, including the chair, five members representing employees and beneficiaries covered by the plan, and five members representing the Government, form a quorum at meetings of the committee.

“**196.12.** Each member of the committee is entitled to one vote. The chair is not entitled to vote unless there is a tie vote. The chair may not vote at all on a resolution concerning

(1) additional services requested by the pension committee under the second paragraph of section 196.6;

(2) a mandate to be given to a consultant hired to advise the committee;

(3) the approval of the financial statements of the Pension Plan of Management Personnel; or

(4) any matter entailing an increase in the cost of the plan or a budget overrun for the Commission.

“**196.13.** The secretary of the Commission is secretary of the committee by virtue of office.

“**196.14.** The committee may make by-laws. The by-laws only come into force after being approved by the Government.

“**196.15.** The minutes of the sittings of the committee, approved by it and certified by the chair, the secretary or any other person authorized to do so by the committee, are authentic.

Similarly, documents or copies emanating from the committee are authentic, if certified in the same manner.

“**196.16.** The committee may delegate all or part of its powers under subparagraphs 1 and 3 of the first paragraph of section 196.5 to subcommittees.

The subcommittees are composed of two persons representing the Government and two persons representing the employees and beneficiaries covered by the plan.

“**196.17.** No proceedings may be brought against the pension committee, its subcommittees or their members by reason of an omission made or an act performed in good faith in the exercise of their functions.

“CHAPTER XI.2

“REEXAMINATION OF THE DECISIONS OF THE COMMISSION

“DIVISION I

“REQUEST FOR REEXAMINATION

“**196.18.** Every employee or beneficiary under the plan may request the pension committee to reexamine a decision of the Commission concerning the employee’s or beneficiary’s

- (1) eligibility;
- (2) number of years of service and contributory periods;
- (3) pensionable salary and amount of contributions;
- (4) pension amount; and
- (5) benefits, advantages or reimbursements under the plan.

The request must be made to the Commission within one year after the date the decision is sent.

However, if, within the time limit provided for in the second paragraph, a beneficiary has not requested the reexamination of the amount of the reduction of the beneficiary's pension applicable from the month following the beneficiary's sixty-fifth birthday, the beneficiary may do so within one year after the date on which the Commission mailed the confirmation of the application of that reduction.

“196.19. The pension committee shall deal with the request for reexamination without delay and notify the person making the request of its decision in writing.

The decision must give reasons.

However, if no decision is made because opinions are equally divided, the decision of the Commission is deemed to be maintained and the request for reexamination is referred to an arbitrator.

The pension committee shall notify the parties without delay, and the provisions applicable to an application for arbitration apply with the necessary modifications. The committee shall send the employee's or beneficiary's request for reexamination to the arbitrator within the time prescribed in such provisions.

“DIVISION II

“ARBITRATION

“196.20. An employee or a beneficiary may apply for arbitration within 90 days of the date the decision of the pension committee is sent.

“196.21. An employee or a beneficiary may be represented by his or her association.

“196.22. After consulting with the pension committee, the Government shall appoint two arbitrators and a substitute for a period not exceeding two years.

At the expiry of their term, the arbitrators and the substitute shall remain in office until they are replaced or reappointed.

“196.23. The arbitrator shall without delay hear the parties and render a decision in writing, with reasons, within 90 days of the hearing unless the time limit is extended by mutual agreement.

“196.24. The costs of arbitration are charged to the Commission, except the costs of witnesses and attorneys. The fees and costs of the arbitrator are charged to the Commission.

“196.25. No arbitrator may be prosecuted by reason of an official act performed in good faith in the exercise of the functions of office.

“196.26. The decision of the arbitrator is binding and without appeal.”

122. Section 203 of the Act is amended by inserting “on the recommendation of the pension committee and” after “may,” in the first line of the first paragraph.

123. Section 209 of the Act is amended by replacing the second paragraph by the following paragraph:

“Division I of Chapter XI.2 does not apply to an employee belonging to a class of employees designated under section 23, but the employee may, in the year following the date on which a decision of the Commission concerning the employee was sent, file an application for arbitration with the Commission. The arbitrator shall be one of the arbitrators appointed under section 196.22, and sections 196.23 to 196.26 shall apply.”

124. Paragraph 1 of Schedule II to the Act is amended by replacing “the Fédération des infirmières et infirmiers du Québec” by “the Fédération interprofessionnelle de la santé du Québec - FIQ”.

COURTS OF JUSTICE ACT

125. Section 246.28 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out everything in the second sentence that comes after “fund”.

OTHER AMENDING PROVISIONS

126. In the following provisions, “comité de retraite” is replaced wherever it appears by “pension committee”:

(1) sections 52, 59.1.1 and 113 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., chapter R-9.1);

(2) sections 85.17, 85.33, 134, 173.0.1, 180, 181, 215.11.9, 216.1.1 and 230 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);

(3) sections 8, 10.1.1 and 73 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11);

(4) sections 99.28, 109 and 111.0.1.1 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12); and

(5) sections 200 and 418 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

127. In the following provisions, “chairman”, “vice-chairman” and “vice-chairmen” are replaced wherever they appear by “chair”, “vice-chair” and “vice-chairs”:

(1) sections 70.5 and 70.9 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);

(2) section 172 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and paragraphs 4, 5 and 9 of Schedule I to that Act;

(3) paragraphs 3, 4 and 14 of Schedule I, paragraph 3 of Schedule II and paragraphs 2, 3 and 10 of Schedule III to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12); and

(4) paragraphs 5, 6 and 10 of Schedule I to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

128. The Commission administrative des régimes de retraite et d’assurances established under this Act is substituted for the Commission administrative des régimes de retraite et d’assurances established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10). It acquires the rights and assumes the powers and obligations of that Commission. In addition, the policies on the security and management of information resources applicable to the Commission continue to apply until the Commission adopts new ones under section 7 of this Act.

The chairman and vice-chairmen of the Commission administrative des régimes de retraite et d’assurances in office on 31 May 2007 become, on the same conditions and for the remainder of their term, president and chief executive officer and vice-presidents, respectively, of the Commission administrative des régimes de retraite et d’assurances established under this Act.

129. The members of the pension committees and sub-committees established within the Commission administrative des régimes de retraite et d'assurances, who are in office on 31 May 2007, remain in office until replaced or reappointed under this Act.

130. The employees of the Commission administrative des régimes de retraite et d'assurances in office on 31 May 2007 become, without further formality, the employees of the Commission administrative des régimes de retraite et d'assurances established under this Act.

131. The Commission administrative des régimes de retraite et d'assurances, established under this Act, becomes, without continuance of suit, a party to all proceedings to which the Commission administrative des régimes de retraite et d'assurances established under section 136 of the Act respecting the Government and Public Employees Retirement Plan was a party.

132. A request respecting a decision of the Commission administrative des régimes de retraite et d'assurances or a pension committee that was made under Chapter IV of Title III of the Act respecting the Government and Public Employees Retirement Plan, that is pending on 31 May 2007, and that concerns an employee or a beneficiary under the Pension Plan of Management Personnel is continued under the provisions of Chapter XI.2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), enacted under section 121 of this Act.

133. The Regulation respecting the signing of certain deeds, documents or writings of the Commission administrative des régimes de retraite et d'assurances, made under Order in Council 989-2006 (2006, G.O. 2, 3579), is deemed to have been made under this Act.

134. The provisions of the Règlement sur l'exercice des pouvoirs et la régie interne du Comité de retraite du régime de retraite des employés du gouvernement et des organismes publics, du régime de retraite des enseignants, du régime de retraite des fonctionnaires, des régimes établis en vertu des articles 9, 10 et 10.0.1 de la Loi sur le régime de retraite des employés du gouvernement et des organismes publics et du régime de retraite de certains enseignants, made by Order in Council 38-99 (1999, G.O. 2, 243) and of the Règlement sur l'exercice des pouvoirs et la régie interne du Comité de retraite du régime de retraite du personnel d'encadrement, made by Order in Council 38-99 (1999, G.O. 2, 243) continue to apply to the pension committees established under sections 163 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and 196.2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1), enacted respectively by sections 92 and 121 of this Act, to the extent that they are consistent with the workings of those committees.

135. In order to satisfy the requirements of section 21 of this Act, the first chair of the board of directors of the Commission administrative des régimes de retraite et d'assurances is appointed by the Government, after consultation

with the associations referred to in section 6 of this Act, on the basis of the expertise and experience profile the Government determines.

For the appointment of the remaining first independent members of the board, the expertise and experience profile the board must establish under section 21 is established by a committee made up of the chair of the board of directors of the Commission, the president and chief executive officer of the Commission and the members referred to in subparagraphs 1 to 3 of the first paragraph of section 11. In the case of a tie vote during this process, the chair of the board has a casting vote.

For the purposes of the second paragraph, the pensioners' representative on the board of directors of the Commission is appointed after consultation with the associations of pensioners under the pension plans concerned that are the most representative.

136. The first consultation to be held for the appointment of the first chair of the pension committee referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) and of the pension committee referred to in section 196.3 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is carried out in the same manner as that provided for in those sections for the appointment of the members of those committees.

For the purposes of the first paragraph, the chair of each pension committee is appointed after consultation with the associations of pensioners under the pension plans concerned that are the most representative.

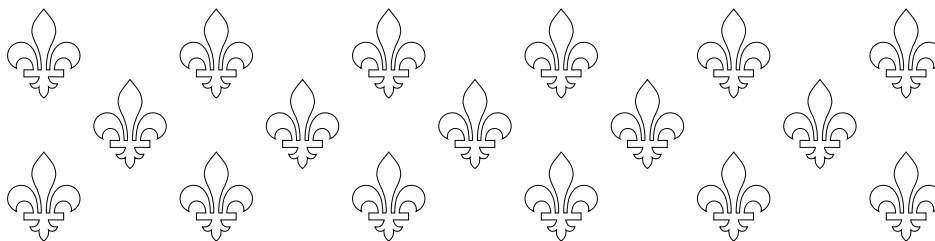
137. In any other Act and in any regulation, order or other document, a reference to the Commission administrative des régimes de retraite et d'assurances established under section 136 of the Act respecting the Government and Public Employees Retirement Plan becomes a reference to the Commission administrative des régimes de retraite et d'assurances established under this Act, unless the context indicates otherwise.

138. Not later than 14 December 2011 and, subsequently, every 10 years, the Minister must report to the Government on the administration of this Act. The report must contain recommendations on the implementation of this Act and the updating of the Commission's mission.

The report must be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

139. The Government designates the minister responsible for the administration of this Act.

140. This Act comes into force on 1 June 2007, except sections 11 to 26 and 135, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 29
(2006, chapter 50)

An Act to amend the Securities Act and other legislative provisions

Introduced 9 June 2006
Passage in principle 9 November 2006
Passage 13 December 2006
Assented to 14 December 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill amends the Securities Act to further the mutual recognition process started in 2004 with a view to achieving full cooperation among the Canadian provinces and territories in securities-related matters. The bill allows agreements to be made with the governments or securities commissions of the other provinces or the territories on the delegation of powers, mutual recognition and the incorporation of legislative provisions by reference. That power is to be exercised by the Government or by the Autorité des marchés financiers, with the Government's authorization. It allows the Authority to make regulations, decisions or orders for the same purposes within a set regulatory framework. It also allows the Authority, the Bureau de décision et de révision en valeurs mobilières or a recognized self-regulatory organization to make decisions or orders based on decisions by other Canadian securities commissions.

The bill moreover aims to harmonize Québec's securities laws with those of the other provinces and the territories of Canada. It amends a number of definitions and adds new ones to standardize interpretative provisions. In addition, to prepare for the introduction of uniform national rules, legislative provisions on public offerings, continuous disclosure requirements, reporting issuers, insiders and take-over bids are streamlined and replaced by regulation-making powers.

The bill amends the Securities Act to introduce a new regulatory framework for the management of investment funds. It extends the framework set out in the Act to all the funds available on the market and grants the Authority the power to make regulations to determine investment fund governance rules and establish conflict of interest management guidelines.

Lastly, the bill amends related statutes such as the Act respecting the Autorité des marchés financiers and the Act respecting the distribution of financial products and services, and contains consequential amendments to other Acts as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec (1991, chapter 64);

- Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2);
- Act constituting Capital régional et coopératif Desjardins (R.S.Q., chapter C-6.1);
- Act respecting international financial centres (R.S.Q., chapter C-8.3);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2);
- Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (R.S.Q., chapter F-3.1.2);
- Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1);
- Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (R.S.Q., chapter I-8.01);
- Notaries Act (R.S.Q., chapter N-3);
- Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01);
- Securities Act (R.S.Q., chapter V-1.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

Bill 29

AN ACT TO AMEND THE SECURITIES ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Securities Act (R.S.Q., chapter V-1.1), amended by section 1 of chapter 37 of the statutes of 2004, is again amended

(1) by replacing “a share in a mutual fund and the units of an unincorporated mutual fund, provided that the fund” in paragraph 11 by “a security of a mutual fund, provided that the mutual fund”;

(2) by replacing “of the fund” wherever it appears in that paragraph by “of the mutual fund”.

2. Section 4 of the Act is amended by replacing “96” at the end of the first paragraph by “89.3”.

3. Section 5 of the Act, amended by section 5 of chapter 38 of the statutes of 2001 and by section 3 of chapter 37 of the statutes of 2004, is again amended

(1) by inserting the following definition in alphabetical order:

““director” means a director of a legal person, or a natural person acting in a similar capacity for another person;”;

(2) by replacing the definition of “senior executive” by the following definition:

““officer” means the chair or vice-chair of the board of directors, the chief executive officer, the chief operating officer, the chief financial officer, the president, the vice-president, the secretary, the assistant secretary, the treasurer, the assistant treasurer or the general manager of an issuer or of a registrant, or any natural person designated as such by the issuer or the registrant or acting in a similar capacity;”;

(3) by striking out the definition of “unincorporated mutual fund”;

(4) by inserting the following definitions in alphabetical order:

““investment fund” means a mutual fund or a non-redeemable investment fund;

““material fact” means a fact that may reasonably be expected to have a significant effect on the market price or value of securities issued or securities proposed to be issued;

““non-redeemable investment fund” means

(1) an issuer whose primary purpose is to invest money provided by its security holders, that does not invest for the purpose of exercising or seeking to exercise control of an issuer or of being actively involved in the management of any issuer in which it invests and that is not a mutual fund; or

(2) a non-redeemable investment fund designated under section 272.2 or determined by regulation;”;

(5) by inserting the following definitions in alphabetical order:

““forward-looking information” means disclosure regarding possible events, situations or operating results that is based on assumptions about future economic conditions and courses of action, and includes financial information about prospective operating results, financial position or cash flows that is presented either as a forecast or a projection;

““insider” means an insider within the meaning of section 89;”;

(6) by inserting the following definitions in alphabetical order:

““mutual fund” means

(1) an issuer whose primary purpose is to invest money provided by its security holders and whose securities entitle the holder to receive on demand or within a specified period after demand an amount computed by reference to the value of a proportionate interest in the whole or in part of the net assets, including a separate fund or trust account, of the issuer; or

(2) a mutual fund designated under section 272.2 or determined by regulation;

““offering memorandum” means a document purporting to describe the business and internal affairs of an issuer that has been prepared primarily for delivery to a prospective subscriber or purchaser so as to assist the prospective subscriber or purchaser to make an investment decision about securities being sold in a distribution in connection with which a prospectus would have been filed but for an exemption under this Act or the regulations, but does not include a document setting out current information about an issuer for the benefit of a prospective subscriber or purchaser familiar with the issuer through prior investment or business dealings;”;

(7) by replacing “provided for in section 43 or in a” in paragraph 3 of the definition of “distribution” by “under section 43 or prescribed by”, by replacing “person or group of persons having control of an issuer or” in paragraph 9 of

that definition by “control person of an issuer or a person” and by replacing “person or group” in that paragraph by “that control person or that person”;

(8) by striking out the definition of “mutual fund”;

(9) by replacing “a mutual fund” in the definition of “closed company” by “an investment fund”.

4. The Act is amended by inserting the following sections after section 5:

“5.1. For the purposes of this Act and the regulations, “person” includes, in addition to a natural person and a legal person, a partnership, a trust, a fund, an association, a syndicate, a body and any other group of persons that is not constituted as a legal person as well as any person acting as a trustee, liquidator, executor or legal representative.

“5.2. “Control person” means a person that, alone or with other persons acting in concert by virtue of an agreement, holds a sufficient number of the voting rights attached to all outstanding voting securities of an issuer to affect materially the control of the issuer. If the person, alone or with other persons acting in concert by virtue of an agreement, holds more than 20% of those voting rights, the person is presumed to hold a sufficient number of the voting rights to affect materially the control of the issuer.

“5.3. When used in relation to an issuer other than an investment fund, “material change” means a change in the business, operations or capital of the issuer that would reasonably be expected to have a significant effect on the market price or value of any of the securities of the issuer, or a decision to implement such a change made by the directors or by senior management of the issuer who believe that confirmation of the decision by the directors is probable.

When used in relation to an investment fund, “material change” means a change in the business, operations or affairs of the investment fund that would be considered important by a reasonable investor in determining whether to subscribe for, purchase or continue to hold securities of the investment fund, or a decision to implement such a change made by the directors of the investment fund or its investment fund manager, by senior management of the investment fund who believe that confirmation of the decision by the directors is probable, or by senior management of the investment fund manager who believe that confirmation of the decision by the directors of the investment fund manager is probable.

“5.4. If a document, a part of a document or a provision of Québec securities laws or of extra-provincial securities laws is described as being incorporated by reference in another document or in another provision of Québec securities laws or of extra-provincial securities laws, it is deemed to be an integral part of that document or those laws.

“5.5. In this Act, the words and expressions defined in sections 5.1 to 5.4 have the meaning assigned to them by those sections unless the context indicates otherwise.”

5. Section 6 of the Act is amended

(1) by replacing “this Act applies” in the third line of the first paragraph by “this Act and the regulations apply”;

(2) by replacing “patrimonium” wherever it appears in the first paragraph by “patrimony”.

6. Section 7 of the Act is amended

(1) by striking out the first paragraph;

(2) by striking out “or 104” in the second paragraph.

7. Section 7.1 of the Act is repealed.

8. Section 10.6 of the Act is amended by replacing “with or transmitted to the Authority” by “or transmitted”.

9. The Act is amended by inserting the following section after section 10.6:

“10.7. The Authority may, by regulation, determine conditions for transmitting and receiving documents referred to in this Act or a regulation made under this Act.”

10. Section 11 of the Act is amended by replacing “and obtain a receipt therefor from” in the second line of the first paragraph by “that shall be subject to a receipt issued by”.

11. Section 12 of the Act is amended by striking out the second paragraph.

12. Section 13 of the Act is amended by replacing the second paragraph by the following paragraph:

“It must provide full, true and plain disclosure of all material facts relating to the securities issued or proposed to be distributed.”

13. Section 14 of the Act is amended by adding “or unless it is not in the public interest to do so” at the end of the first paragraph.

14. Section 15 of the Act is amended by replacing paragraphs 1 to 6 by the following paragraphs:

“(1) the prospectus or any document filed with it fails to comply with this Act or the regulations, contains any statement, promise, estimate or forward-

looking information that is misleading, including through plain and simple omission, or contains a misrepresentation;

“(2) an unconscionable consideration has been paid or is intended to be paid for promotional purposes or for a service or the acquisition of property;

“(3) the proceeds from the distribution of the securities that are to be paid into the treasury of the issuer, together with other resources of the issuer, are insufficient to accomplish the purpose of the distribution stated in the prospectus;

“(4) the issuer cannot be expected to have the financial resources necessary to operate the business given the financial situation of the issuer, an officer, director or promoter of the issuer, the investment fund manager of the issuer, an officer or director of the investment fund manager of the issuer or a control person of the issuer or of the investment fund manager of the issuer;

“(5) the past conduct of the issuer, an officer, director or promoter of the issuer, the investment fund manager of the issuer, an officer or director of the investment fund manager of the issuer or a control person of the issuer or of the investment fund manager of the issuer is such that the business of the issuer may not be conducted with the integrity necessary to safeguard the interests of its security holders;

“(6) a person that has prepared or certified any part of the prospectus or is named as having prepared or certified a valuation or report in connection with the prospectus does not have the required competence or integrity; or

“(7) adequate arrangements have not been made for the holding in trust of the proceeds of the distribution pending the distribution of the securities.”

15. Section 18.1 of the Act is amended by replacing “incorporated with it” wherever it appears by “incorporated by reference”.

16. Section 19 of the Act is amended by striking out the second paragraph.

17. Sections 23 and 24 of the Act are repealed.

18. Section 25 of the Act is replaced by the following section:

“25. An amendment to a prospectus or preliminary prospectus is to be made in accordance with the conditions determined by regulation.

The distribution of additional securities through an amendment to a prospectus filed for that purpose is to be conducted in accordance with the conditions determined by regulation.”

19. Sections 26 to 28 of the Act are repealed.

20. The heading of Division V of Chapter I of Title II of the Act is amended by replacing “AND RIGHT OF RESCISSION” by “, RIGHT OF RESCISSION AND DISTRIBUTION PROCESS”.

21. Section 29 of the Act is amended

(1) by inserting “or any other person specified by regulation” after “A dealer” in the first paragraph and by replacing “not later than the second working day after the subscription or purchase” at the end of that paragraph by “in accordance with the conditions determined by regulation”;

(2) by striking out the second paragraph.

22. Sections 30 to 32 of the Act and the headings “DIVISION VI” and “DISTRIBUTION PROCEDURE” are replaced by the following sections:

“**30.** The subscription or purchase of securities during a distribution may be rescinded in accordance with the conditions determined by regulation.

“**31.** Conditions relating to the duration or extension of a distribution and the right to rescind the subscription or purchase of securities are determined by regulation.”

23. Sections 33 to 36 of the Act are repealed.

24. Section 38 of the Act is amended by replacing “required by section 25 or 26” in subparagraph 2 of the first paragraph by “to the prospectus or preliminary prospectus”.

25. Section 40.1 of the Act, amended by section 12 of chapter 38 of the statutes of 2001 and by section 4 of chapter 37 of the statutes of 2004, is again amended by replacing “offering notice or offering memorandum contemplated in this Act or the regulations, risk acknowledgment form prescribed by regulation and permanent information record contemplated in Title III, as well as every take-over bid circular, take-over bid, circular of a board of directors and notice of a senior executive contemplated in Title IV,” by “offering memorandum prescribed by regulation, risk acknowledgment form prescribed by regulation, take-over bid circular, take-over bid, directors’ circular and individual officer’s or director’s circular regarding a take-over bid or issuer bid as well as any document required by regulation to be incorporated by reference”.

26. Division I of Chapter II of Title II of the Act, comprising sections 41 and 42, is repealed.

27. Section 43 of the Act, replaced by section 7 of chapter 37 of the statutes of 2004, is amended by striking out the second paragraph.

28. Section 68 of the Act, amended by section 9 of chapter 37 of the statutes of 2004, is again amended

- (1) by replacing “specified in” in the first paragraph by “of”;
- (2) by replacing “therefor obtained from” in the second line of subparagraph 1 of the second paragraph by “issued by”;
- (3) by striking out “by way of an exchange of securities” in subparagraph 2 of the second paragraph;
- (4) by inserting “section 272.2 or” after “in accordance with” in subparagraph 8 of the second paragraph;
- (5) by replacing “and obtains a receipt therefor from” in the third paragraph by “subject to a receipt issued by” and by replacing “all the material facts likely to affect the value or the market price of” in that paragraph by “all material facts about”.

29. Section 69 of the Act is amended

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

“**69.** On application by a reporting issuer, the Authority may revoke the issuer’s status as a reporting issuer or, on the conditions it determines, release the issuer from all or part of the continuous disclosure requirements of Chapter II of this Title.”;
- (2) by striking out the second paragraph.

30. Section 69.1 of the Act is amended

- (1) by replacing “obtained from” in the first paragraph by “issued by”;
- (2) by striking out “by way of exchange of securities” in the second paragraph and by replacing “anticipated exchange of securities” in that paragraph by “anticipated take-over”;
- (3) by replacing “specified in” in the third paragraph by “of”.

31. Section 71 of the Act is replaced by the following section:

“**71.** The Authority may publish a list of reporting issuers that have been determined to be in default of a requirement of this Act or a regulation made under this Act.”

32. Section 72 of the Act is repealed.

33. Divisions I to III of Chapter II of Title III of the Act, comprising sections 73 to 83.1, are replaced by the following sections:

“73. A reporting issuer shall provide periodic disclosure about its business and internal affairs, timely disclosure of a material change and any other disclosure prescribed by regulation in accordance with the conditions determined by regulation.

“74. An issuer that is not a reporting issuer shall provide any disclosure prescribed by regulation in accordance with the conditions determined by regulation.”

34. The heading of Chapter III of Title III of the Act is struck out.

35. Sections 84, 85 and 87 of the Act are repealed.

36. Section 89 of the Act is replaced by the following sections:

“89. “Insider” means

(1) every director or officer of an issuer;

(2) every director or officer of a subsidiary of an issuer;

(3) a person that exercises control over more than 10% of the voting rights attached to all outstanding voting securities of an issuer other than securities underwritten in the course of a distribution;

(4) an issuer that holds any of its securities; or

(5) a person prescribed by regulation or designated as an insider under section 272.2.

“Insider” also means a director or officer of an insider of an issuer.

“89.1. “Economic interest” means a right to receive or the opportunity to participate in a reward, benefit or return from a security, or exposure to a risk of a financial loss in respect of a security.

“89.2. “Related financial instrument” means

(1) any instrument, agreement or security whose value, market price or payment obligations are based on the value, market price or payment obligations of a security; and

(2) any other instrument, agreement or understanding that affects, directly or indirectly, a person’s economic interest in a security.

“89.3. An insider of a reporting issuer other than a mutual fund shall, in accordance with the conditions determined by regulation, file a report disclosing, in particular, any control exercised by the insider over the reporting issuer’s securities, any interest in, or right or obligation associated with, a related financial instrument of the issuer’s securities and make other disclosure prescribed by regulation.”

37. Section 92 of the Act is amended by replacing “derivative” in the first line of the first paragraph by “related”.

38. Sections 94 to 100, 102 and 103 of the Act are repealed.

39. Chapter V of Title III of the Act, comprising sections 103.1 to 109, is repealed.

40. The Act is amended by inserting the following Title after Title III:

“TITLE III.1

“INVESTMENT FUNDS

“109.1. “Investment fund manager” means a person that directs the business, operations and affairs of an investment fund.

“109.2. An investment fund manager shall provide any disclosure required of the investment fund under this Act or the regulations.

“109.3. An investment fund manager shall, in the exercise of its functions, comply with the obligations set out in its constituting document, its by-laws and the law, and act within the limits of the powers conferred on it.

“109.4. An investment fund manager shall, in the best interests of the fund and its beneficiaries or in the interest of the fulfilment of its purpose, exercise prudence, diligence and skill, and discharge its functions with honesty and loyalty and in good faith.

“109.5. An investment fund shall comply with the operating rules prescribed by regulation for the management, stewardship, safekeeping and composition of the assets of investment funds, including governance rules and conflict of interest management rules.

“109.6. Despite the Act respecting trust companies and savings companies (chapter S-29.01), the Authority may authorize a legal person other than a trust company governed by that Act to act as trustee of an investment fund in accordance with the Civil Code.”

41. Title IV of the Act, comprising sections 110 to 147.23, is replaced by the following Title:

“TITLE IV

“TAKE-OVER BIDS AND ISSUER BIDS

“110. “Take-over bid” means a direct or indirect offer to acquire securities that is made by a person other than the issuer of the securities and that falls in a class of offers to acquire determined by regulation.

“111. “Issuer bid” means a direct or indirect offer to acquire or redeem securities or a direct or indirect transaction to that end that is made by the issuer of the securities and that falls in a class of offers to acquire or redeem determined by regulation.

“112. A person making a take-over bid or issuer bid, alone or with other persons acting in concert, shall conduct the bid in accordance with the conditions determined by regulation.

“113. When a take-over bid has been made, the directors of the offeree issuer shall determine whether to recommend acceptance or rejection of the bid or determine not to make a recommendation, and shall make the recommendation or issue a statement that they are not making a recommendation, in accordance with the conditions determined by regulation.

“114. An individual director or officer of the offeree issuer may recommend acceptance or rejection of the bid in accordance with the conditions determined by regulation.

“115. A person that, by directly or indirectly acquiring ownership of, or control over, the securities of a class or type prescribed by regulation of a reporting issuer, comes to hold, with another person acting in concert, the percentage prescribed by regulation of outstanding securities of that class or type shall, with that other person, make and file disclosure in accordance with the conditions determined by regulation and comply with any prohibitions determined by regulation on transactions in securities of the reporting issuer.”

42. Section 151 of the Act is amended

- (1) by inserting “and directors” after “senior executives” in paragraph 1;
- (2) by adding the following paragraph after paragraph 2:

“The Authority may impose any restriction or condition it determines on the registration of a candidate, including limiting its duration.”

43. Section 151.1.1 of the Act is amended by replacing “a mutual fund, a person acting as depositary, trustee or manager of such a fund” in the first paragraph by “an investment fund, a person acting as depositary, trustee or manager of such a fund”.

44. Section 153 of the Act is amended by inserting the following paragraph after the first paragraph:

“The Authority may, on the conditions it determines, suspend the registration or impose conditions or restrictions on the registration during examination of the application for surrender.”

45. Chapter II of Title V of the Act, comprising sections 154 and 155, is repealed.

46. Section 163.1 of the Act is amended

(1) by replacing “senior executives or senior executive of one of his associates or affiliates is promoter of the issuer or the venture, manager of the venture or general partner” in subparagraph 2 of the first paragraph by “officers or directors or an officer or director of one of his associates or affiliates is the promoter of the issuer or the venture, the manager of the venture or the general partner;”;

(2) by replacing “one of his officers or an officer of one of his associates or affiliates is an officer” in subparagraph 3 of the first paragraph by “one of his officers or directors or an officer or director of one of his associates or affiliates is an officer or director”.

47. Section 166 of the Act is amended by inserting “or directors” after “senior executives”.

48. Chapter V of Title V of the Act, comprising sections 168.2 to 168.4, enacted by section 64 of chapter 38 of the statutes of 2001, is repealed.

49. The heading of Title VI of the Act is amended by replacing “TRADING OR CLEARING” by “EXCHANGE OR CLEARING ACTIVITIES”.

50. Section 169 of the Act is amended by replacing “No legal person, partnership or other entity” in the first line by “No person” and by replacing “trading” in the second line by “exchange”.

51. Section 170 of the Act is amended

(1) by replacing “legal person, partnership or other entity” in the second paragraph by “person”;

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

“Despite section 60 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), a person authorized to carry on securities exchange or clearing activities may include provisions governing the business or professional conduct of its members or participants and their representatives in its constituting documents, by-laws or operating rules.”

52. Section 171 of the Act is amended by replacing “The Authority may grant a legal person, a partnership or any other entity the authorization to operate an electronic securities trading system” by “The Authority may grant a person the authorization to operate an electronic securities trading system, a securities information processor or a matching service utility” and by replacing “under a special framework established by the Authority in its regard or register the legal person, partnership or other entity” in the same paragraph by “on the conditions it determines or register that person”.

53. Section 171.1 of the Act is amended by replacing “legal persons, partnerships and other entities” in the first and second paragraphs by “persons”.

54. The Act is amended by inserting the following section after section 171.1:

171.1.1. The Authority may, by regulation, establish the rules applicable to exchanges, securities clearing houses, electronic securities trading systems, securities information processors or matching service utilities to which this division applies and, more particularly, rules concerning review and approval of their operating rules by the Authority.”

55. Section 172 of the Act is amended

(1) by replacing “a legal person, a partnership or any other entity” in the second line by “a person”;

(2) by replacing “the legal person, partnership or entity” in the fourth and fifth lines by “the person”;

(3) by replacing “trading” in the third line by “exchange”.

56. Section 187 of the Act is amended by inserting “or change an economic interest in a related financial instrument,” after “may trade in such securities” in the portion before paragraph 1.

57. Section 189 of the Act is amended

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

“(1) the officers and directors referred to in Chapter IV of Title III;”;

(2) by replacing paragraph 3 by the following paragraph:

“(3) an investment fund manager or a person responsible for providing financial advice to an investment fund or for investing its shares or units and every person who is an insider of the investment fund manager or of that person;”.

58. Section 189.1 of the Act is amended by inserting “or from changing an economic interest in a related financial instrument” after “reporting issuer”.

59. Section 190 of the Act is amended by replacing “a mutual fund or an unincorporated mutual fund” by “an investment fund”.

60. Section 191 of the Act is amended by inserting “or director” after “senior executive” in paragraph 3.

61. Section 196 of the Act is amended

(1) by replacing the portion before paragraph 1 and paragraphs 1 and 2 by the following:

“**196.** Every person who makes a misrepresentation in any of the following is guilty of an offence:

(1) a prospectus of any type or an offering memorandum provided for in this Act or the regulations;

(2) the information incorporated by reference in a simplified prospectus;

(2.1) a document prepared under a special disclosure scheme referred to in section 64;”;

(2) by striking out paragraph 3;

(3) by replacing paragraphs 5 to 7 by the following paragraph:

“(5) the disclosure provided by an issuer under section 73 or 74;”;

(4) by replacing paragraph 8 by the following paragraph:

“(8) a take-over bid circular or issuer bid circular.”

62. Section 197 of the Act is amended

(1) by striking out “, a take-over bid by way of an exchange of securities” in paragraph 3;

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

“For the purposes of this section, a misrepresentation is any misleading information on a fact that is likely to affect the decision of a reasonable investor as well as any pure and simple omission of such a fact.”

63. Section 201 of the Act is amended by inserting “or director” after “senior executive” in paragraph 1.

64. Section 205 of the Act is amended by inserting “, director” after “senior executive” in the first line.

65. Section 211 of the Act is amended by replacing “, 25, 26, 73, 74, 94 to 103” by “and 25, section 73 for failing to provide the required timely disclosure of a material change, and sections 89.3”.

66. Section 214 of the Act is amended

(1) by replacing “its senior executives” in the second paragraph by “their officers or directors”;

(2) by inserting “or the person prescribed who is” after “the dealer” in the third paragraph.

67. Section 215 of the Act is amended

(1) by replacing “the circular required under Title IV” in the first paragraph by “a take-over bid or issuer bid circular”;

(2) by replacing “and the senior executives of the offeror” in the first paragraph by “, its officers and its directors”;

(3) by inserting “take-over bid or issuer bid” before “circular” in the second paragraph;

(4) by replacing “and from the senior executives of the offeror” in the second paragraph by “, its officers and its directors”.

68. Section 216 of the Act is amended by inserting “take-over bid or issuer bid” before “circular” in the third line.

69. Section 218 of the Act is amended by inserting “or directors” after “senior executives” in the second line.

70. Section 221 of the Act is amended

(1) by replacing “presented in the permanent information record and incorporated” in paragraph 1 by “incorporated by reference”;

(2) by striking out “or the offering notice provided for in Title II or” in paragraph 2;

(3) by inserting the following paragraph after paragraph 2:

“(2.1) the offering memorandum provided voluntarily under an exemption granted by regulation;”.

71. Section 222 of the Act is amended by inserting “d’achat ou de rachat” after “publique” in the first paragraph in the French text and by striking out “, whether the circular is prepared in application of this Act or in accordance with the exemption in virtue of section 119” in the first paragraph.

72. Section 223 of the Act is amended

(1) by replacing “the offeror and its senior executives” by “the offeror, its officers and its directors;”;

(2) by inserting “take-over bid or issuer bid” before “circular”.

73. Section 225 of the Act is amended by replacing “prescribed in sections 134 to 139 prepared by the board of directors or any of the senior executives of the offeree issuer gives rise to a right of action in damages, in favour of all the holders of securities of the offeree issuer” in the first paragraph by “prepared for a take-over bid by the board of directors, a director or an officer of the offeree issuer gives rise to a right of action in damages, in favour of all the holders of securities of the offeree issuer”.

74. Section 225.1 of the Act is repealed.

75. Section 228 of the Act is amended by replacing “the mutual fund” in paragraph 2 by “the investment fund”.

76. Section 229 of the Act is amended by replacing “, the mutual fund or the unincorporated mutual fund” wherever it appears by “or the investment fund”.

77. Section 231 of the Act is amended

(1) by inserting “and the directors” after “senior executives” in the second line;

(2) by replacing “, of the mutual fund or of the unincorporated mutual fund” by “or the investment fund”.

78. Section 233.1 of the Act is amended

(1) by replacing “The offeree company” in the first paragraph by “The offeree issuer”;

(2) by replacing “their senior executives” in the first paragraph by “their officers, their directors”;

(3) by inserting “d’achat ou de rachat” after “publiques” at the end of that paragraph in the French text and by adding the following sentence at the end

of that paragraph: “A copy of the motion requesting the order is sent to the Authority.”;

(4) by replacing “or prohibit” in the second line of the second paragraph by “, prohibit” and by adding “, or order that compensation be paid to an interested person for any damage resulting from a contravention of the Act or the regulations regarding a take-over bid or issuer bid” at the end.

79. The Act is amended by inserting the following section after section 233.1:

“233.2. On application by an interested person, the Bureau de décision et de révision en valeurs mobilières may, if it considers that a person has not complied or is not complying with this Act or the regulations in the context of a take-over bid or an issuer bid, make an order

(1) restraining the distribution of any document used or issued;

(2) requiring an amendment to any document used or issued and requiring the distribution of any amended or corrected document;

(3) directing a person to comply with this Act or the regulations, restraining a person from contravening this Act or the regulations or directing the directors and officers of the person to cause the person to comply with or to cease contravening this Act or the regulations.”

80. Section 236.1 of the Act is amended by inserting “d’achat ou de rachat” after “publique” in the first paragraph in the French text.

81. Section 237 of the Act is amended

(1) by striking out subparagraph 4 of the first paragraph;

(2) by replacing subparagraph 6 of that paragraph by the following subparagraph:

“(6) a person referred to in section 151.1.1.”;

(3) by inserting “, of their directors” after “senior executives” in the third paragraph.

82. Section 238 of the Act is amended by inserting “, director” after “senior executive”.

83. Section 257 of the Act is amended

(1) by inserting “or directors” after “senior executives” in subparagraph 2 of the first paragraph;

(2) by inserting “or directors” after “senior executives” in subparagraph 3 of that paragraph.

84. Section 265 of the Act is amended by replacing “Where a requirement to file the financial statements under Division II of Chapter II of Title III of the Act is not complied with” in the third paragraph by “In the case of failure by a reporting issuer to provide periodic disclosure about its business and internal affairs in accordance with the conditions determined by regulation or failure by an issuer or another person to provide any other disclosure prescribed by regulation in accordance with the conditions determined by regulation”.

85. Section 272.1 of the Act is amended

(1) by inserting “and the regulations” after “this Act” in the first paragraph;

(2) by inserting “or the regulations” after “this Act” in the second paragraph.

86. The Act is amended by inserting the following section after section 272.1:

“272.2. Of its own initiative or on application by an interested person, the Authority may designate a person to be a non-redeemable investment fund, a mutual fund, an insider or a reporting issuer for the purposes of this Act or decide that a person does not have such a status, if it considers it to be in the public interest to do so.”

87. Section 273.1 of the Act is amended by replacing “under section 43 or a” in the first paragraph by “under section 43 or prescribed by” and by inserting “, a director” and “, director” after “senior executive” in the second and fifth lines, respectively, of the second paragraph.

88. Section 274.1 of the Act is amended by replacing “except the first paragraph of section 73” by “except section 73 as regards timely disclosure of a material change by a reporting issuer”.

89. Section 283 of the Act, amended by section 25 of chapter 37 of the statutes of 2004, is again amended by replacing “, a person or body exercising a delegated power or a power referred to in sections 308.1 and 308.2” by “or a person exercising a delegated power or a power under Chapter II of Title X”.

90. The Act is amended by inserting the following section after section 283:

“283.1. The Authority may delegate its powers to review its decisions, order an investigation under section 239, institute court proceedings under this Act in the name of the Authority or make a decision under Title VI only to a superintendent or to another officer reporting directly to the president and director general of the Authority.

The first paragraph does not prevent the Authority from delegating its powers in accordance with Chapter II of this Title.”

91. Section 284 of the Act, replaced by section 26 of chapter 37 of the statutes of 2004, is amended by replacing “or body exercising a delegated power or a power referred to in sections 308.1 and 308.2” by “exercising a delegated power or a power under Chapter II of Title X”.

92. Section 294.1 of the Act is amended by inserting “or a regulation made under this Act” after “Act” at the end of the first paragraph.

93. Section 295.1 of the Act is amended by striking out “or with an organization” in the second line.

94. Section 297.1 of the Act is amended by replacing “that relates to a person required to be registered under Title V, a senior executive,” in the second paragraph by “about an issuer, a person to which section 151.1.1 applies, an issuer’s auditor, a person required to be registered under Title V, an officer, a director” and by striking out “or organization” in the sixth and seventh lines of that paragraph.

95. Section 297.3 of the Act is amended by striking out “or body” in the third line.

96. The heading of Chapter II of Title X of the Act, replaced by section 29 of chapter 37 of the statutes of 2004, is again replaced by the following heading:

“INTERJURISDICTIONAL COOPERATION”.

97. The Act is amended by inserting the following before section 306:

“305.1. For the purposes of this chapter, section 5.4 and paragraphs 33.1 to 33.9 of section 331.1, unless the context indicates otherwise,

“extra-provincial authority” means any power or function of an extra-provincial securities commission under the extra-provincial securities laws under which that commission operates;

“extra-provincial securities commission” means a person empowered by the laws of another province or a territory of Canada to regulate the securities markets in or administer and enforce the securities laws of that province or territory;

“extra-provincial securities laws” means the laws administered by an extra-provincial securities commission that deal with regulating securities markets and are equivalent to Québec securities laws;

“Québec authority” means any power or function of the Authority or the Bureau de décision et de révision en valeurs mobilières under Québec securities laws;

“Québec securities laws” means

- (1) this Act;
- (2) any other Québec laws governing securities markets, including the Act respecting the Autorité des marchés financiers (chapter A-33.2) and the Act respecting the distribution of financial products and services (chapter D-9.2);
- (3) regulations made under this Act or any other Québec laws governing securities markets;
- (4) the decisions and orders of the Authority or the Bureau de décision et de révision en valeurs mobilières; and
- (5) the extra-provincial securities laws provisions referred to in sections 308 and 308.0.1.

Unless otherwise provided, a reference to an extra-provincial securities commission includes any person to which that securities commission delegates an authority and any other person that, in respect of that securities commission, exercises powers or performs functions substantially similar to a Québec authority.

“DIVISION I

“DELEGATION OF AUTHORITY”.

98. Section 306 of the Act, amended by section 30 of chapter 37 of the statutes of 2004, is again amended

(1) by inserting “or, with the Government’s authorization, the Authority” after “The Government” in the first line and by inserting “or an extra-provincial securities commission” after “another government” in the second line;

(2) by replacing “powers conferred on the Authority or the Bureau de décision et de révision en valeurs mobilières by this Act, the provisions of the Act respecting the distribution of financial products and services relating to securities firms and representatives or the provisions of the Act respecting the Autorité des marchés financiers relating to the board or conferred on a similar body by an Act of another legislative authority” by “a Québec authority and for the exercise of an extra-provincial authority in accordance with this chapter”.

99. Sections 307 and 308 of the Act are replaced by the following sections:

“307. The Authority may, by regulation, delegate a Québec authority to an extra-provincial securities commission and accept to exercise an extra-provincial authority.

“307.1. The Authority may also, by order or decision, to the extent and on the conditions determined by regulation, delegate a Québec authority to an extra-provincial securities commission and accept to exercise an extra-provincial authority.

“307.2. The following powers and functions may not, however, be delegated under section 306, 307 or 307.1:

(1) the powers and functions of the Authority under Title X of this Act, except those provided for in sections 310, 320.2, 321, 322, 323.12, 331 and 331.1;

(2) the powers and functions of the Authority under the Act respecting the Autorité des marchés financiers (chapter A-33.2), except those provided for in the third paragraph of section 24 and Title III; however, the power to make regulations under the third paragraph of section 61 in that Title may not be delegated; and

(3) the powers and functions of the Authority under the Act respecting the distribution of financial products and services (chapter D-9.2), except those provided for in section 12, Chapter I of Title II and sections 186.1, 187, 188, 205, 218 to 220, 228.1 and 228.2.

“307.3. The Authority may delegate or subdelegate to a member of its personnel or to a self-regulatory organization an extra-provincial authority that has been delegated to the Authority by an extra-provincial securities commission under section 306, 307 or 307.1, in the manner and to the extent that the Authority may delegate or subdelegate the equivalent Québec authority under Québec securities laws, subject to any restrictions or conditions imposed by the extra-provincial securities commission.

An extra-provincial securities commission to which a Québec authority has been delegated under section 306, 307 or 307.1 may delegate or subdelegate that Québec authority to a member of its personnel or to a self-regulatory organization, in the manner and to the extent that it may delegate or subdelegate the equivalent extra-provincial authority under the extra-provincial securities laws under which it operates, subject to any restrictions or conditions imposed by the Authority.

“307.4. The Authority or the Bureau de décision et de révision en valeurs mobilières may call before it any matter that is before an extra-provincial securities commission exercising or intending to exercise a Québec authority delegated to it under section 306, 307 or 307.1, and may exercise that Québec authority in that commission’s stead.

“307.5. A decision made under Québec securities laws by an extra-provincial securities commission in accordance with section 306, 307, 307.1 or 307.3 of this Act is subject to section 322 of this Act and to section 85 of the Act respecting the Autorité des marchés financiers (chapter A-33.2), with the necessary modifications, as if the decision were made by the Authority or a recognized self-regulatory organization.

“307.6. Chapter VI of this Title applies to a decision made by an extra-provincial securities commission in the exercise of a Québec authority delegated under section 306, 307 or 307.1 as if the decision were made by the Bureau de décision et de révision en valeurs mobilières.

The extra-provincial securities commission that made the decision under appeal is a respondent to an appeal under this section.

“307.7. A decision made by a court in the jurisdiction of an extra-provincial securities commission on an appeal from a decision made by that securities commission in the exercise of a Québec authority delegated under section 306, 307 or 307.1 may, if authenticated by that court, be recognized by the Superior Court on the application of an interested person. The decision becomes enforceable on being so recognized.

“307.8. Chapter VI of this Title applies to a decision made by the Bureau de décision et de révision en valeurs mobilières in the exercise of an extra-provincial authority under section 306, 307 or 307.1 as if the decision were made under this Act.

This section does not apply to a decision refusing to exempt a person or group of persons from a requirement of extra-provincial securities laws.

The right to appeal a decision under this section applies whether or not a right to appeal the same decision exists in another province or a territory of Canada.

“DIVISION II

“MUTUAL RECOGNITION AND INCORPORATION BY REFERENCE

“308. The Authority may, by regulation, incorporate by reference any or all provisions of extra-provincial securities laws.

“308.0.1. Subject to conditions determined by regulation, the Authority may, by order or decision, incorporate by reference any or all provisions of extra-provincial securities laws to be applied to a person or class of persons whose primary jurisdiction is the extra-provincial jurisdiction in which the provisions were first adopted, or to securities, related financial instruments or transactions involving that person or class of persons.

“308.0.2. The Authority may, by an order, decision or regulation under section 308 or 308.0.1, incorporate by reference a provision as amended from time to time, whether amended before or after the adoption of the order, decision or regulation, and with the necessary modifications.

“308.0.3. Subject to conditions determined by regulation, the Authority, the Bureau de décision et de révision en valeurs mobilières or a recognized self-regulatory organization may make a decision or order under a Québec authority regarding a person, class of persons, security, related financial instrument or transaction on the basis of a decision considered to be the same or substantially similar made by an extra-provincial securities commission on the same matter regarding that person, class of persons, security, related financial instrument or transaction.

Despite any other provision of this Act, the Authority, the Bureau de décision et de révision en valeurs mobilières or a recognized self-regulatory organization may make a decision referred to in the first paragraph without again giving the interested person an opportunity to be heard, except in the cases determined by regulation.”

100. Section 308.1 of the Act, enacted by section 32 of chapter 37 of the statutes of 2004, is amended

(1) by inserting “or, with the Government’s authorization, the Authority” after “The Government” in the first line of the first paragraph;

(2) by replacing “the government of another province or territory” in that paragraph by “another government or an extra-provincial securities commission”;

(3) by replacing “the powers of an authority of that province or that territory in the securities sectors governed by this Act, the Act respecting the distribution of financial products and services as it concerns securities firms or representatives or the Act respecting the Autorité des marchés financiers to be recognized in Québec with respect to persons or bodies subject to such powers” in that paragraph by “an extra-provincial authority to be recognized in Québec with respect to the persons or organizations subject to such authority”;

(4) by replacing “the powers of a Québec authority, in the same areas and sectors and with respect to persons or bodies subject to such powers, to be recognized in that other province or that territory” in the second paragraph by “a Québec authority to be recognized in the jurisdiction of the extra-provincial securities commission in the same areas and sectors, with respect to the persons or organizations subject to such authority”.

101. The Act is amended by inserting the following section after section 308.1:

“308.1.1. The Authority may also, by regulation, allow an extra-provincial authority to be recognized in Québec in the areas specifically listed in the regulations, with respect to the persons or organizations subject to such authority.

A regulation under the first paragraph is applicable only if the equivalent Québec authority is recognized in the jurisdiction of the extra-provincial securities commission with respect to the persons or organizations subject to such authority.”

102. Section 308.2 of the Act, enacted by section 32 of chapter 37 of the statutes of 2004, is amended by replacing the portion before paragraph 1 by the following:

“308.2. This division allows an agreement or regulation to stipulate, in the areas specifically listed in the agreement or regulation,”.

103. The Act is amended by inserting the following after section 308.2:

“308.2.1. The Authority may, by regulation or to the extent and on the conditions determined by regulation, decision or order, determine that

(1) a receipt is deemed to have been issued by the Authority in accordance with Title II or a regulation made under that Title for a prospectus or an amendment to a prospectus, including when a receipt has been issued for the same prospectus or the same amendment to a prospectus by an extra-provincial securities commission or under extra-provincial securities laws;

(2) a person or class of persons is deemed to be authorized to carry on an activity under Title V, the Act respecting the distribution of financial products and services or a regulation made under that Title or Act, including when the person or class of persons is authorized to carry on the activity by an extra-provincial securities commission or under extra-provincial securities laws;

(3) a person or class of persons is deemed to be authorized to carry on an activity under Title VI or a regulation made under that Title, including when the person or class of persons is authorized to carry on the activity by an extra-provincial securities commission or under extra-provincial securities laws;

(4) a person or class of persons is deemed to be exempted from all or part of the requirements of Québec securities laws when an exemption has been granted for the same purpose by an extra-provincial securities commission or under extra-provincial securities laws; and

(5) an activity in respect of transactions in securities or in a particular security is deemed to be prohibited under section 265, including when an extra-provincial securities commission has imposed the same prohibition under a power similar to the Authority’s power under section 265.

“DIVISION III**“GENERAL PROVISIONS**

“308.2.2. For the purposes of sections 307, 307.1, 307.3, 308, 308.0.1, 308.0.2 and 308.1.1, the Government shall, by order, exercise, with respect to any Québec authority of the Bureau de décision et de révision en valeurs mobilières, the powers and functions specified in the order, to the extent and in accordance with the conditions it determines.”

104. Section 308.3 of the Act, enacted by section 32 of chapter 37 of the statutes of 2004, is amended by replacing “in the Acts referred to in section 308.1” by “in Québec securities laws”.

105. Section 310 of the Act is amended

(1) by replacing “by a legal person, partnership or other entity” in the first paragraph by “by a person”;

(2) by replacing “person, partnership or other entity or” in the second paragraph by “persons referred to in the first paragraph or the”.

106. Section 322 of the Act is amended by replacing “legal person, partnership or other entity authorized” wherever it appears by “person authorized”.

107. Section 331 of the Act, amended by section 37 of chapter 37 of the statutes of 2004, is again amended by replacing “the regulations made pursuant to” in subparagraph 12 of the first paragraph by “this Act or the regulations under”.

108. Section 331.1 of the Act, amended by section 38 of chapter 37 of the statutes of 2004, is again amended

(1) by replacing “required under this Act to be filed with or transmitted to it” in paragraph 2 by “referred to in this Act or a regulation made under this Act”;

(2) by inserting the following paragraph after paragraph 3:

“(3.1) determine that a person is a non-redeemable investment fund or a mutual fund for the purposes of paragraph 2 of the definition of “non-redeemable investment fund” and paragraph 2 of the definition of “mutual fund” in section 5;”;

(3) by inserting the following paragraph after paragraph 4:

“(4.1) determine conditions for transmitting and receiving documents referred to in this Act or a regulation made under this Act;”;

(4) by replacing “the second paragraph of section 12 and section 40.1 apply” in paragraph 5 by “section 40.1 applies”;

(5) by inserting the following paragraphs after paragraph 6:

“(6.1) determine conditions for amending a prospectus or a preliminary prospectus and for distributing additional securities through an amendment to a prospectus;

“(6.2) determine conditions relating to the right to rescind and the duration or extension of a distribution for the purposes of sections 30 and 31;”;

(6) by inserting the following paragraph after paragraph 9:

“(9.1) determine the rules applicable to exchanges, securities clearing houses, electronic securities trading systems, securities information processors and matching service utilities, including rules concerning review and approval of their operating rules by the Authority;”;

(7) by replacing “of mutual funds and unincorporated mutual funds” in paragraph 16 by “of investment funds, in particular, governance rules and conflict of interest management rules, including rules applicable to a committee formed for those purposes;”;

(8) by replacing “a mutual fund or unincorporated mutual fund” in paragraph 17 by “an investment fund”;

(9) by inserting the following paragraph after paragraph 18.2:

“(18.3) determine that a person is an insider for the purposes of subparagraph 5 of the first paragraph of section 89;”;

(10) by replacing paragraph 20 by the following paragraph:

“(20) determine continuous disclosure requirements for the purposes of sections 73 and 74;”;

(11) by replacing paragraph 20.1 by the following paragraph:

“(20.1) determine the rules applicable to insiders for the purposes of Chapter IV of Title III;”;

(12) by replacing paragraph 21 by the following paragraph:

“(21) determine the rules applicable to take-over bids for the purposes of Title IV;”;

(13) by replacing paragraph 22 by the following paragraph:

“(22) determine disclosure requirements and impose prohibitions on securities transactions for the purposes of section 115;”;

(14) by striking out paragraph 23;

(15) by inserting “, persons authorized under section 169” after “registrants” in paragraph 28;

(16) by inserting the following paragraphs after paragraph 33:

“(33.1) determine any Québec authority that may be delegated to an extra-provincial securities commission and any extra-provincial authority that may be exercised by the Authority in accordance with section 307, and the conditions for exercising such authorities;

“(33.2) determine the extent and conditions applicable to the order or decision made by the Authority, for the purposes of section 307.1;

“(33.3) incorporate by reference into Québec securities laws any or all provisions of extra-provincial securities laws, determine the cases in and conditions on which provisions of extra-provincial securities laws may be so incorporated for the purposes of section 308, and determine the conditions applicable to the order or decision made by the Authority, for the purposes of section 308.0.1;

“(33.4) determine the conditions on which the Authority, the Bureau de décision et de révision en valeurs mobilières or a recognized self-regulatory organization may make a decision or order under a Québec authority on the basis of a decision made by an extra-provincial securities commission and the cases in which the decision may not be made without again giving the interested person an opportunity to be heard, for the purposes of section 308.0.3;

“(33.5) allow, in accordance with sections 308.1.1 to 308.2.1, an extra-provincial authority to be recognized in Québec in the areas specifically listed in the regulations, with respect to the persons or organizations subject to such authority;

“(33.6) determine the cases in and conditions on which a receipt is deemed, under paragraph 1 of section 308.2.1, to have been issued for the purposes of Québec securities laws, including when a receipt has been issued for a prospectus or an amendment to a prospectus under extra-provincial securities laws;

“(33.7) determine the cases in and conditions on which a person or class of persons is deemed, under paragraphs 2 and 3 of section 308.2.1, to be authorized to carry on an activity for the purposes of Québec securities laws, including when the person or class of persons is authorized to carry on the activity under extra-provincial securities laws;

“(33.8) determine the cases in and conditions on which an exemption from Québec securities laws is deemed, under paragraph 4 of section 308.2.1, to be granted by the Authority, including when an exemption has been granted under extra-provincial securities laws;

“(33.9) determine the circumstances in which an activity in respect of transactions in securities or in a particular security is deemed to be prohibited under paragraph 5 of section 308.2.1, including when an extra-provincial securities commission has imposed the same prohibition under a power similar to the Authority’s power under section 265;”;

(17) by replacing “the regulations made pursuant to” in paragraph 34 by “this Act or the regulations under”.

109. Section 331.2 of the Act is amended by inserting the following paragraph after the fifth paragraph:

“A draft regulation under Chapter II of Title X and paragraphs 33.1 to 33.9 of section 331.1 may be submitted for approval only if accompanied by a favourable notice from the Minister responsible for Canadian Intergovernmental Affairs. The same applies if such a draft regulation is made under the second paragraph.”

110. The Act is amended by inserting the following sections after section 335:

“**335.1.** The Authority shall, not later than 31 July, submit to the Minister an annual report on its regulation activities under this Act for the period ending at the end of its last fiscal year.

The report must describe regulatory amendments and their impact on the securities market and on investors, and contain any other information required by the Minister.

“**335.2.** The Minister shall table the report submitted under section 335.1 in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption.

“**335.3.** The competent parliamentary committee of the National Assembly may hear the Authority at least once a year to discuss the report submitted under section 335.1 and the Authority’s regulation activities.”

111. The Act is amended by replacing “senior executive” and “senior executives” wherever they appear in paragraph 1 of section 151, sections 160.2 and 160.3, enacted by section 15 of chapter 37 of the statutes of 2004, section 166, paragraph 3 of section 191, paragraph 1 of section 201, section 205, section 218, section 231, the third paragraph of section 237, section 238, subparagraphs 2 and 3 of the first paragraph of section 257, the second

paragraph of section 273.1 and the first paragraph of section 273.3 by “officer” and “officers”, respectively.

CIVIL CODE OF QUÉBEC

112. Article 1339 of the Civil Code of Québec (1991, chapter 64) is amended by replacing “shares of a mutual fund and units of an unincorporated mutual fund” in paragraph 10 by “securities of an investment fund” and by striking out “la société,” in that paragraph in the French text.

ACT RESPECTING THE AUTORITÉ DES MARCHÉS FINANCIERS

113. Section 32 of the Act respecting the Autorité des marchés financiers (R.S.Q., chapter A-33.2) is amended by adding “and to every person or organization referred to in Chapter II of Title X of the Securities Act (chapter V-1.1) when that person or organization exercises a function or power of a person referred to in this section” at the end of the second paragraph.

114. Section 61 of the Act is amended by replacing “trading” wherever it appears in the second paragraph by “exchange”.

115. Section 63 of the Act is amended by adding the following paragraph at the end:

“The same rule applies to every person or organization referred to in Chapter II of Title X of the Securities Act when that person or organization exercises a function or power of a person referred to in the first paragraph.”

116. Section 73 of the Act is amended by replacing “trading” wherever it appears in the second paragraph by “exchange”.

117. Section 93 of the Act is amended

(1) by replacing “trading” in subparagraph 2 of the first paragraph by “exchange”;

(2) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(2.1) an order under section 233.2 of that Act regarding a take-over bid or issuer bid;”;

(3) by replacing “as regards a failure to file financial statements as provided under Division II of Chapter II of Title III of that Act” in subparagraph 6 of that paragraph by “in the case of failure by a reporting issuer to provide periodic disclosure about its business and internal affairs in accordance with the conditions determined by regulation or failure by an issuer or by another person to provide any other disclosure prescribed by regulation in accordance with the conditions determined by regulation”.

118. Section 104 of the Act is amended

(1) by striking out “or a person or body exercising a power delegated in accordance with section 306 of the Securities Act (chapter V-1.1) or a power referred to in sections 308.1 and 308.2 of that Act” in the second paragraph;

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

“The same rule applies to every person or organization referred to in Chapter II of Title X of the Securities Act when that person or organization exercises a function or power of a person referred to in the second paragraph.”

**ACT CONSTITUTING CAPITAL RÉGIONAL ET
COOPÉRATIF DESJARDINS**

119. Section 24 of the Act constituting Capital régional et coopératif Desjardins (R.S.Q., chapter C-6.1) is amended

(1) by inserting “or directors” after “senior executives” in the first paragraph;

(2) by replacing “has the meaning” in the second paragraph by “and “director” have the meanings”.

120. Sections 24 and 25 of the Act are amended by replacing “senior executive” and “senior executives” wherever they appear by “officer” and “officers”, respectively.

ACT RESPECTING INTERNATIONAL FINANCIAL CENTRES

121. Section 4 of the Act respecting international financial centres (R.S.Q., chapter C-8.3), amended by section 3 of chapter 13 of the statutes of 2006, is again amended by striking out “an unincorporated mutual fund or” in the definition of “qualified investment fund” and by striking out “soit une société d’investissement à capital variable, au sens de cet article” in that definition in the French text.

CITIES AND TOWNS ACT

122. Section 99 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing “an incorporated mutual fund” in the third paragraph by “a mutual fund” and by replacing “shares” wherever it appears in that paragraph by “securities”;

(2) by replacing “fonds” wherever it appears in the third and fourth paragraphs in the French text by “organisme”;

(3) by replacing “unincorporated mutual fund” in the fourth paragraph by “mutual fund”.

MUNICIPAL CODE OF QUÉBEC

123. Article 203 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing “an incorporated mutual fund” in the second paragraph by “a mutual fund” and by replacing “shares” wherever it appears in that paragraph by “securities”;

(2) by replacing “fonds” wherever it appears in the second and third paragraphs in the French text by “organismes”;

(3) by replacing “unincorporated mutual fund” in the third paragraph by “mutual fund”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE
DE MONTRÉAL

124. Section 205 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended

(1) by replacing “shares” in the first paragraph by “securities” and by replacing “fonds commun de placement” in that paragraph in the French text by “organisme de placement collectif”;

(2) by replacing “fonds de placement” in the second paragraph in the French text by “organisme de placement collectif”.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE
DE QUÉBEC

125. Section 192 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended

(1) by replacing “shares” in the first paragraph by “securities” and by replacing “fonds commun de placement” in that paragraph in the French text by “organisme de placement collectif”;

(2) by replacing “fonds de placement” in the second paragraph in the French text by “organisme de placement collectif”.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS
AND SERVICES

126. Section 79 of the Act respecting the distribution of financial products and services (R.S.Q., chapter D-9.2) is amended by adding the following paragraph at the end:

“The Authority may impose any restriction or condition it determines on the registration for a given securities sector, including limiting its duration.”

127. Section 126 of the Act is amended by adding the following paragraph at the end:

“The Authority may suspend the firm’s registration on the conditions it determines, or impose restrictions or conditions on it during examination of the application for revocation.”

128. Section 219 of the Act is amended by adding the following paragraph at the end:

“The Authority may, for a given securities sector, impose any restriction or condition it determines on a representative’s certificate, including limiting the term prescribed by regulation.”

129. Section 223 of the Act is amended by inserting the following paragraph after paragraph 13:

“(13.1) other rules relating to the activities of a firm acting through a securities representative;”.

ACT TO ESTABLISH FONDACTION, LE FONDS DE
DÉVELOPPEMENT DE LA CONFÉDÉRATION DES SYNDICATS
NATIONAUX POUR LA COOPÉRATION ET L’EMPLOI

130. Section 26 of the Act to establish Fondation, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l’emploi (R.S.Q., chapter F-3.1.2) is amended

(1) by inserting “or directors” after “senior executives” in the first paragraph;

(2) by replacing “has the meaning” in the second paragraph by “and “director” have the meanings”.

131. Sections 26 and 27 of the Act are amended by replacing “senior executive” and “senior executives” wherever they appear by “officer” and “officers”, respectively.

ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES
TRAVAILLEURS DU QUÉBEC (F.T.Q.)

132. Section 19 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1) is amended

(1) by inserting “or directors” after “senior executives” in the first paragraph;

(2) by replacing “Senior executive has the same meaning as” in the second paragraph by ““Senior executive” and “director” have the same meanings as “officer” and “director””.

133. Sections 19 and 20 of the Act are amended by replacing “senior executive” and “senior executives” wherever they appear by “officer” and “officers”, respectively.

ACT RESPECTING THE DISCLOSURE OF THE COMPENSATION RECEIVED BY THE EXECUTIVE OFFICERS OF CERTAIN LEGAL PERSONS

134. Section 1 of the Act respecting the disclosure of the compensation received by the executive officers of certain legal persons (R.S.Q., chapter I-8.01) is amended by replacing “in accordance with” by “under”.

NOTARIES ACT

135. Section 18 of the Notaries Act (R.S.Q., chapter N-3) is amended by inserting “or the regulations” after “Securities Act (chapter V-1.1)” in paragraph *b*.

ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

136. Section 187 of the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01) is amended by replacing “a mutual investment fund” in subparagraph 2 of the first paragraph by “an investment fund”.

137. Section 188 of the Act is amended by replacing “a mutual investment fund” by “an investment fund”.

138. Section 351 of the Act is amended by replacing “a mutual investment fund” in paragraph 13 by “an investment fund”.

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

139. Section 395 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

(1) by replacing “shares” in the second paragraph by “securities” and “fonds commun de placement” in that paragraph in the French text by “organisme de placement collectif”;

(2) by replacing “fonds de placement” in the third paragraph in the French text by “organisme de placement collectif”.

TRANSITIONAL AND FINAL PROVISIONS

140. The Government may, by a regulation made before 15 December 2007, adopt any transitional provision to ensure that the measures provided for in the Securities Act (R.S.Q., chapter V-1.1) that are repealed by this Act are transferred to the regulations.

The Government may also, by a regulation made before 15 December 2007, adopt any other transitional provision or measure conducive to the carrying out of this Act.

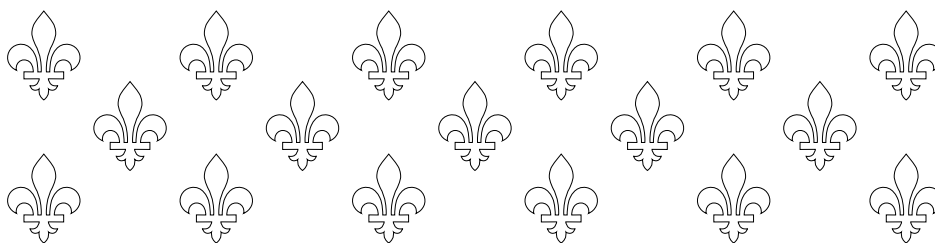
A regulation under this section is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

141. A regulation under paragraph 16 or 17 of section 331.1 of the Securities Act regarding unincorporated mutual funds or mutual funds applies, as of 14 December 2006, to investment funds.

142. Unless the context indicates otherwise, in any Act, statutory instrument or other document, “management company”, “investment fund management company” and “manager”, when pertaining to an investment fund within the meaning of this Act, mean an investment fund manager.

Unless the context indicates otherwise, the definition of “senior executive” as it read before 14 December 2006 continues to apply, despite paragraphs 1 and 2 of section 3, to any statutory instrument under the Securities Act and any document under such an instrument, until the statutory instrument is amended by a decision or regulation of the Autorité des marchés financiers.

143. This Act comes into force on 14 December 2006, except sections 2, 11, 16 to 24 and 26, paragraph 3 of section 28, paragraph 2 of section 30, sections 33 and 34, section 35 to the extent that it repeals sections 84 and 85 of the Securities Act (R.S.Q., chapter V-1.1), sections 36 to 39, 41, 56 and 58, paragraphs 2, 3 and 4 of section 61, paragraph 1 of section 62, section 65, paragraph 2 of section 66, paragraphs 1 and 3 of section 67, section 68, paragraph 3 of section 70, section 71, paragraph 2 of section 72, sections 73 and 74, paragraphs 1 and 2 of section 78, sections 80, 88 and 89 and paragraphs 4, 5, 9, 10, 13 and 14 of section 108, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 32
(2006, chapter 51)

An Act to amend the Act respecting school elections and the Education Act

Introduced 14 June 2006
Passage in principle 9 November 2006
Passage 14 December 2006
Assented to 14 December 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill proposes amendments to the Act respecting school elections and the Education Act to introduce measures promoting democracy in schools and improving the organization of school elections and election proceedings.

The bill amends the Act respecting school elections so that candidates can include in their nomination papers a minimum amount of information to electors. It provides that a document containing that information is distributed by the returning officer at the same time as a poll reminder to the address of every person on the list of electors who is entitled to vote.

The bill also provides that electors whose children have completed a program of studies in an English language school board are deemed to have chosen to vote in the election of the commissioners of that school board, unless they send in a notice of revocation.

The bill amends the rules applicable to the delimitation of electoral divisions and to election proceedings. It requires that school boards respect the standards relating to the description of the boundaries of electoral divisions established by the Commission de la représentation. It modifies the election calendar, provides for the establishment of mobile polling stations and makes it possible for any elector to vote in the advance poll. The bill also provides that a commissioner's term ends if the commissioner fails to attend three consecutive regular sittings of the council of commissioners.

The bill amends the Education Act in order to introduce changes in the field of school democracy, providing, in particular, for a public consultation to be held on the continued operation or closure of a school board's schools, on changes to the level of instruction or to cycles or parts of cycles of the level of instruction provided by a school, and on the cessation of preschool education services provided by a school. The bill imposes the holding of at least one public consultation meeting preceded by a public notice. It stipulates that, subject to any policy directions the Minister may establish, the school board must adopt a policy on introducing students to democracy in schools.

The bill also amends the Education Act to specify that the person responsible for determining if the code of ethics and professional conduct applicable to the commissioners has been contravened and for imposing a penalty may not be a member of the council of commissioners or an employee of the school board.

The bill amends the Education Act to make it possible for parents on the governing board of a school to consult the parents of the children in the school on any matter relating to educational services, including the procedure for informing parents of the academic progress of their children.

Lastly, the bill amends the Education Act and the Act respecting private education to make it possible, for a child, to have pre-school and primary school extended for one year if there are reasonable grounds to believe that such a measure is necessary to foster the child's academic progress.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting school elections (R.S.Q., chapter E-2.3);
- Act respecting private education (R.S.Q., chapter E-9.1);
- Education Act (R.S.Q., chapter I-13.3).

Bill 32

AN ACT TO AMEND THE ACT RESPECTING SCHOOL ELECTIONS AND THE EDUCATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING SCHOOL ELECTIONS

1. Section 7.1 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended

(1) by inserting “, keeping in mind, as far as possible, any natural community,” after “delimited” in the first line;

(2) by inserting “electoral division” after “each” in the second line;

(3) by inserting “, territorial contiguity” after “boundaries” in the fourth line;

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

“A school board may give a name to each electoral division.”

2. Section 7.5 of the Act is amended by replacing “November” in the second line by “June”.

3. Section 7.6 of the Act is amended

(1) by replacing “, using the names of thoroughfares wherever possible, and it shall” in the second and third lines of the first paragraph by “according to the standards established by the Commission de la représentation. It shall, wherever possible, use the names of thoroughfares and”;

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

“In the event of non-compliance with the first or second paragraph, the school board shall start the process of dividing its territory into electoral divisions over again, unless it complies with another measure submitted by the Commission de la représentation.”

4. Section 7.7 of the Act is repealed.

5. Section 9.6 of the Act is amended by adding the following paragraph at the end:

“If the Commission de la représentation makes a recommendation to that effect in writing to the school board, and if the number of electors is not affected, the council of commissioners may amend a provision of the resolution referred to in the first paragraph in order to correct a clerical error or an error in concordance between the description and the accompanying map or sketch, or to comply with the standards referred to in section 7.6. The amendment forms an integral part of the resolution, as if it had been adopted with the resolution by a vote of two thirds of the members of the council who have the right to vote. A certified copy of the amended resolution is transmitted without delay to the Commission de la représentation by the director general of the school board.”

6. Section 9.14 of the Act is amended

(1) by replacing “which has not, in its resolution, complied with section 7.2 or has not adopted the resolution” in the second and third lines of the first paragraph by “whose council has not adopted a resolution to that effect”;

(2) by inserting the following paragraph after the second paragraph:

“If the Commission does not give its approval to a delimitation that derogates from the numerical criterion under the first paragraph of section 7.2, it may either divide the territory of the school board into electoral divisions or ask the school board to adopt a new division proposal.”

7. Section 10.3 of the Act is amended

(1) by replacing “September” in the first line of the second paragraph by “June”;

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

“The director general of the school board may also, for an electoral division in which a by-election must be held, modify the description of the sectors identified during the preceding general election. On or before the forty-fifth day preceding polling day, the director general shall transmit a description of the modifications to the chief electoral officer, according to the parameters the latter determines.”

8. Section 11.3 of the Act is amended by striking out “in whose respect he has been unable to update the information” in the second line and by adding “whom he has been unable to locate” at the end.

9. Section 11.4 of the Act is amended by replacing “to update the entries in their respect” in the third line by “to find their names”.

10. Section 11.5 of the Act is repealed.

11. Section 12 of the Act is amended by replacing paragraph 5 by the following paragraph:

“(5) has not been convicted within the last five years of an offence that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3);”.

12. Section 15 of the Act is amended

(1) by striking out “, as of 1 September preceding polling day,” in the first line of the first paragraph;

(2) by striking out “, as of the same date,” in the first line of the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

“However, an elector whose child was enrolled in an English language school board when he or she finished school is deemed to have chosen to be registered on the list of electors of that school board and to vote in its elections.”;

(4) by replacing “such voting option” in the first line of the third paragraph by “the voting option described in the second paragraph”.

13. The Act is amended by inserting the following section after section 21.3:

21.4. A person is ineligible for office as a member of the council of commissioners if, following a judgment that has become *res judicata*, he is disqualified under section 176 of the Education Act (chapter I-13.3).”

14. Section 23 of the Act is amended by adding the following sentence at the end: “The election clerk shall, for that purpose, perform the duties delegated to him by the returning officer.”

15. Section 28 of the Act is repealed.

16. Section 28.1 of the Act is amended by replacing “that is a corrupt electoral practice within the meaning of section 223.1 of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of the Election Act (chapter E-3.3)” in the first paragraph by “that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3)”.

17. The Act is amended by inserting the following section after section 28.1:

“**28.2.** In carrying out their duties of office, all election officers may administer the oaths provided for in this Act, and they shall do so without charge.”

18. The Act is amended by inserting the following section after section 30.1:

“**30.1.1.** The Act respecting labour standards (chapter N-1.1) does not apply to election officers.”

19. Section 31 of the Act is amended by replacing “il” in the third line of the French text by “elle”.

20. Section 34 of the Act is amended by replacing “il” in the third line of the first paragraph of the French text by “elle”.

21. Section 35 of the Act is amended by replacing “that is a corrupt electoral practice within the meaning of section 223.1 of this Act, section 645 of the Act respecting elections and referendums in municipalities (chapter E-2.2) or section 567 of the Election Act (chapter E-3.3)” in the first paragraph by “that is a corrupt electoral or referendum practice under this Act, the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Election Act (chapter E-3.3)”.

22. Section 38 of the Act is amended

(1) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

“(0.1) every office on the council that is open for nominations;”;

(2) by replacing “place” at the beginning of subparagraph 1 of the first paragraph by “places”;

(3) by striking out subparagraph 2 of the first paragraph;

(4) by inserting the following subparagraph after subparagraph 6 of the first paragraph:

“(6.1) the names of the returning officer’s assistants and of any of the assistants who are authorized to receive nomination papers;”;

(5) by adding the following at the end of subparagraph 7 of the first paragraph: “and the office telephone numbers and addresses of the returning officer’s assistants”;

(6) by striking out “, as of 1 September preceding polling day,” in the first and second lines of the second paragraph;

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

“The returning officer shall transmit, as soon as practicable, a copy of the notice to the chief electoral officer and the Minister of Education, Recreation and Sports.”

23. Section 39 of the Act is amended by replacing “45” in the first line of the first paragraph by “38”.

24. Section 41 of the Act is amended by replacing “33” in the first line by “35”.

25. Section 43 of the Act is amended

(1) by replacing “twenty-sixth” in the first line of the first paragraph by “twenty-eighth”;

(2) by striking out “prepared or” in the second line of the first paragraph.

26. Section 44 of the Act is amended

(1) by striking out the last sentence of the third paragraph;

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

“Where no revision takes place or where a revision is interrupted, the returning officer shall immediately notify in writing the chief electoral officer, who notifies the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3).”

27. Section 51 of the Act is amended

(1) by replacing “25” in the first line of the first paragraph by “29”;

(2) by replacing “and” in the first line of subparagraph 3 of the first paragraph by “, presenting the notice referred to in section 18 and”;

(3) by inserting “the chief electoral officer, who shall notify” after “to” in the first line of the third paragraph and by replacing “E-3.3)” in the third line of that paragraph by “E-3.3) of the fact,”.

28. Section 52 of the Act is amended by replacing “25” in the first line of the first paragraph by “29”.

29. Section 54 of the Act is amended

(1) by replacing “24” in the third line of the first paragraph by “29”;

(2) by replacing the second sentence of the second paragraph by the following sentence: “The chair shall notify the returning officer of his decision, and the returning officer shall notify the candidates.”

30. Section 55 of the Act is amended by replacing “seventeenth” in the third line of the first paragraph by “nineteenth”.

31. Section 58.2 of the Act is amended

(1) by replacing “twenty-fourth to the seventeenth” in the first line of the first paragraph by “twenty-ninth to the nineteenth”;

(2) by replacing “addressed” in the first line of the second paragraph by “presented”;

(3) by adding “or, if the English language school board in the territory of the division in which the domicile of the elector is situated has no board of revisors, to a board of revisors of the French language school board” at the end of the second paragraph;

(4) by replacing “seventeenth” in the third line of the third paragraph by “nineteenth”.

32. Section 58.3 of the Act is amended by striking out “including the *de facto* spouse, or” in the second line of the first paragraph.

33. The Act is amended by inserting the following sections after section 58.5:

“58.5.1. Despite the provisions of this subdivision, any person domiciled in a residential facility maintained by an institution operating a residential and long-term care facility governed by the Act respecting health services and social services (chapter S-4.2) or a residence for the elderly entered in the register established under that Act may, not later than the last day fixed for making an application, submit to the returning officer a written application for entry, striking off or correction, along with the documents described in the second paragraph of section 58.4.

The returning officer shall transmit all applications and documents received to the competent board of revisors.

“58.5.2. The returning officer may submit to the board of revisors the cases of persons registered on the list transmitted by the chief electoral officer to the school board under section 11.3.

The board of revisors shall examine such cases as soon as they are received, and shall decide them immediately if it is possible to do so. The board of

revisors has the same powers with respect to these cases as it has for processing an elector's application."

34. Section 58.14 of the Act is amended by adding the following paragraph at the end:

"The information must be transmitted to the chief electoral officer not later than the thirtieth day after the revision of the list of electors is completed or interrupted."

35. Section 60 of the Act is amended by replacing "The returning officer shall give to every candidate, on the day of filing his nomination paper" at the beginning by "Not later than 35 days before polling day, the returning officer shall give to every candidate".

36. Section 62 of the Act is amended

(1) by replacing "thirty-third" in the third line of the first paragraph by "fortieth";

(2) by replacing "twenty-eighth" in the third line of the first paragraph by "thirty-fifth";

(3) by adding "or of the assistant designated by the returning officer" after "returning officer" in the second line of the first paragraph.

37. Section 64 of the Act is repealed.

38. Section 65 of the Act is amended

(1) by replacing "twenty-eighth" in the second line of the first paragraph by "thirty-fifth";

(2) by replacing the second and third paragraphs by the following paragraph:

"The application must be accompanied by a list of the names, addresses and signatures of at least 10 electors of the school board who support the application."

39. Section 66 of the Act is amended by replacing "sections 64 and" in the second line of the first paragraph by "section".

40. Section 68 of the Act is amended

(1) by striking out the first paragraph;

(2) by striking out "also" in the first line of the second paragraph.

41. Section 72 of the Act is amended by inserting the following paragraph after the first paragraph:

“Proof of identity is an act of birth or any of the following: a certificate of Canadian citizenship, a Canadian passport, a driver’s licence or probationary licence issued as a plastic card by the Société de l’assurance automobile du Québec, a health insurance card issued by the Régie de l’assurance maladie du Québec or a copy of a name change order.”

42. The Act is amended by inserting the following section after section 73:

“73.1. The nomination paper may be accompanied by basic information for the electors.

The information is provided in the manner determined by the chief electoral officer and may include a text provided by the candidate, a photograph of the candidate and the address and number where the candidate may be reached by the electors.

The candidate is responsible for ensuring that the text provided is in compliance with the law and for ascertaining the quality of the language and the accuracy of the information provided. The document distributed under section 86.1 must mention that responsibility.

If the information is not provided in the manner determined by the chief electoral officer, the returning officer may refuse to distribute that information in the mailing referred to in section 86.1 if, having granted the candidate a reasonable time to comply, he does not receive the information duly modified on or before the nineteenth day before polling day.”

43. Section 76 of the Act is amended by replacing “meeting the requirements of this Act” in the second line of the first paragraph by “that is complete and accompanied by the required documents”.

44. Section 82 of the Act is repealed.

45. Section 84.1 of the Act is amended by striking out the second paragraph.

46. Section 86.1 of the Act is amended

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

“86.1. Not later than 10 days before polling day, the returning officer shall have a reminder sent to every person on the list of electors who is entitled to vote at the poll, as well as a document, in the same mailing, containing the information provided by the candidates under section 73.1. The document must be produced in the manner determined by the chief electoral officer and must give equal space to each candidate.”;

(2) by replacing “The reminder shall contain all” at the beginning of the second paragraph by “The reminder must provide either all”.

47. Section 87 of the Act is amended by adding “and determine which, if any, are to be mobile polling stations” at the end of the first paragraph.

48. The Act is amended by inserting the following section after section 87:

“**87.1.** If the returning officer establishes a mobile polling station, the only persons who may be present in that polling station are the deputy returning officer and the poll clerk.”

49. Section 88 of the Act is amended

(1) by replacing “adapted as required, apply to the advance poll” in the second line by “, except section 112, apply to the advance poll, with the necessary modifications”;

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

“For the purposes of section 97.1, in the case of a mobile polling station, the identity verification panel is composed of the deputy returning officer, who is the chair of the panel, and the poll clerk, and decisions must be unanimous.”

50. Section 88.1 of the Act is amended by adding the following paragraphs at the end:

“A person operating a residential facility referred to in section 58.5.1 must ensure that the mobile polling station has access to the electors.

Despite subparagraph 1 of the second paragraph of section 90, while visiting such a facility, a mobile polling station may, on request, go to the room or the apartment of an elector who is unable to move about.”

51. Section 89 of the Act is amended by adding the following paragraph at the end:

“However, a mobile polling station may have access to electors from 8:00 a.m. to 11:00 a.m. and, if the returning officer deems it necessary, on the eighth and sixth days preceding polling day, at the times the returning officer determines.”

52. Section 90 of the Act is replaced by the following section:

“**90.** Any elector registered on the list of electors may vote at the advance poll.

Any person domiciled in a residential facility referred to in section 58.5.1 may vote at a mobile polling station if the following conditions are fulfilled:

(1) the person applies in writing to the returning officer not later than 19 days before polling day;

(2) the person is registered on the list of electors; and

(3) the person is unable to move about.

The returning officer shall draw up a list of the persons who have made an application under the second paragraph and transmit a copy of the list to each recognized ticket and each candidate concerned.”

53. Section 97.1 of the Act is amended by adding the following sentence at the end of the second paragraph: “If there are three polling stations or less in a place, the deputy returning officer and the poll clerk of the polling station may act as panel members.”

54. Section 106 of the Act is amended

(1) by replacing “, in a sealed ballot box, after affixing his initials to the seals” in the third line by “a ballot box”;

(2) by striking out “, the required number of ballot papers” in the fifth and sixth lines;

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

“The returning officer shall also deliver to the deputy returning officer a sealed, initialled envelope containing the required number of ballot papers.”

55. Section 111 of the Act is amended by replacing “9:00 a.m. to 7:00 p.m.” by “10:00 a.m. to 8:00 p.m.”.

56. Section 112.2 of the Act is amended

(1) by replacing “and date of birth and of the address appearing on the list opposite his name or” in subparagraph *a* of subparagraph 3 of the first paragraph by “, his date of birth and”;

(2) by replacing “46” in subparagraph *iii* of subparagraph *b* of subparagraph 3 of the first paragraph by “58.3”.

57. Section 117 of the Act is amended by striking out “, in accordance with the form provided in Schedule II” at the end of the second paragraph.

58. Section 124 of the Act is amended

(1) by replacing “has not assisted another elector during the poll” in subparagraph 2 of the first paragraph by “has not already assisted any other

elector during the poll other than the person's spouse or relative within the meaning of section 58.3";

(2) by adding the following subparagraph at the end of the first paragraph:

“(3) by the returning officer in the presence of the poll clerk.”;

(3) by replacing “either case” in the second paragraph by “all cases”.

59. Section 126 of the Act is amended by replacing the first paragraph by the following paragraph:

“**126.** The returning officer or election clerk may give written authorization to vote to an elector

(1) whose name does not appear on the list of electors used at the polling station but appears on the list of electors in the possession of the returning officer;

(2) whose name was transcribed incorrectly following the decision of the board of revisors; or

(3) whose name was struck off the list of electors due to confusion with another elector.”

60. Section 137 of the Act is amended by striking out “according to the form provided in Schedule III” in the second line of the first paragraph.

61. Section 156 of the Act is amended

(1) by replacing “shall fix the dates for nominations and for the poll” at the end of the second paragraph by “set the date of the poll so that it is held as rapidly as possible after the judge has rendered a decision. As soon as possible, the returning officer shall inform each person who was a candidate in the election that resulted in a tie of the date of the poll”;

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

“The second and third paragraphs of section 200 apply to the election, with the necessary modifications. The list of electors in force is used and no new list need be prepared. The list is deposited as soon as practicable after publication of the notice of election and the list need not be revised.”

62. Section 159 of the Act is amended by replacing the last sentence by the following sentence: “He shall send a copy of the declaration to each candidate and to the chief electoral officer, who notifies the permanent board of revisors established under section 40.12.1 of the Election Act (chapter E-3.3) of the fact.”

63. Section 160.1 of the Act is amended by replacing “4:30 p.m. 28 days” in the first line of the first paragraph by “5:00 p.m. 35 days”.

64. Section 161 of the Act is replaced by the following section:

“**161.** The returning officer shall transmit the documents relating to the election to the secretary general of the school board after the declaration of election. The secretary general shall keep the documents for one year from their transmission or, if the election is contested, for one year from the decision on the contestation.”

65. Section 169 of the Act is amended

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

“If the ticket or candidate promoted by prohibited partisan publicity refuses or neglects to stop or remove the publicity after being requested to do so, the returning officer may have it stopped or removed at the expense of the ticket or candidate.”;

(2) by striking out “waiting in line” in the third line of the second paragraph.

66. Section 171 of the Act is amended by replacing “activities” in the first line by “work”.

67. Section 172 of the Act is amended by replacing “are not partisan activities” in the third line of the first paragraph by “is not partisan work”.

68. Section 191 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) upon his failure to attend three consecutive regular sittings of the council of commissioners, unless the council decides otherwise under section 193;”.

69. Section 193 of the Act is replaced by the following section:

“**193.** The term of a commissioner who fails to attend three consecutive regular sittings of the council of commissioners ends at the close of the following sitting unless the commissioner attends that sitting.

The council may, at that sitting, grant the commissioner a period of grace until the next regular council sitting if he was in fact unable to attend the sittings. In such a case, the commissioner’s term ends on the day of that next sitting, if he is not in attendance.

The council may also in due time order that a commissioner’s failure to attend sittings of the council for serious reasons beyond his control that cause no prejudice to the electors of the school board or the commissioner’s electoral division, does not entail the end of his term.

The first three paragraphs do not apply if the commissioner is unable to attend the sittings by reason of the provisional execution of a judgment declaring his disqualification or ouster from office.”

70. Section 194 of the Act is amended by replacing “The school board itself” in the third paragraph by “The Attorney General and the school board”.

71. Section 200 of the Act is amended

(1) by replacing the second sentence of the second paragraph by the following sentence: “Within 30 days from the date on which the seat becomes vacant, the returning officer must set as polling day a Sunday in the four months following that date.”;

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

“The returning officer shall send a copy of the notice of election as soon as possible to the council of commissioners, the chief electoral officer and the Minister of Education, Recreation and Sports.”

72. Section 206.1 of the Act is amended by striking out “or, in the case of a by-election, on the day following the publication of the notice of election” in the definition of “election period” in the first paragraph.

73. Section 206.7 of the Act is amended by adding the following at the end of subparagraph 3 of the first paragraph: “, if that address differs from the address under subparagraph 1”.

74. Section 206.9 of the Act is amended

(1) by adding “or the candidate produces before then a financial report establishing that the candidate’s debts arising from election expenses have been paid in full and that there are no sums remaining in the candidate’s electoral fund” at the end of the first paragraph;

(2) by replacing “by that date” in the second line of the second paragraph by “by 31 December of the year following the year of the election”.

75. Section 206.21 of the Act is amended by striking out “, up to a maximum of \$3,000 per elector for the same school board” at the end.

76. Section 206.27 of the Act is amended by replacing “équivalent” in the sixth line of the first paragraph of the French text by “équivalent”.

77. Section 206.40 of the Act is amended by adding the following paragraph at the end:

“The candidate must deposit the sums paid into the election fund in an account opened for that purpose at a Québec branch of a financial institution.”

78. Section 209.7 of the Act is amended by replacing “as soon as practicable,” in the first and second lines by “on request,”.

79. Section 211 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, in the case of a by-election, a public notice shall be published in one or more newspapers having general circulation in the territory of the electoral division.”

80. Section 213 of the Act is amended by replacing “whose name is entered on the list of electors for” in the first and second lines of paragraph 2 by “in”.

81. The Act is amended by inserting the following section after section 213:

“**213.1.** Every employer who contravenes any of the provisions of section 112 is guilty of an offence.”

82. The Act is amended by inserting the following section after section 219.19:

“**219.20.** Every person who contravenes a provision of this Act or of a regulation made under this Act, not otherwise covered by another provision of this Chapter, is guilty of an offence.”

83. The Act is amended by inserting the following section after section 221:

“**221.0.1.** Every person who is guilty of an offence referred to in section 213.1 is liable,

(1) for a first offence, to a fine of not less than \$100 or more than \$1,000 in the case of a natural person or a fine of not less than \$300 or more than \$3,000 in the case of a legal person; and

(2) for any subsequent conviction, to a fine of not less than \$200 or more than \$2,000 in the case of a natural person or a fine of not less than \$600 or more than \$6,000 in the case of a legal person.”

84. Section 221.1 of the Act is amended by replacing “équivalent” in the fourth line of the second paragraph of the French text by “équivalent”.

85. The Act is amended by inserting the following section after section 221.3:

“**221.4.** Every person who is guilty of an offence under section 219.20 is liable to a fine of not less than \$100 or more than \$500.”

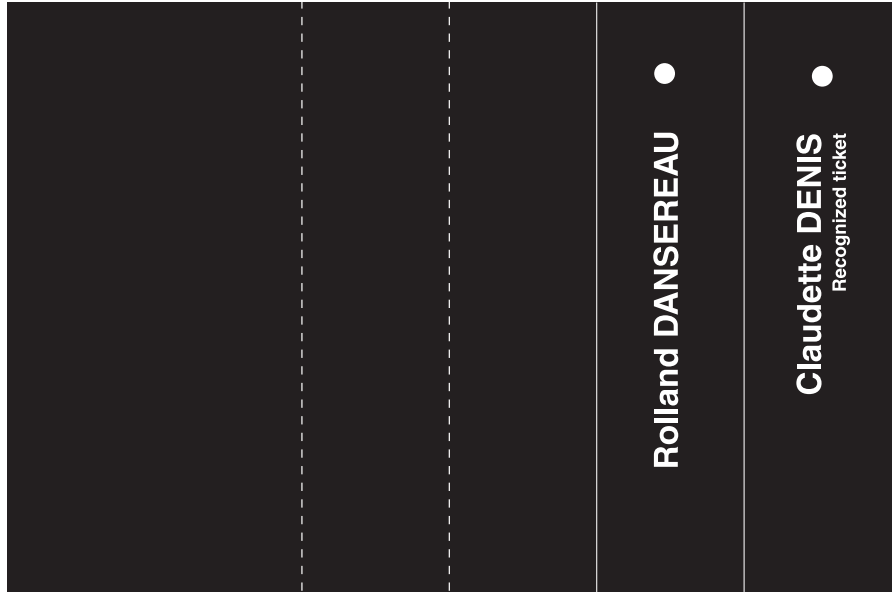
86. Schedule I to this Act is replaced by the following schedule:

“SCHEDULE

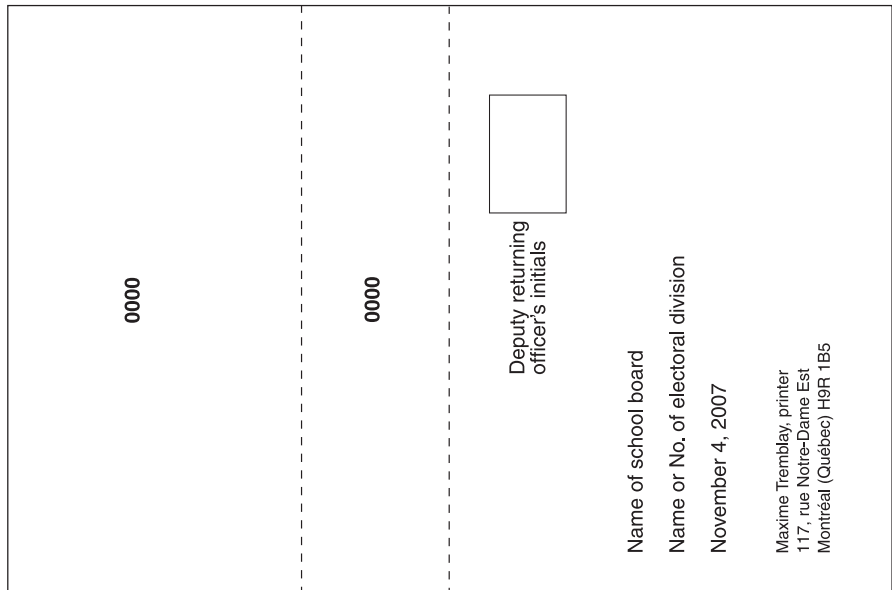
“(Section 99)

“BALLOT PAPER

OBVERSE



REVERSE



87. Schedule II and Schedule III to the Act are repealed.

EDUCATION ACT

88. Section 39 of the Education Act (R.S.Q., chapter I-13.3) is amended by adding the following sentence at the end of the second paragraph: “It shall also state the cycle or, exceptionally, the part of cycle of the level of instruction concerned and specify if the school provides preschool education.”

89. The Act is amended by inserting the following section after section 89:

“89.1. Parents on the governing board may consult the parents of the children in the school on any matter relating to educational services, in particular on report cards and on any other way in which parents are to be informed of the academic progress of their children, proposed under section 96.15.”

90. Section 96.15 of the Act is amended

(1) by striking out “and after consulting with the governing board in the case of proposals under subparagraph 3” in the third and fourth lines of the first paragraph;

(2) by inserting “, in particular, how parents are to be informed of the academic progress of their children,” after “achievement” in the first line of subparagraph 4 of the first paragraph;

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

“Before approving the proposals under subparagraph 3 of the first paragraph and the proposals relating to how parents are to be informed of the academic progress of their children under subparagraph 4 of the first paragraph, the principal must consult with the governing board.”

91. Section 96.17 of the Act is amended

(1) by replacing “Following a request, with reasons, from the parents” in the first line by “Exceptionally, in the interest”;

(2) by inserting “and following a request, with reasons, made by the child’s parents,” after “education,” in the second line;

(3) by replacing “such measure will enable the child to achieve those objectives” in the sixth line by “such a measure is necessary to foster the child’s academic progress”.

92. Section 96.18 of the Act is amended

(1) by replacing “Following a request, with reasons, from the parents” in the first line by “Exceptionally, in the interest”;

(2) by inserting “and following a request, with reasons, made by the student’s parents,” after “secondary school,” in the fourth line;

(3) by replacing “such measure will enable the student to achieve those objectives or master those notional contents” in the seventh and eighth lines by “such a measure is necessary to foster the student’s academic progress”.

93. Section 145 of the Act is amended

(1) by replacing “third” in the first line of the first paragraph by “first”;

(2) by replacing “third” in the first line of the third paragraph by “first”.

94. Section 155 of the Act is amended by inserting the following paragraph after the first paragraph:

“The chairman is the official spokesman for the school board. As official spokesman, the chairman shall publicly state the position of the school board on any subject affecting it, in particular where the chairman is involved, on behalf of the school board, with the various organizations devoted to local and regional development.”

95. Section 175.1 of the Act is amended

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

“No member of the council of commissioners or employee of a school board may be responsible for determining if the code has been contravened or for imposing a penalty.”;

(2) by replacing “revoked or suspended” in the fourth and fifth lines of the fourth paragraph by “divested of office by a court”;

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

“This section must not be construed so as to restrict the freedom of speech inherent in a commissioner’s function.”

96. Section 176 of the Act is amended by inserting the following paragraphs at the beginning:

“**176.** A person is not qualified to hold office as a member of the council of commissioners if convicted of an offence that is a corrupt electoral or referendum practice under the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections (chapter E-2.3) or the Election Act (chapter E-3.3).

Disqualification continues for five years from the day on which the judgment convicting the person becomes *res judicata*.”

97. Section 193 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) the policy adopted under section 212 on the continued operation or closure of schools and on other changes made to the educational services provided in a school;”.

98. Section 211 of the Act is amended by replacing “The school board shall transmit the plan to every municipality or metropolitan community consulted.” at the end of the first paragraph by the following: “The plan must specify, for each school and each vocational training and adult education centre, the name and address of the school or centre, the premises at its disposal, the level of instruction provided, any purpose it may have other than its educational purpose, its capacity and the school enrolment forecast for the duration of the plan.

The school board shall transmit the plan to every municipality or metropolitan community consulted.”

99. The Act is amended by inserting the following section after section 211:

“**211.1.** Subject to any policy directions the Minister may establish, the school board must adopt a policy on introducing students to democracy in schools, providing, in particular, for a form of student representation with the council of commissioners.”

100. Section 212 of the Act is replaced by the following section:

“**212.** Subject to any policy directions the Minister may establish and after holding a public consultation and consulting the parents’ committee, the school board shall adopt a policy on

(1) the continued operation or closure of schools; and

(2) changes to the level of instruction provided by a school, or to cycles or parts of cycles of the level of instruction, and on the cessation of preschool education services provided by a school.

The policy must include a public consultation process, to take place prior to any change, that must provide for

(1) the consultation timetable;

(2) the manner in which the public, and more particularly the parents and the students of full age concerned, are to be informed, including the place where relevant information on the project, particularly its budgetary and

educational impact, may be consulted by any person interested, and the place where additional information may be obtained;

(3) at least one public consultation meeting and the related procedure; and

(4) the presence at the consultation meetings of the chairman of the school board and the commissioner of the electoral division concerned.

The policy must also specify that the public consultation process must start with a public notice of the consultation meeting, to be issued

(1) not later than 1 July of the year preceding the year during which the school would be closed; or

(2) not later than 1 April of the year preceding the year during which a change under subparagraph 2 of the first paragraph would be made.”

101. Section 217 of the Act is amended by adding the following at the end: “, and hold the public consultations prescribed in this Act”.

ACT RESPECTING PRIVATE EDUCATION

102. Section 27 of the Act respecting private education (R.S.Q., chapter E-9.1) is amended

(1) by inserting “Exceptionally, in the interest of the child,” at the beginning;

(2) by replacing “will allow the child’s integration into a regular class in elementary school education” at the end by “is necessary to foster the child’s academic progress”.

103. Section 28 of the Act is amended

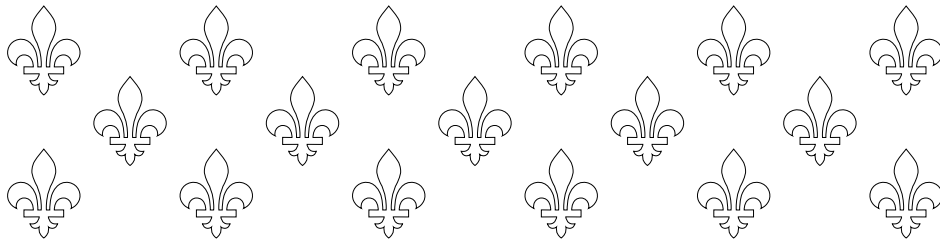
(1) by inserting “Exceptionally, in the interest of the student,” at the beginning;

(2) by replacing “will allow the child’s integration into a regular class in secondary school education” at the end by “is necessary to foster the student’s academic progress”.

FINAL PROVISIONS

104. Amendments made by a school board to a deed of establishment of a school to comply with section 39 of the Education Act, as amended by section 88 of this Act, are not subject to the public consultation referred to in the policy adopted under section 212, enacted by section 100 of this Act, unless changes are made to the nature of the educational services provided at the school compared with the educational services provided on 14 December 2006.

105. This Act comes into force on 14 December 2006, except sections 1 to 3, 5 and 6, which come into force on the date or dates to be set by the Government. However, section 100 applies from the school year 2008-2009.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 34
(2006, chapter 52)

**An Act to amend the Act respecting
the Conseil supérieur de l'éducation
and other legislative provisions**

**Introduced 14 June 2006
Passage in principle 16 November 2006
Passage 14 December 2006
Assented to 14 December 2006**

**Québec Official Publisher
2006**

EXPLANATORY NOTES

This bill amends the Act respecting the Conseil supérieur de l'éducation to specify that the function of the Council is to advise the Minister of Education, Recreation and Sports on any matter relating to education.

The bill also proposes changes to the power of the Council to establish commissions to carry out its work or examine specific issues.

Lastly, the bill provides for changes to the appointment of the members of the Council and to the Council's internal management.

LEGISLATION AMENDED BY THIS BILL:

- General and Vocational Colleges Act (R.S.Q., chapter C-29);
- Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60);
- Education Act (R.S.Q., chapter I-13.3);
- Act respecting the Ministère de l'Éducation, du Loisir et du Sport (R.S.Q., chapter M-15).

Bill 34

AN ACT TO AMEND THE ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The preamble of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by replacing the fourth paragraph by the following paragraphs:

“Whereas it is expedient, in accordance with these principles, to establish, as a think tank dedicated to the development of a global vision of education, a Conseil supérieur de l'éducation to collaborate with the Minister of Education, Recreation and Sports and to advise that Minister on any matter relating to education;

Whereas an advisory committee responsible for advising the Minister of Education, Recreation and Sports on the financial accessibility of education will be attached to the Conseil supérieur de l'éducation and any commission that the Conseil sees fit to establish may be attached to it.”

2. Section 3 of the Act is amended by inserting “, if any” after “commissions” in the second line.

3. Section 4 of the Act is amended by inserting “students,” after “representative of the” in the second line of the first paragraph.

4. Section 5 of the Act is amended

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

“**5.** Such members shall be appointed for a term not exceeding four years.”;

(2) by striking out the third paragraph;

(3) by replacing the fourth paragraph by the following paragraph:

“The members shall not be appointed for a second consecutive term.”

5. Section 7 of the Act is amended by replacing “and to its committee and commissions” in the first and second lines of the second paragraph by “, to its committee and to its commissions, if any,”.

6. Section 9 of the Act is amended by replacing the first paragraph by the following paragraphs:

“**9.** The function of the Council is to advise the Minister on any matter relating to education.

For that purpose, the Council must report at least every two years to the Minister on the state and needs of education.”

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

“**10.** In the exercise of its function, the Council may

(1) advise or make recommendations to the Minister on any matter relating to education;

(2) solicit or receive petitions, opinions and suggestions from interested bodies or groups and from the general public on any matter relating to education; and

(3) conduct or commission studies and investigations that it considers useful or necessary for the exercise of its function.”

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

“**10.1.** The Council shall advise the Minister on draft regulations that the Minister is required to submit to the Council and on any matter submitted by the Minister.

“**10.2.** The Council may adopt internal management by-laws.”

9. Section 11 of the Act is amended by striking out the second paragraph.

10. Section 12 of the Act is amended by replacing “commissions” in the second line of the first paragraph by “of its commissions, if any,”.

11. Section 13 of the Act is replaced by the following section:

“**13.** The secretary and the other members of the personnel of the Council shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).”

12. Section 14 of the Act is amended

(1) by replacing “and its committee and commissions” in the first line of the first paragraph by “, its committee and its commissions, if any;”;

(2) by striking out the second paragraph.

13. Section 23.2 of the Act is amended by inserting “is not entitled to vote and” after “Sport” in the first line of the second paragraph.

14. Section 24 of the Act is replaced by the following section:

“**24.** The Council may establish commissions to carry out its work or to examine specific issues.”

15. Sections 25 to 27 of the Act are repealed.

16. Section 28 of the Act is replaced by the following section:

“**28.** The committee and any commissions of the Council may sit at any place in Québec.”

17. Section 29 of the Act is amended by replacing “, of the committee or of a commission” in the first and second lines by “or of the committee”.

18. Section 30 of the Act is repealed.

OTHER AMENDMENTS

19. Section 2 of the General and Vocational Colleges Act (R.S.Q., chapter C-29) is amended by striking out “and after consultation with the Conseil supérieur de l’éducation” in the second line.

20. Section 30 of the Act is amended by striking out “after consultation with the Conseil supérieur de l’éducation” in the second and third lines of the first paragraph.

21. Section 30.0.1 of the Act is amended by striking out “after consultation with the Conseil supérieur de l’éducation” in the second and third lines of the first paragraph.

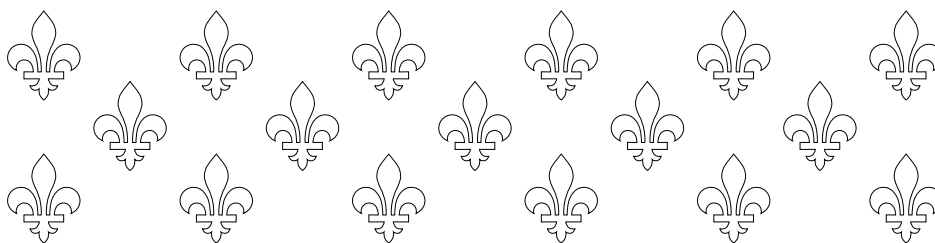
22. Section 31 of the Act is amended by striking out “after consultation with the Conseil supérieur de l’éducation” in the first and second lines of the first paragraph and “after consultation with the Conseil supérieur de l’éducation,” in the second line of the second paragraph.

23. Section 458 of the Education Act (R.S.Q., chapter I-13.3) is amended by replacing “, 448, 450 and 456” in the first and second lines by “, 448 and 456”.

24. The preamble of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (R.S.Q., chapter M-15) is amended by striking out "and its commissions" at the end of the fourth paragraph.

25. The commissions of the Conseil supérieur de l'éducation established under section 24 of the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60), as it read before being replaced, continue to exist and the members of those commissions continue to act until the Council provides otherwise.

26. This Act comes into force on 14 December 2006.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 51
(2006, chapter 58)

An Act to amend the Labour Code and other legislative provisions

Introduced 14 November 2006
Passage in principle 28 November 2006
Passage 13 December 2006
Assented to 14 December 2006

Québec Official Publisher
2006

EXPLANATORY NOTES

This bill entrusts the responsibilities currently held by the construction industry commissioner to the Commission des relations du travail and abolishes the office of construction industry commissioner; it eliminates the possibility of seeking advice from the construction industry advisory committee and abolishes that committee.

The bill contains provisions that affect how the Commission des relations du travail operates. It provides that the Commission consists of two divisions, namely, the construction industry and vocational qualification division and the labour relations division, and identifies the proceedings to be heard by each division. It also relaxes the rules governing the conciliation process and the approval of agreements that may be reached by the parties.

In addition, the bill gives the Commission des relations du travail the power to dissolve an employee association that participated in the contravention of prohibitions against dominating an employee association or interfering in the activities of an employee association. As well, it shifts the responsibility of acting as the depositary of collective agreements and arbitration awards from the Commission to the Minister of Labour.

The bill specifies that health and social services agencies are public services within the meaning of the Labour Code as regards the maintenance of essential services. It furthermore allows the Minister of Labour, on application, to arrange arbitration in a dispute relating to the negotiation of a first collective agreement, even if a conciliation officer has continued working with the interested parties since the application was made. The bill also contains a number of technical provisions and consequential amendments.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Charter of Ville de Lévis (R.S.Q., chapter C-11.2);

- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- Stationary Enginemen Act (R.S.Q., chapter M-6);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Professional Syndicates Act (R.S.Q., chapter S-40);
- Act respecting bargaining units in the social affairs sector (R.S.Q., chapter U-0.1).

Bill 51

AN ACT TO AMEND THE LABOUR CODE AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 1 of the Labour Code (R.S.Q., chapter C-27), amended by section 51 of chapter 34 of the statutes of 2005, is again amended by striking out “the construction industry commissioner and deputy-commissioners contemplated in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20),” in the seventh, eighth, ninth and tenth lines of subparagraph 3 of paragraph *l*.
- 2.** Section 17 of the Code is amended by striking out “, on being referred the matter,” in the first and second lines and by replacing “exercises” in the second line by “exercised”.
- 3.** Section 25 of the Code is amended
 - (1) by striking out “of the Government” at the end of the second paragraph;
 - (2) by replacing “, on or before the first working day following the day the petition is received, post a copy of the petition in a conspicuous place” in the first and second lines of the third paragraph by “post a copy of the petition and of the notice of the Commission hearing in a conspicuous place on or before the first working day following the day the petition is received, and keep it posted for at least five consecutive days”.
- 4.** The Code is amended by inserting the following section after section 37.1:

“37.2. Where the Commission holds a secret ballot or orders a vote by secret ballot under this Code or another Act, it shall determine the ballot rules and may take any measures and give any instructions it considers necessary for the smooth and proper conduct of the ballot.”
- 5.** Section 42 of the Code is amended by striking out the third paragraph.
- 6.** Section 58.2 of the Code is amended by striking out “, according to the rules determined by the Commission” in the third paragraph.
- 7.** Section 72 of the Code is amended

(1) by replacing “à l’un des bureaux de la Commission” in the first paragraph in the French text by “auprès du ministre”;

(2) by replacing the first sentence of the first paragraph in the English text by the following sentence: “A collective agreement takes effect only on the filing of two duplicate originals or two true copies of the collective agreement and its schedules with the Minister.”

8. Section 89 of the Code is amended by replacing “to one of the offices of the Commission” by “to the Minister”.

9. Section 93.3 of the Code is replaced by the following section:

“93.3. Even if the conciliation officer has continued to assist the parties in trying to reach a collective agreement after the application for arbitration, the Minister may entrust an arbitrator with endeavouring to settle the dispute.”

10. Section 93.9 of the Code is amended by striking out the second paragraph.

11. Section 99.9 of the Code is amended by striking out the second sentence of the second paragraph.

12. Section 101.6 of the Code is amended

(1) by replacing “with one of the offices of the Commission” by “with the Minister”;

(2) by replacing “the award in duplicate or in two copies true to the original,” by “two duplicate originals or two true copies of the award”.

13. Section 101.8 of the Code is amended by replacing “to one of the offices of the Commission” by “to the Minister”.

14. Section 101.10 of the Code is repealed.

15. Section 111.0.16 of the Code is amended by replacing paragraph 1.1 by the following paragraphs:

“(1.1) an institution governed by the Act respecting health services and social services (chapter S-4.2) that is not contemplated in paragraph 2 of section 111.2;

“(1.2) a health and social services agency;”.

16. The Code is amended by inserting the following sections after section 115:

“115.1. The Commission shall consist of two divisions:

- (1) the construction industry and vocational qualification division; and
- (2) the labour relations division.

“115.2. Proceedings brought before the Commission under the Building Act (chapter B-1.1), the Act respecting manpower vocational training and qualification (chapter F-5), the Stationary Enginemen Act (chapter M-6) or the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20) shall be decided by the construction industry and vocational qualification division.

“115.3. Proceedings brought under this Code or an Act other than the Acts referred to in section 115.2 shall be decided by the labour relations division.”

17. Section 118 of the Code is amended

- (1) by replacing “a conciliation agreement” in paragraph 7 by “an agreement”;
- (2) by adding the following at the end:

“(8) dissolve an association of employees if it is proved to the Commission that the association participated in a contravention of section 12.

If an association dissolved under subparagraph 8 of the first paragraph is a professional syndicate, the Commission shall send an authentic copy of its decision to the enterprise registrar, who shall give notice of the decision in the *Gazette officielle du Québec*.”

18. The heading of Division III of Chapter VI of Title I of the Code is replaced by the following heading:

“PRE-DECISION CONCILIATION AND AGREEMENTS”.

19. Section 121 of the Code is amended by inserting “or a commissioner or member of the personnel of the Commission designated by the president” after “Commission”.

20. Section 123 of the Code is amended

- (1) by replacing “by the conciliation officer and by the parties, and is binding on the parties” in the first paragraph by “by the parties and, if applicable, by the conciliation officer, and is binding on the parties”;
- (2) by replacing “six” in the third paragraph by “12”.

21. Section 128 of the Code is amended by replacing “The secretary of the Commission” in the second paragraph by “The party filing the motion”.

22. Section 129 of the Code is amended by replacing “six” in the first paragraph by “12”.

23. Section 132 of the Code is replaced by the following section:

“**132.** Every decision of the Commission must be communicated in clear and concise terms.

Every order of the Commission and every decision of the Commission which, as far as a person is concerned, terminates a matter must give reasons and be set out in writing, signed and notified to the interested persons or parties, even if it has been communicated to them orally.”

24. Section 135 of the Code is replaced by the following section:

“**135.** The Commission may call the parties to a pre-hearing conference.”

25. Section 136 of the Code is amended by replacing “the commissioner” in the first line of the first paragraph by “a commissioner”.

26. Section 137 of the Code is amended by replacing “cause matters on which the parties have reached an agreement, admissions and decisions made by the commissioner to be recorded” in the first paragraph by “record matters on which the parties have reached an agreement, admissions, and decisions made by the commissioner”.

27. The Code is amended by inserting the following section after section 137.11:

“**137.11.1.** The instrument appointing a commissioner shall specify the division to which the commissioner is assigned.”

28. Section 137.40 of the Code is amended by adding the following paragraph at the end:

“The president and the vice-presidents may sit in either division of the Commission.”

29. Section 137.49 of the Code is amended by adding the following paragraph at the end:

“The president may also temporarily assign a commissioner to another division to expedite the business of the Commission.”

30. Section 137.62 of the Code is amended by adding “, by a mandatory Corporation and by the Régie du bâtiment du Québec under sections 129.11.1 and 152.1 of the Building Act (chapter B-1.1) and by the Minister of Employment and Social Solidarity for the purposes of section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5)” at the end of paragraph 2.1.

31. Section 138 of the Code is amended

(1) by replacing “subparagraph *d* or *e* of the first or second paragraph” in subparagraph *b* of the first paragraph by “paragraph *d* or *e*”;

(2) by replacing “duplicates” in subparagraph *c* of the first paragraph by “duplicate originals”;

(3) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) to establish the procedure to be followed for the filing of an arbitration award and to determine the information that the grievances arbitrator must provide on the duration of the different stages of the arbitration procedure;”;

(4) by inserting “rules determining the documents or information that must be included in or submitted with complaints filed with, proceedings brought before or applications made to the Commission or that the Commission may consider appropriate to subsequently require,” after “implemented,” in the second paragraph.

32. Section 149 of the Code is repealed.

33. Section 151.3 of the Code is amended by striking out “, including the periods for appeal”.

34. Schedule I to the Code is amended

(1) by inserting the following paragraph before paragraph 1:

“(0.1) sections 11.1 and 164.1 of the Building Act (chapter B-1.1);”;

(2) by inserting the following paragraph after paragraph 13:

“(13.1) section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5);”;

(3) by inserting the following paragraph after paragraph 14:

“(14.1) section 9.3 of the Stationary Enginemen Act (chapter M-6);”;

(4) by replacing “section 61.4, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75” in paragraph 18 by “the first paragraph of section 7.7, sections 21 and 61.4, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75, the first paragraph of section 80.1, the first paragraph of section 80.2, section 80.3”;

(5) by inserting the following paragraph after paragraph 19:

“(19.1) sections 10 and 17, the second paragraph of section 23, sections 32 and 76 and the second paragraph of section 82 of the Act respecting bargaining units in the social affairs sector (chapter U-0.1);”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

35. Section 7.7 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended

(1) by replacing “, to the construction industry commissioner” in the first paragraph by “to the Commission des relations du travail”;

(2) by striking out the third paragraph.

36. Section 7.8 of the Act is amended by replacing “of the construction industry commissioner or construction industry deputy-commissioner” in the first paragraph by “of the Commission des relations du travail”.

37. Section 8.1 of the Act is amended by replacing “in investigating complaints submitted to it under section 105 of” in the first paragraph by “in connection with complaints, contestations or proceedings under”.

38. The heading of Chapter III of the Act is amended by replacing “CONSTRUCTION INDUSTRY COMMISSIONER” by “MISCELLANEOUS PROVISIONS”.

39. Division II of Chapter III of the Act is replaced by the following division:

“DIVISION II

“COMMISSION DES RELATIONS DU TRAVAIL

“**21.** Any difficulty in the interpretation or application of subparagraphs v to y of the first paragraph of section 1, section 19 or the regulations made under section 20 must be referred to the Commission des relations du travail.

The Commission des relations du travail is also responsible for hearing and settling jurisdictional conflicts relating to the practice of a trade or occupation, on the application of any interested party.

“22. A commissioner of the Commission des relations du travail may, on request or on the commissioner’s own initiative, if the commissioner considers it useful in deciding a matter, visit a construction site or any other premises related to the matter at any reasonable time. The commissioner shall inform the person responsible for the premises and invite the parties to attend.

During a visit of the premises, the commissioner may examine any movable or immovable property related to the matter to be resolved. The commissioner may also question the persons who are on the premises.

Any person responsible for the premises is required to allow access to the premises so that the commissioner may exercise the powers conferred by this section.

“23. No person may, in any manner, hinder or impede the work of a commissioner of the Commission des relations du travail in the exercise of the functions of office.

“24. A decision of the Commission des relations du travail whose purpose is to settle a jurisdictional conflict relating to the practice of a trade or occupation binds the parties and the associations of employees that are party to the conflict for the purposes of the future assignment of similar work on other job sites.”

40. Section 45.0.3 of the Act is amended

(1) by replacing “to one of the offices of the Commission des relations du travail established by the Labour Code (chapter C-27)” in the second paragraph by “the Minister”;

(2) by replacing “originals or three certified copies of the original” in the second paragraph by “duplicate originals or true copies”.

41. Section 48 of the Act is amended

(1) by replacing “at one of the offices of the Commission des relations du travail” in the first sentence of the first paragraph by “with the Minister”;

(2) by inserting “duplicate originals or” after “three” in the first sentence of the first paragraph;

(3) by replacing “The Commission des relations du travail shall, without delay, transmit to the Commission de la construction du Québec” in the second paragraph by “The Minister shall, without delay, send the Commission”;

(4) by replacing “originals or of the certified copies” in the second paragraph by “duplicate originals or true copies”;

(5) by replacing “a copy” in the third paragraph by “a duplicate original”.

42. Section 48.1 of the Act is amended by replacing “original or certified copy” in the third line by “duplicate original or true copy”.

43. Section 53.1 of the Act is amended by replacing “the construction industry commissioner” by “the Commission des relations du travail”.

44. Section 61 of the Act is amended by replacing “is referred to the construction industry commissioner” in the last two lines of the third paragraph by “is referred to the Commission des relations du travail”.

45. Section 75 of the Act is amended by replacing “the decision in duplicate or in two copies, true to the original,” in the first paragraph by “two duplicate originals or true copies of the decision”.

46. Section 80.1 of the Act is amended

(1) by replacing “The construction industry commissioner” in the first line of the first paragraph by “The Commission des relations du travail”;

(2) by inserting “de la construction du Québec” after “Commission” in the second line of the first paragraph;

(3) by replacing “the construction industry commissioner” in the second line of the second paragraph by “the Commission des relations du travail”.

47. Section 80.2 of the Act is amended by replacing “to the construction industry commissioner” in the fourth and fifth lines of the first paragraph by “to the Commission des relations du travail”.

48. Section 80.3 of the Act is amended by replacing “the construction industry commissioner” by “the Commission des relations du travail”.

49. Section 123 of the Act is amended

(1) by striking out subparagraph 8.4 of the first paragraph;

(2) by striking out the fourth paragraph.

50. Section 124 of the Act is amended by adding the following paragraph at the end:

“However, the provisions of the Labour Code regarding the Commission des relations du travail, its commissioners and its labour relations officers and the relevant provisions of regulations under the Code apply in the construction

industry to any application, motion, complaint or proceedings brought before that Commission under this Act.”

MISCELLANEOUS PROVISIONS

51. Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001), amended by section 24 of chapter 27 of the statutes of 2006, is again amended by striking out “Construction Industry Commissioner”.

52. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 151 of chapter 15 of the statutes of 2005, is again amended by striking out “, the construction industry commissioner, a construction industry deputy-commissioner” in subparagraph 6 of paragraph *a* of subsection 2.

53. Section 11.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “The construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20) has sole jurisdiction” by “The Commission des relations du travail has sole jurisdiction”.

54. The Act is amended by inserting the following section after section 129.11:

“**129.11.1.** The mandatory Corporation shall contribute to the fund of the Commission des relations du travail, established under section 137.62 of the Labour Code (chapter C-27), to cover the expenses incurred by the Commission for proceedings brought before it in connection with a ruling made by the Corporation as part of its mandate.

The amount of the contribution from the Corporation and the terms of payment are determined by the Government.”

55. The Act is amended by inserting the following section after section 152:

“**152.1.** The Board shall contribute to the fund of the Commission des relations du travail, established under section 137.62 of the Labour Code (chapter C-27), to cover the expenses incurred by the Commission for proceedings brought before it under this Act, except those referred to in section 129.11.1.

The amount of the contribution from the Board and the terms of payment are determined by the Government.”

56. Section 164.1 of the Act, amended by sections 43 and 47 of chapter 22 of the statutes of 2005, is again amended

(1) by replacing “the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)” in the first paragraph by “the Commission des relations du travail”;

(2) by replacing “the commissioner” in the second paragraph by “the Commission”.

57. Sections 164.2 and 164.3 of the Act are amended by replacing “the construction industry commissioner” by “the Commission des relations du travail”.

58. Sections 164.4 and 164.5 of the Act are amended by replacing “The construction industry commissioner” by “The Commission des relations du travail”.

59. Section 47 of the Charter of Ville de Lévis (R.S.Q., chapter C-11.2) is amended by replacing “at one of the offices of the Commission des relations du travail established by the Labour Code (chapter C-27) in accordance with the first paragraph of section 72 of that Code” in the first sentence by “with the Minister of Labour in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27)”.

60. Section 49.3 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by replacing “at one of the offices of the Commission des relations du travail” in the second paragraph by “with the Minister of Labour”.

61. Section 52 of the Charter is amended by replacing “at one of the offices of the Commission des relations du travail established by the Labour Code (chapter C-27) in accordance with the first paragraph of section 72 of that Code” in the first sentence by “with the Minister of Labour in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27)”.

62. Section 49 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended by replacing “at one of the offices of the Commission des relations du travail established by the Labour Code (chapter C-27) in accordance with the first paragraph of section 72 of that Code” in the first sentence by “with the Minister of Labour in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27)”.

63. Section 41.1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by replacing “the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)” in the first paragraph by “the Commission des relations du travail”;

(2) by replacing “construction industry commissioner” wherever it appears in the second paragraph by “Commission”.

64. Section 9.2 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by replacing “the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20),” in the first paragraph by “the Commission des relations du travail”.

65. Section 9.3 of the Act is amended by replacing “the construction industry commissioner” in the first paragraph by “the Commission des relations du travail”.

66. Section 28.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “and” in the first paragraph by “to”.

67. Section 176.19 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by replacing “at one of the offices of the Commission of a copy of the award” in the first sentence of the fourth paragraph by “of a copy of the award with the Minister of Labour”.

68. Sections 61 and 74 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) are amended by replacing “at one of the offices of the Commission des relations du travail” by “with the Minister of Labour”.

69. Section 27 of the Professional Syndicates Act (R.S.Q., chapter S-40), amended by section 53 of chapter 44 of the statutes of 2005, is again amended by replacing “149” in the first paragraph by “118”.

70. Section 38 of the Act respecting bargaining units in the social affairs sector (R.S.Q., chapter U-0.1) is amended by replacing “When an agreement is filed with the Commission des relations du travail in accordance with section 61 of that Act, the Commission notifies the Minister” in the second paragraph by “When an agreement is filed with the Minister of Labour in accordance with section 61 of that Act, the Minister of Labour notifies the Minister of Health and Social Services”.

71. Section 45 of the Act is amended

(1) by replacing “with one of the offices of the Commission des relations du travail” in the first paragraph by “with the Minister of Labour”;

(2) by replacing “the Commission notifies the Minister” in the second paragraph by “the Minister of Labour notifies the Minister of Health and Social Services”.

72. Section 46 of the Act is amended

(1) by replacing “à l’un des bureaux de la Commission des relations du travail” in the first paragraph in the French text by “auprès du ministre du Travail”;

(2) by replacing “date of its filing in duplicate, or the filing of two true copies, with one of the offices of the Commission des relations du travail” in the first paragraph in the English text by “date on which two duplicate originals or true copies of the decision are filed with the Minister of Labour”.

TRANSITIONAL AND FINAL PROVISIONS

73. The construction industry commissioner and the construction industry deputy-commissioners become commissioners of the Commission des relations du travail for the unexpired portion of their terms and are assigned to the construction industry and vocational qualification division.

Their terms may be renewed according to the procedure referred to in sections 137.19 and 137.20 of the Labour Code (R.S.Q., chapter C-27).

They are to exercise their functions chiefly at the place to which they were assigned on appointment.

Except the president and the vice-presidents, persons other than those referred to in the first paragraph who are commissioners of the Commission des relations du travail are assigned to the labour relations division.

74. Section 137.12 of the Labour Code (R.S.Q., chapter C-27) does not apply to persons who become commissioners of the Commission des relations du travail under section 73, even on a subsequent renewal of their term, as long as they remain commissioners.

75. Persons who become commissioners of the Commission des relations du travail under section 73 must, within the following 60 days, take the oath provided in section 137.32 of the Labour Code (R.S.Q., chapter C-27).

76. The Regulation respecting the remuneration and other conditions of employment of commissioners of the Commission des relations du travail made by Order in Council 1193-2002 dated 2 October 2002 applies from the date of coming into force of section 73 to persons who become commissioners of the Commission des relations du travail under that section.

However, those persons retain the remuneration they were receiving before the coming into force of that section; if that remuneration is greater than the remuneration specified in the regulation, they retain that remuneration until it is equal to the remuneration specified in the regulation.

A review of the remuneration of those persons based on the reference period from 1 April 2006 to 31 March 2007 is to be conducted according to the conditions determined when they were appointed.

77. The members of the personnel of the construction industry commissioner become members of the personnel of the Commission des relations du travail without further formality.

78. Matters pending before the construction industry commissioner on the day before the date of coming into force of this section are continued before the Commission des relations du travail without continuance of suit.

79. Sections 7.8 and 22 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), as they read before they were amended and replaced, respectively, by sections 36 and 39, continue to apply to the decisions of the construction industry commissioner or of a construction industry deputy-commissioner to which they applied before they were so amended and replaced.

80. Until the coming into force of the rules of evidence and procedure made under section 138 of the Labour Code (R.S.Q., chapter C-27), proceedings before the construction industry and vocational qualification division of the Commission des relations du travail are governed, with the necessary modifications, by the Rules of procedure and practice of the Construction Industry Commissioner approved by Order in Council 850-2002 dated 26 June 2002, but only to the extent that they are consistent with that Code.

81. The records, documents and archives of the construction industry commissioner become records, documents and archives of the Commission des relations du travail.

82. In any legislative provision not amended by this Act, in any regulation and in any other document, unless the context indicates otherwise, a reference to the construction industry commissioner or to a construction industry deputy-commissioner is a reference to the Commission des relations du travail, with the necessary modifications.

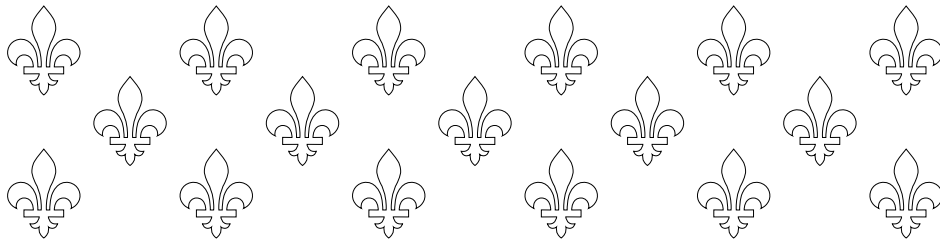
83. The sums paid into the fund of the construction industry commissioner are transferred to the fund of the Commission des relations du travail.

84. The Minister of Labour becomes the depositary of the collective agreements and arbitration awards filed with the Commission des relations du travail before the date of coming into force of section 7.

85. For the purposes of the regulations under the Labour Code (R.S.Q., chapter C-27) and under the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), the Minister of Labour is deemed to be the authority with whom collective agreements must be filed and to whom arbitration awards must be sent, instead of the Commission des relations du travail.

The Minister is also responsible for issuing a certificate or attestation confirming that a collective agreement has been filed or an arbitration award sent, instead of the Commission.

86. The provisions of this Act come into force on 13 January 2007, except sections 9, 23 and 66, which come into force on 14 December 2006, sections 7, 8, 10 to 14, paragraph 2 of section 31, sections 40 to 42, 45, 59 to 62, 67, 68, 70 to 72, 84 and 85, which come into force on 1 April 2007, and sections 1, 16, 27 to 30, paragraphs 1 to 4 of section 34, and sections 35 to 39, 43, 44, 46 to 58, 63 to 65 and 73 to 83, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 206

(Private)

**An Act respecting the pension plan
of certain employees of the Commission
scolaire de la Capitale**

**Introduced 15 November 2006
Passage in principle 14 December 2006
Passage 14 December 2006
Assented to 14 December 2006**

**Québec Official Publisher
2006**

Bill 206

(Private)

AN ACT RESPECTING THE PENSION PLAN OF CERTAIN EMPLOYEES OF THE COMMISSION SCOLAIRE DE LA CAPITALE

AS it is in the interest of the members and beneficiaries of the pension plan of certain employees of the Commission scolaire de la Capitale to terminate that pension plan and to set out termination terms;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite sections 204 to 207 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), the pension plan of certain employees of the Commission scolaire de la Capitale is terminated on 31 December 2006. The termination affects every person who is a member or beneficiary of the pension plan on that date.

For the purposes of the other provisions of the Supplemental Pension Plans Act, the Régie des rentes du Québec is deemed to have rendered, on that date, a decision terminating the pension plan. The Supplemental Pension Plans Act, except the sections mentioned in this Act, applies to the termination of the pension plan.

2. Despite section 237 of the Supplemental Pension Plans Act, the Commission administrative des régimes de retraite et d'assurances assumes payment from 1 May 2007, on the conditions set out in the pension plan of certain employees of the Commission scolaire de la Capitale, of the benefits of the members and beneficiaries of the pension plan whose pension was in payment before the date of termination of the pension plan.

An amount equal to the value of the benefits accrued to those members and beneficiaries is transferred to the Commission administrative des régimes de retraite et d'assurances. That amount is established by the actuary in the termination report of the pension plan as at the date of termination of the pension plan in accordance with the Regulation under the Act respecting the Government and Public Employees Retirement Plan enacted by Order in Council 1845-88 (1988, G.O. 2, 4154) in force on 29 June 2006.

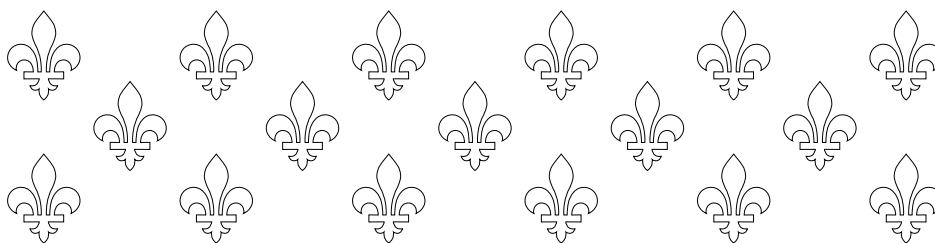
This section applies even if there are no longer any active members in the pension plan on the date of its termination.

For the months of January, February, March and April 2007, payment of the benefits is assumed by the pension plan and the amount transferred under the second paragraph is adjusted accordingly.

3. The amounts transferred to the Commission administrative des régimes de retraite et d'assurances so that it may assume its obligations under section 2 of this Act and sections 80 and 101 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) are paid, despite section 102 of that Act, into a special fund at the Caisse de dépôt et placement du Québec. All the benefits referred to in those sections and the administrative expenses relating to those benefits are paid first out of that fund and then out of the consolidated revenue fund. As of 1 January 2007, those benefits may not be the object of an increase other than increases provided for under the pension plan of certain employees of the Commission scolaire de la Capitale at the date of its termination; nor may they give rise to an adjustment to the pension paid by the Government and Public Employees Retirement Plan.

If an actuarial valuation identifies a surplus pertaining to those benefits, the Commission administrative des régimes de retraite et d'assurances must transfer the portion of the surplus the minister responsible for the administration of the Act respecting the Government and Public Employees Retirement Plan specifies to the consolidated revenue fund. Once the Commission has met all the obligations relating to those benefits, it must transfer any balance in the special fund to the consolidated revenue fund.

4. This Act comes into force on 14 December 2006.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 208

(Private)

**An Act respecting the demutualization
of Sherbrooke-Vie, société de secours
mutuels**

Introduced 1 November 2006

Passage in principle 14 December 2006

Passage 14 December 2006

Assented to 14 December 2006

**Québec Official Publisher
2006**

Bill 208

(Private)

AN ACT RESPECTING THE DEMUTUALIZATION OF SHERBROOKE-VIE, SOCIÉTÉ DE SECOURS MUTUELS

AS the Conseil central des syndicats nationaux de l'Estrie (CSN) inc. was constituted under the Professional Syndicates Act (R.S.Q., chapter S-40) in 1925 and established a special indemnity fund under the name Service d'entr'aide familiale (SEAF) in 1944;

AS Service d'entraide et d'assurance familiales, société de secours mutuels (S.E.A.F.) was constituted as a mutual benefit association under the Act respecting insurance (R.S.Q., chapter A-32) on 20 April 1998;

AS all the assets and liabilities of Service d'entr'aide familiale (SEAF) of the Conseil central des syndicats nationaux de l'Estrie (CSN) inc. were transferred to Service d'entraide et d'assurance familiales, société de secours mutuels (S.E.A.F.) on 11 May 1998;

AS, under the Act respecting insurance, the name of Service d'entraide et d'assurance familiales, société de secours mutuels (S.E.A.F.) was changed to "Sherbrooke-Vie, société de secours mutuels" (Sherbrooke-Vie) on 28 October 2002;

AS Sherbrooke-Vie wishes to demutualize into a capital stock insurance company;

AS the board of directors of Sherbrooke-Vie unanimously passed a resolution approving a demutualization proposal and a demutualization by-law on 28 August 2006;

AS the fair and equitable nature of the demutualization proposal has been affirmed by an independent actuary;

AS, at a special general meeting held on 30 October 2006, the members of Sherbrooke-Vie approved by two-thirds of the votes the demutualization proposal and demutualization by-law 2006-1 sent to the Autorité des marchés financiers, and authorized the board of directors and the officers to petition the National Assembly of Québec for the passage of a private bill to authorize the demutualization of Sherbrooke-Vie into a capital stock insurance company;

AS it is expedient that Sherbrooke-Vie demutualize into a capital stock insurance company;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

INTERPRETATION

1. In this Act,

- (a) “the Act” means the Act respecting insurance (R.S.Q., chapter A-32);
- (b) “the Company” means the capital stock insurance company resulting from the demutualization of Sherbrooke-Vie, société de secours mutuels; and
- (c) “the Association” means Sherbrooke-Vie, société de secours mutuels.

CHAPTER II

DEMUTUALIZATION

2. By the drawing-up of a certificate of demutualization, the Association is demutualized on 1 January 2007, under the terms of the demutualization by-law, into a capital stock insurance company governed by the Act and Part IA of the Companies Act (R.S.Q., chapter C-38).

3. The Association must send the Autorité des marchés financiers the demutualization proposal and the demutualization by-law within the time specified by the Authority.

4. The demutualization by-law must include

- (1) the name of the Company;
- (2) the address of its head office;
- (3) the classes of insurance the Company is authorized to transact;
- (4) a description of its capital stock; and
- (5) the computation method referred to in section 13.

5. The provisions of the demutualization by-law and this Act must be incorporated into the Company’s articles of demutualization, which must also include the information and provisions described in sections 123.12 and 123.13 of the Companies Act.

6. After making sure that capitalization requirements are met, the Autorité des marchés financiers must send the enterprise registrar two copies of the articles of demutualization, signed by a director of the Association, along with the demutualization by-law and the other documents required under

section 123.14 of the Companies Act. The enterprise registrar must deposit them in the register and draw up a certificate of demutualization dated 1 January 2007.

7. Members retain their rights as policyholders but their rights as members are terminated. Under its name, the Company enjoys all the rights and assumes all the obligations of the Association, and suits to which the Association is a party may be continued by or against the Company without continuance of suit.

8. The Company may subsequently amend its articles as provided by law.

CHAPTER III

CAPITAL STOCK INSURANCE COMPANY

DIVISION I

OBJECT, DIRECTORS AND OFFICERS

9. The Company is authorized to transact insurance of persons and damage insurance.

10. The directors and officers of the Association in office before its demutualization become the directors and officers of the Company. The directors remain in office until the next general meeting unless they resign or their office is otherwise vacated before that time.

DIVISION II

ADMINISTRATION

11. Subject to this Act and the demutualization by-law, the by-laws of the Association become those of the Company and remain applicable until amended, repealed or replaced.

CHAPTER IV

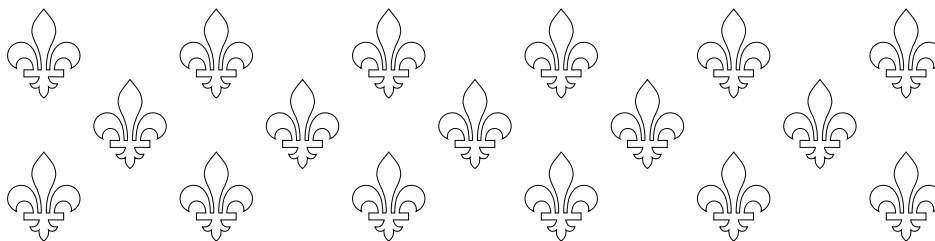
INSURANCE POLICY ENHANCEMENT

12. All insurance or mutual benefit policies issued by the Association and in force on 31 December 2006 become insurance policies fully guaranteed by the Company.

13. The face amount of insurance policies in force on 31 December 2006 is enhanced according to the computation method set out in the demutualization by-law.

14. The fees payable to the enterprise registrar for the demutualization and the issue of a certificate of demutualization amount to \$1,757.

15. This Act comes into force on 14 December 2006.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 211

(Private)

An Act to amend the Act to incorporate Sir George Williams University

Introduction

Introduced 9 November 2006

Passage in principle 14 December 2006

Passage 14 December 2006

Assented to 14 December 2006

**Québec Official Publisher
2006**

Bill 211

(Private)

AN ACT TO AMEND THE ACT TO INCORPORATE SIR GEORGE WILLIAMS UNIVERSITY

AS Concordia University was constituted as a legal person under chapter 91 of the statutes of 1948, amended by chapter 191 of the statutes of 1959-60;

AS it is in the interest of Concordia University that the Act governing it be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to incorporate Sir George Williams University (1948, chapter 91), amended by section 1 of chapter 191 of the statutes of 1959-60, is again amended

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

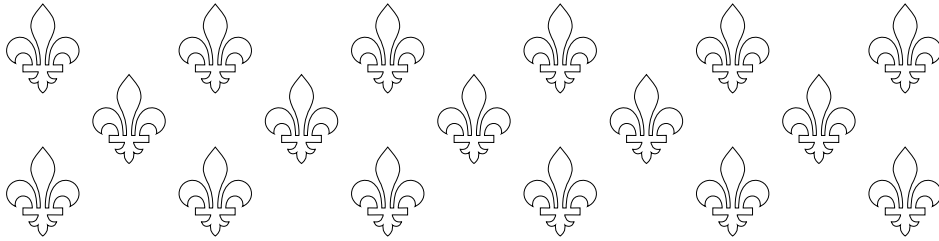
“Concordia University Act”;

(2) by replacing the words “Sir George Williams University” wherever they appear by the words “Concordia University”.

2. Section 2 of the Act is amended by inserting the following subparagraph after subparagraph *e* of the first paragraph:

“(e.1) To expropriate any immovable or real right in accordance with the Expropriation Act (R.S.Q., chapter E-24);”.

3. This Act comes into force on 14 December 2006.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 213

(Private)

An Act respecting the Institut de recherches cliniques de Montréal

Introduced 15 November 2006

Passage in principle 14 December 2006

Passage 14 December 2006

Assented to 14 December 2006

**Québec Official Publisher
2006**

Bill 213

(Private)

AN ACT RESPECTING THE INSTITUT DE RECHERCHES CLINIQUES DE MONTRÉAL

AS the Institut de recherches cliniques de Montréal (the Institute) is a legal person constituted by the Act to incorporate the Centre Médical Claude Bernard Medical Centre (1952, chapter 139), as amended by the Act to amend the charter of “Centre Médical Claude Bernard Medical Centre” and to change its name to that of L’Institut de Diagnostic et de Recherches Cliniques de Montréal (1965, chapter 117), and its name was again changed under section 19 of that constituting Act following the authorization of the Minister of Finance published in the *Gazette officielle du Québec* on 8 November 1986;

AS it is good reason to amend the articles of the Institute in order to specify its objects, complete the legal framework in which clinical care activities are carried on at the Institute and continue its existence as a legal person governed by Part III of the Companies Act (R.S.Q., chapter C-38);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The legal person known as the Institut de recherches cliniques de Montréal is continued as a non-profit legal person governed by Part III of the Companies Act (R.S.Q., chapter C-38).
- 2.** The Institute operates a research centre whose objects include
 - (1) understanding the causes and mechanisms of diseases in order to find diagnostic tools and means of prevention and treatment;
 - (2) training researchers and research personnel; and
 - (3) contributing to Québec’s socio-economic development by facilitating the commercial development of new discoveries.
- 3.** The Institute’s head office is located in Montréal.
- 4.** The amount of income from immovable property that the Institute may acquire or own is limited to \$1,000,000.
- 5.** The Institute may take part in the education and training of health researchers and professionals. It may, for those purposes, enter into an agreement with an institution of higher education or a public institution that

operates a centre designated as a university hospital centre or a university institute under the Act respecting health services and social services (R.S.Q., chapter S-4.2).

6. As part of clinical research projects, the Institute may operate a clinic where outpatient services are offered to the public by health professionals.

7. So that the Institute may operate such a clinic, the Institute and a public institution that operates a centre designated as a university hospital centre or a university institute and is authorized for that purpose by the Minister of Health and Social Services must enter into an agreement granting the public institution the exclusive right to provide medical services on the clinic premises.

The agreement must stipulate, among other things,

(1) that any physician wishing to practise at the Institute's clinic must be on the public institution's council of physicians, dentists and pharmacists and fulfill at all times the obligations attached to the privileges granted the physician by the public institution;

(2) that the public institution is responsible for monitoring the quality of and supervising the medical services provided at the clinic;

(3) that the public institution is responsible for handling complaints received from users of the clinic regarding the medical services provided at the clinic; and

(4) that the public institution is to provide medical services on the premises leased to it for that purpose by the Institute.

The agreement may not provide for the devolution of research project direction, planning and coordination functions to the public institution.

8. The services provided by a physician at the Institute's clinic are deemed, for the purposes of the physician's remuneration, to be provided in a facility of the public institution that is a party to the agreement.

9. If the Institute has entered into an agreement under section 7, it must send a yearly report to the Minister of Health and Social Services on the implementation of the agreement and on any other related matter that the Minister determines.

10. The Institute may acquire and hold shares, bonds, units or other securities of another legal person or a partnership, and sell or otherwise dispose of them.

11. The Institute must enter into a liability insurance contract that provides coverage for acts for which it may be held legally responsible.

To that end, the Institute may join an association recognized by the Minister of Health and Social Services under section 267 of the Act respecting health services and social services, even if the Institute is not an institution within the meaning of that Act.

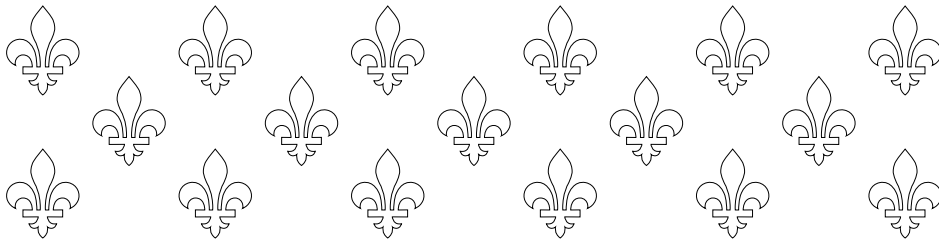
12. The immovables of the Institute are exempt from property taxes.

13. The Act to incorporate the Centre Médical Claude Bernard Medical Centre (1952, chapter 139) and the Act to amend the charter of “Centre Médical Claude Bernard Medical Centre” and to change its name to that of L’Institut de Diagnostic et de Recherches Cliniques de Montréal (1965, chapter 117) are repealed.

14. The directors of the Institute in office on 31 March 2007 remain in office until replaced or reappointed by the members in accordance with the Institute by-laws. Members in good standing of the Institute on that date remain so provided that they meet the conditions set out in the Institute by-laws.

15. The by-laws, resolutions and other instruments made or authorized by the board of directors of the Institute before 1 April 2007 are deemed valid and continue to have effect until amended or replaced by the board of directors in accordance with Part III of the Companies Act.

16. This Act comes into force on 1 April 2007.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 215

(Private)

**An Act to amalgamate the Mackay
Rehabilitation Centre and The Montreal
Association for the Blind under the name
MAB-Mackay Rehabilitation Centre /
Centre de réadaptation MAB-Mackay**

Introduced 5 December 2006

Passage in principle 14 December 2006

Passage 14 December 2006

Assented to 14 December 2006

Bill 215

(Private)

AN ACT TO AMALGAMATE THE MACKAY REHABILITATION CENTRE AND THE MONTREAL ASSOCIATION FOR THE BLIND UNDER THE NAME MAB-MACKAY REHABILITATION CENTRE / CENTRE DE RÉADAPTATION MAB-MACKAY

AS the Mackay Rehabilitation Centre is a non-profit legal person duly constituted by the Act respecting the Mackay Center (1960-1961, chapter 153), as amended by chapter 109 of the statutes of 1989, which, as a private institution, operates a rehabilitation centre for hearing-impaired people and a rehabilitation centre for motor-impaired people;

AS The Montreal Association for the Blind is a non-profit legal person duly constituted by the Act to incorporate The Montreal Association for the Blind (1910, chapter 90), as amended by chapter 119 of the statutes of 1963-1964, which, as a private institution, operates a rehabilitation centre for sight-impaired people and a residential and long-term care centre for sight-impaired people;

AS the Mackay Rehabilitation Centre and The Montreal Association for the Blind share common objectives relating to the rehabilitation, adaptation and social integration of physically impaired people in the Montréal area, and as it is desirable that those institutions be amalgamated in the interests of more effective management, operations and mobilization;

AS the amalgamation was unanimously approved by resolutions of the board of directors and the general meeting of the members of the Mackay Rehabilitation Centre on 26 January 2006;

AS the amalgamation was unanimously approved by resolutions of the board of directors and the general meeting of the members of The Montreal Association for the Blind on 26 January 2006;

AS an amalgamation agreement between the two institutions was signed on 26 January 2006;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Mackay Rehabilitation Centre and The Montreal Association for the Blind are amalgamated to form a single legal person under the name MAB-Mackay Rehabilitation Centre / Centre de réadaptation MAB-Mackay in

accordance with the terms of the amalgamation agreement signed on 26 January 2006.

2. The head office of the legal person resulting from the amalgamation is located in the territory of Ville de Montréal.

3. The legal person resulting from the amalgamation continues the legal personality and the missions of the amalgamated institutions, and enjoys all their rights, acquires all their property and assumes all their obligations. Proceedings to which the amalgamated institutions are parties are continued by the legal person resulting from the amalgamation without continuance of suit. The private status of the amalgamated institutions and the recognitions, privileges and designations they enjoy under the Act respecting health services and social services (R.S.Q., chapter S-4.2) and the Charter of the French language (R.S.Q., chapter C-11) are not affected in any manner and are maintained for the legal person resulting from the amalgamation.

4. The mission of the legal person resulting from the amalgamation is to operate a rehabilitation centre for hearing-impaired people, a rehabilitation centre for motor-impaired people, a rehabilitation centre for sight-impaired people and a residential and long-term care centre, in accordance with the Act respecting health services and social services.

5. The persons whose names appear below are to be the provisional directors of the legal person resulting from the amalgamation until the end of the first meeting of its members:

Allan Aitken	Robert Jeffries	Scott Rodie
Fred Braman	Rajesh Malik	Valerie Shannon
Thomas M. Davis	Graham Martin	Stanley Vincelli
Michael Di Grappa	Patricia O'Connor	Camillo Zacchia
Ross S. Green	Christopher Porteous	

6. This Act replaces the Act respecting the Mackay Center (1960-1961, chapter 153), as amended by chapter 109 of the statutes of 1989, and the Act to incorporate The Montreal Association for the Blind (1910, chapter 90), as amended by chapter 119 of the statutes of 1963-1964.

7. This Act comes into force on 14 December 2006.

Regulations and other acts

Gouvernement du Québec

Agreement

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

AGREEMENT TO TERMINATE THE AGREEMENT CONCERNING NEW METHODS OF VOTING

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF CITY OF CAUSAPSCAL, a public corporation having its head office at 1, rue Saint-Jacques Nord, Causapsal, Province of Québec, herein represented by the mayor, Mr. Denis Bastien, and the clerk or secretary-treasurer, Mr. Jean-Noel Barriault, pursuant to a resolution bearing number 2006-11-330, hereinafter referred to as

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to this position in accordance with the Election Act (R.S.Q., c. E-3.3), acting for the purpose of this agreement in that capacity and having his head office at 3460, rue de la Pérade, Québec, Province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the parties signed an agreement on 2005 in accordance with section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the use of a new method of voting during the election of November 6, 2005;

WHEREAS this agreement is in effect until 31st December 2013;

WHEREAS the Chief electoral officer tabled a report in the National Assembly on October 24, 2006, entitled Élections municipales du 6 novembre 2005 – Rapport d'évaluation des nouveaux mécanismes de votation;

WHEREAS this report highlights major problems that arose from the use of new methods of voting and recommends a review of all aspects surrounding their use and the manner in which they are used;

WHEREAS under these circumstances, the MUNICIPALITY no longer wishes to use the new method of voting envisaged in the agreement signed between the parties and would like to terminate this agreement;

WHEREAS during its session of 6th November of the year 2006, the council of the MUNICIPALITY adopted resolution No. 2006-11-330 approving the termination of the agreement signed between the parties in 2005 and authorizing the mayor and the clerk or secretary-treasurer to sign the present agreement;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

The preamble is an integral part of this agreement.

2. TERMINATION

The agreement concerning new methods of voting entered into between the parties on 2005 is terminated.

3. EFFECT OF THE AGREEMENT

This agreement took effect from the time when the returning officer took the first steps toward an election in which the agreement being termination would have been applicable.

AGREEMENT SIGNED IN TRIPLICATE

In Causapsal, this 7th day of the month of November of the year 2006

THE MUNICIPALITY OF CAUSAPSCAL

By: _____
DENIS BASTIEN, *Mayor*

JEAN-NOEL BARRIAULT,
Clerk or secretary-treasurer of the municipality

In Québec, this 9th day of the month of November of the year 2006

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, this 17th day of the month of November of the year 2006

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

JEAN-PAUL BEAULIEU, *Deputy Minister*

7998

Gouvernement du Québec

Agreement

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

AGREEMENT TO TERMINATE THE AGREEMENT CONCERNING NEW METHODS OF VOTING

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF CITY OF NICOLET, a public corporation having its head office at 180, rue Monseigneur-Panet, Nicolet, J3T 1S6, Province of Québec, herein represented by the mayor, Alain Drouin, and the clerk, M^e Monique Corriveau, pursuant to a resolution bearing number 403-11-2006 hereinafter referred to as

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to this position in accordance with the Election Act (R.S.Q.,

c. E-3.3), acting for the purpose of this agreement in that capacity and having his head office at 3460, rue de la Pérade, Québec, Province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the parties signed an agreement in 2005 in accordance with section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the use of a new method of voting during the election of November 6, 2005;

WHEREAS this agreement is in effect until 31 of December 2013;

WHEREAS the Chief electoral officer tabled a report in the National Assembly on October 24, 2006, entitled Elections municipales du 6 novembre 2005 – Rapport d'évaluation des nouveaux mécanismes de votation;

WHEREAS this report highlights major problems that arose from the use of new methods of voting and recommends a review of all aspects surrounding their use and the manner in which they are used;

WHEREAS under these circumstances, the MUNICIPALITY no longer wishes to use the new method of voting envisaged in the agreement signed between the parties and would like to terminate this agreement;

WHEREAS during its session of 13th of November of the year 2006, the council of the MUNICIPALITY adopted resolution No. 403-11-2006 approving the termination of the agreement signed between the parties in 2005 and authorizing the mayor and the clerk or secretary-treasurer to sign the present agreement;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

The preamble is an integral part of this agreement.

2. TERMINATION

The agreement concerning new methods of voting entered into between the parties in 2005 is terminated.

3. EFFECT OF THE AGREEMENT

This agreement took effect from the time when the returning officer took the first steps toward an election in which the agreement being termination would have been applicable.

AGREEMENT SIGNED IN TRIPLICATE

In Nicolet, this 14th day of the month of November of the year 2006

THE MUNICIPALITY OF CITY OF NICOLET

By: _____
ALAIN DROUIN, *Mayor*

MONIQUE CORRIVEAU,
Clerk of the municipality

In Québec, this 27th day of the month of November of the year 2006

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, this 4th day of the month of December of the year 2006

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

JEAN-PAUL BEAULIEU, *Deputy Minister*

7996

Gouvernement du Québec

Agreement

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

AGREEMENT TO TERMINATE THE AGREEMENT CONCERNING NEW METHODS OF VOTING

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF MONT-SAINT-HILAIRE, a public corporation having its head office at 100, rue du Centre-Civique, Mont-Saint-Hilaire, Province of Québec,

herein represented by the mayor, Michel Gilbert, and the clerk, Estelle Simard, pursuant to a resolution bearing number 2006-352, hereinafter referred to as

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to this position in accordance with the Election Act (R.S.Q., c. E-3.3), acting for the purpose of this agreement in that capacity and having his head office at 3460, rue de la Pérade, Québec, Province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the parties signed an agreement in 2003 in accordance with section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the use of a new method of voting during the election of November 6, 2005;

WHEREAS this agreement is in effect until November 1st, 2009;

WHEREAS the Chief electoral officer tabled a report in the National Assembly on October 24, 2006, entitled Élections municipales du 6 novembre 2005 – Rapport d'évaluation des nouveaux mécanismes de votation;

WHEREAS this report highlights major problems that arose from the use of new methods of voting and recommends a review of all aspects surrounding their use and the manner in which they are used;

WHEREAS under these circumstances, the MUNICIPALITY no longer wishes to use the new method of voting envisaged in the agreement signed between the parties and would like to terminate this agreement;

WHEREAS during its session of November 6th of the year 2006, the council of the MUNICIPALITY adopted resolution No. 2006-352 approving the termination of the agreement signed between the parties in 2003 and authorizing the mayor and the clerk to sign the present agreement;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

The preamble is an integral part of this agreement.

2. TERMINATION

The agreement concerning new methods of voting entered into between the parties on 2003 is terminated.

3. EFFECT OF THE AGREEMENT

This agreement took effect from the time when the returning officer took the first steps toward an election in which the agreement being termination would have been applicable.

AGREEMENT SIGNED IN TRIPLICATE

In Mont-Saint-Hilaire, this 13th day of the month of November of the year 2006

THE MUNICIPALITY OF MONT-SAINT-HILAIRE

By: _____
MICHEL GILBERT, *Mayor*

ESTELLE SIMARD, *Clerk*

In Québec, this 14th day of the month of November of the year 2006

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, this 21st day of the month of November of the year 2006

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

JEAN-PAUL BEAULIEU, *Deputy Minister*

7997

Gouvernement du Québec

Agreement

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

AGREEMENT TO TERMINATE THE AGREEMENT CONCERNING NEW METHODS OF VOTING

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF SAINT-ALPHONSE-RODRIGUEZ, a public corporation having its head office at 101, rue de la Plage, Saint-Alphonse-Rodriguez, Province of Québec, herein represented by the mayor, Louis Yves LeBeau, and the clerk or secretary-treasurer, François Dauphin, pursuant to a resolution bearing number 05-06-675, hereinafter referred to as

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to this position in accordance with the Election Act (R.S.Q., c. E-3.3), acting for the purpose of this agreement in that capacity and having his head office at 3460, rue de la Périade, Québec, Province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the parties signed an agreement on 2005 in accordance with section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the use of a new method of voting during the election of November 6, 2005;

WHEREAS this agreement is in effect until December 31, 2019;

WHEREAS the Chief electoral officer tabled a report in the National Assembly on October 24, 2006, entitled *Élections municipales du 6 novembre 2005 – Rapport d'évaluation des nouveaux mécanismes de votation*;

WHEREAS this report highlights major problems that arose from the use of new methods of voting and recommends a review of all aspects surrounding their use and the manner in which they are used;

WHEREAS under these circumstances, the MUNICIPALITY no longer wishes to use the new method of voting envisaged in the agreement signed between the parties and would like to terminate this agreement;

WHEREAS during its session of September 18th of the year 2006, the council of the MUNICIPALITY adopted resolution No. 06-09-195 approving the termination of the agreement signed between the parties in 2005 and authorizing the mayor and the clerk or secretary-treasurer to sign the present agreement;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

The preamble is an integral part of this agreement.

2. TERMINATION

The agreement concerning new methods of voting entered into between the parties on 2005 is terminated.

3. EFFECT OF THE AGREEMENT

This agreement took effect from the time when the returning officer took the first steps toward an election in which the agreement being termination would have been applicable.

AGREEMENT SIGNED IN TRIPLICATE

In Saint-Alphonse-Rodriguez, this 13th day of the month of November of the year 2006

THE MUNICIPALITY OF SAINT-ALPHONSE-RODRIGUEZ

By: _____
LOUIS YVES LEBEAU, *Mayor*

FRANÇOIS DAUPHIN,
Clerk or secretary-treasurer of the municipality

In Québec, this 27th day of the month of November of the year 2006

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, this 22nd day of the month of November of the year 2006

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

JEAN-PAUL BEAULIEU, *Deputy Minister*

7995

Gouvernement du Québec

Agreement

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

AGREEMENT TO TERMINATE THE AGREEMENT CONCERNING NEW METHODS OF VOTING

AGREEMENT ENTERED INTO

BETWEEN

The MUNICIPALITY OF THE TOWNSHIP OF HARRINGTON, a public corporation having its head office at 2811, route 327, Harrington, Province of Québec, herein represented by the mayor, Ellen Lakoff, and the Secretary-Treasurer and General Director, pursuant to a resolution bearing number 184-2006, hereinafter referred to as

THE MUNICIPALITY

AND

Mr. Marcel Blanchet, in his capacity as the CHIEF ELECTORAL OFFICER OF QUÉBEC, duly appointed to this position in accordance with the Election Act (R.S.Q., c. E-3.3), acting for the purpose of this agreement in that capacity and having his head office at 3460, rue de la Pérade, Québec, Province of Québec, hereinafter referred to as

THE CHIEF ELECTORAL OFFICER

AND

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

THE MINISTER

WHEREAS the parties signed an agreement on January 2005 in accordance with section 659.2 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the use of a new method of voting during the election of November 6, 2005;

WHEREAS this agreement is in effect until December 31, 2009;

WHEREAS the Chief electoral officer tabled a report in the National Assembly on October 24, 2006, entitled Élections municipales du 6 novembre 2005 – Rapport d'évaluation des nouveaux mécanismes de votation;

WHEREAS this report highlights major problems that arose from the use of new methods of voting and recommends a review of all aspects surrounding their use and the manner in which they are used;

WHEREAS under these circumstances, the MUNICIPALITY no longer wishes to use the new method of voting envisaged in the agreement signed between the parties and would like to terminate this agreement;

WHEREAS during its session of November 6, of the year 2006, the council of the MUNICIPALITY adopted resolution No. 184-2006 approving the termination of the agreement signed between the parties in January 2005 and authorizing the mayor and the clerk or secretary-treasurer to sign the present agreement;

CONSEQUENTLY, the parties agree as follows:

1. PREAMBLE

The preamble is an integral part of this agreement.

2. TERMINATION

The agreement concerning new methods of voting entered into between the parties on January 2005 is terminated.

3. EFFECT OF THE AGREEMENT

This agreement took effect from the time when the returning officer took the first steps toward an election in which the agreement being termination would have been applicable.

AGREEMENT SIGNED IN TRIPLICATE

In Harrington, this 27th day of the month of November of the year 2006

THE MUNICIPALITY OF HARRINGTON

By: _____
ELLEN LAKOFF, *Mayor*

LUC LAFONTAINE,
*Director General and Secretary-Treasurer
of the municipality*

In Québec, this 8th day of the month of December of the year 2006

THE CHIEF ELECTORAL OFFICER

MARCEL BLANCHET

In Québec, this 8th day of the month of December of the year 2006

THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

JEAN-PAUL BEAULIEU, *Deputy Minister*

7994

M.O., 2007**Order number AM 2007-001 of the Minister of Natural Resources and Wildlife dated 23 January 2007**

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

CONCERNING Regulation to amend the Regulation respecting hunting

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING sections 54.1 and 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) under which the Minister may make regulations on the matters mentioned therein;

CONSIDERING section 164 of the Act under which a regulation made under sections 54.1 and 56 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING that the Regulation respecting hunting, made by Minister's Order 99021 dated 27 July 1999, provides for the conditions for the hunting of any animal or any animal of a class of animals;

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting hunting, attached hereto, is made.

Québec, 23 January 2007

PIERRE CORBEIL,
*Minister of Natural Resources
and Wildlife*

Regulation to amend the Regulation respecting hunting*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 54.1, par. 1 and s. 56, 3rd par., subpars 1, 2 and 3)

1. Section 14 of the Regulation respecting hunting is amended

(1) by replacing “do not apply” in the third paragraph by “do not apply; however the hunting of white-tailed deer, female or male, with antlers of less than 7 centimetres is permitted in the territories mentioned in section 2

of this Schedule as long as the outfitting operations, which operate on those territories, apply that option for each year of a three-year period in the white-tailed deer management plan”;

(2) by inserting “CX,” after “LXXIX,” in the fourth paragraph as regards white-tailed deer or black bear hunting and “CX,” after “CIX,” as regards moose hunting.

2. Schedule II is amended in section 3

(1) by replacing the number of licences in paragraph *ii* by the following as regards the following wildlife sanctuaries:

“Ashuapmushuan	36
La Vérendrye	261”;

(2) by replacing the number of licences in paragraph *iii* by the following as regards the following controlled zone:

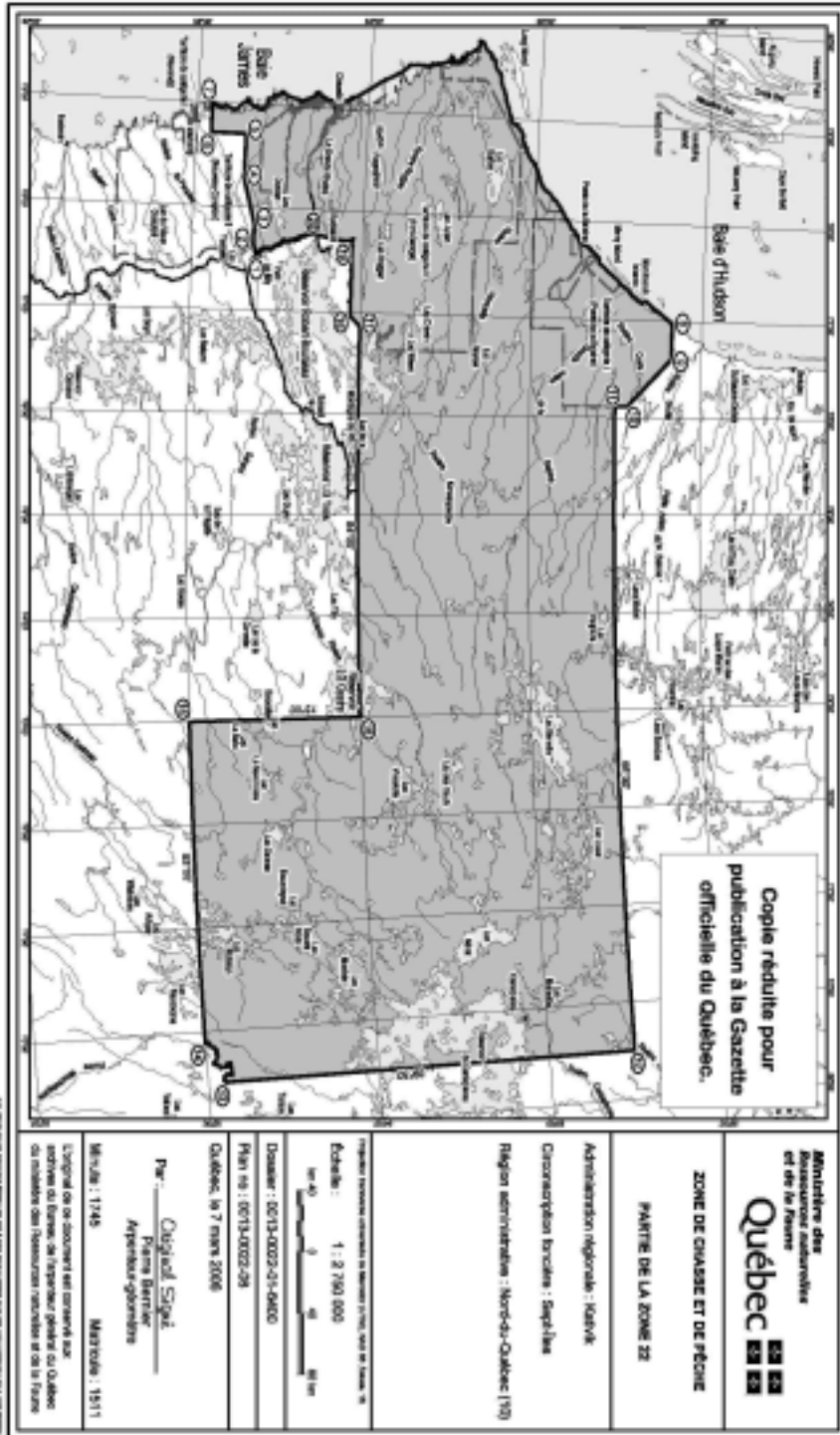
“des Nymphes 20”.

3. Schedules XVII, CX and CLXXXIX are replaced by the Schedules attached hereto.

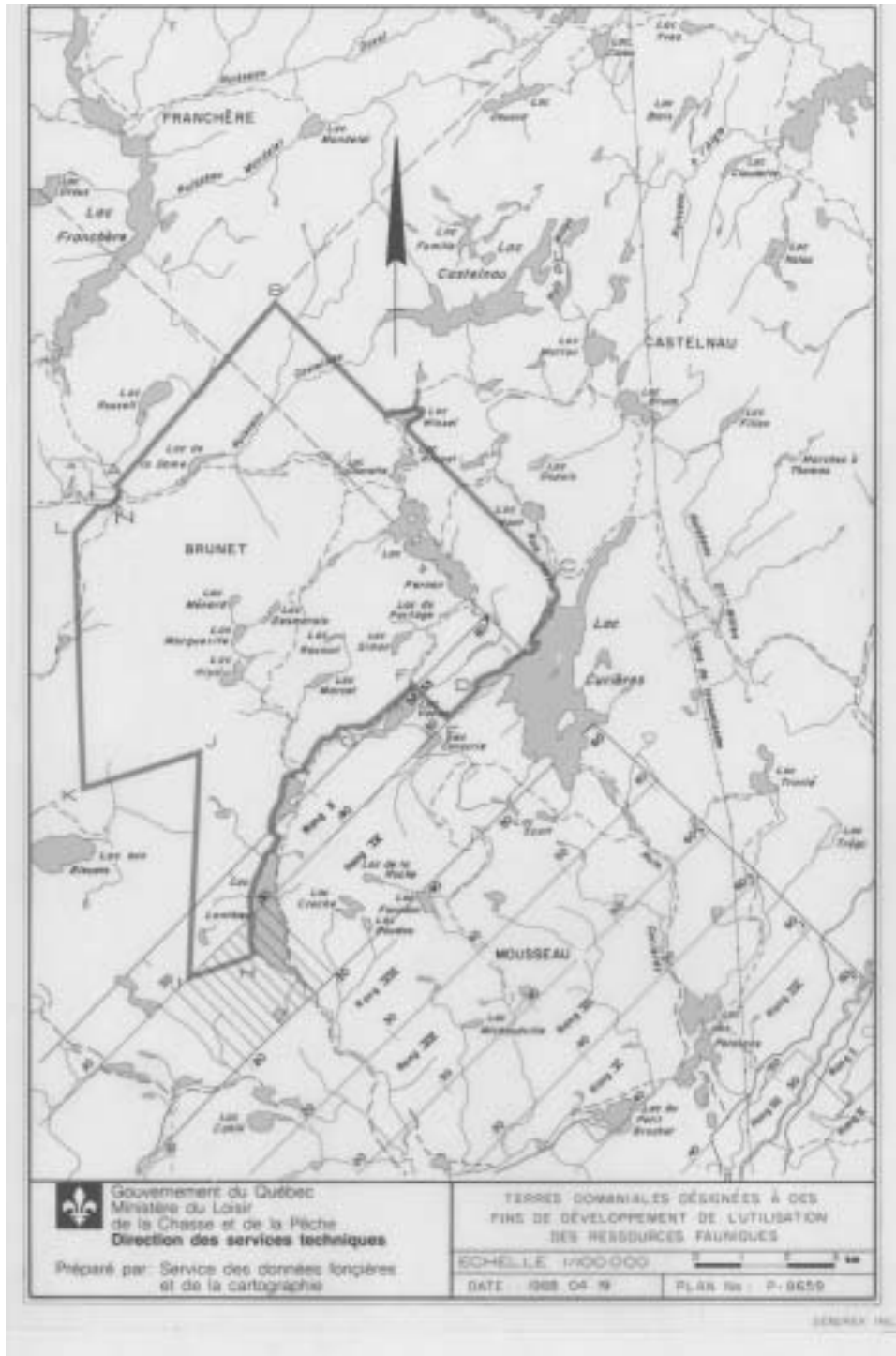
4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

* The Regulation respecting hunting, made by Minister's Order 99021 dated 27 July 1999 (*G.O.* 2, 2451), was last amended by the regulation made by Minister's Order 2006-35 dated 17 August 2006 (2006, *G.O.* 2, 2994). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

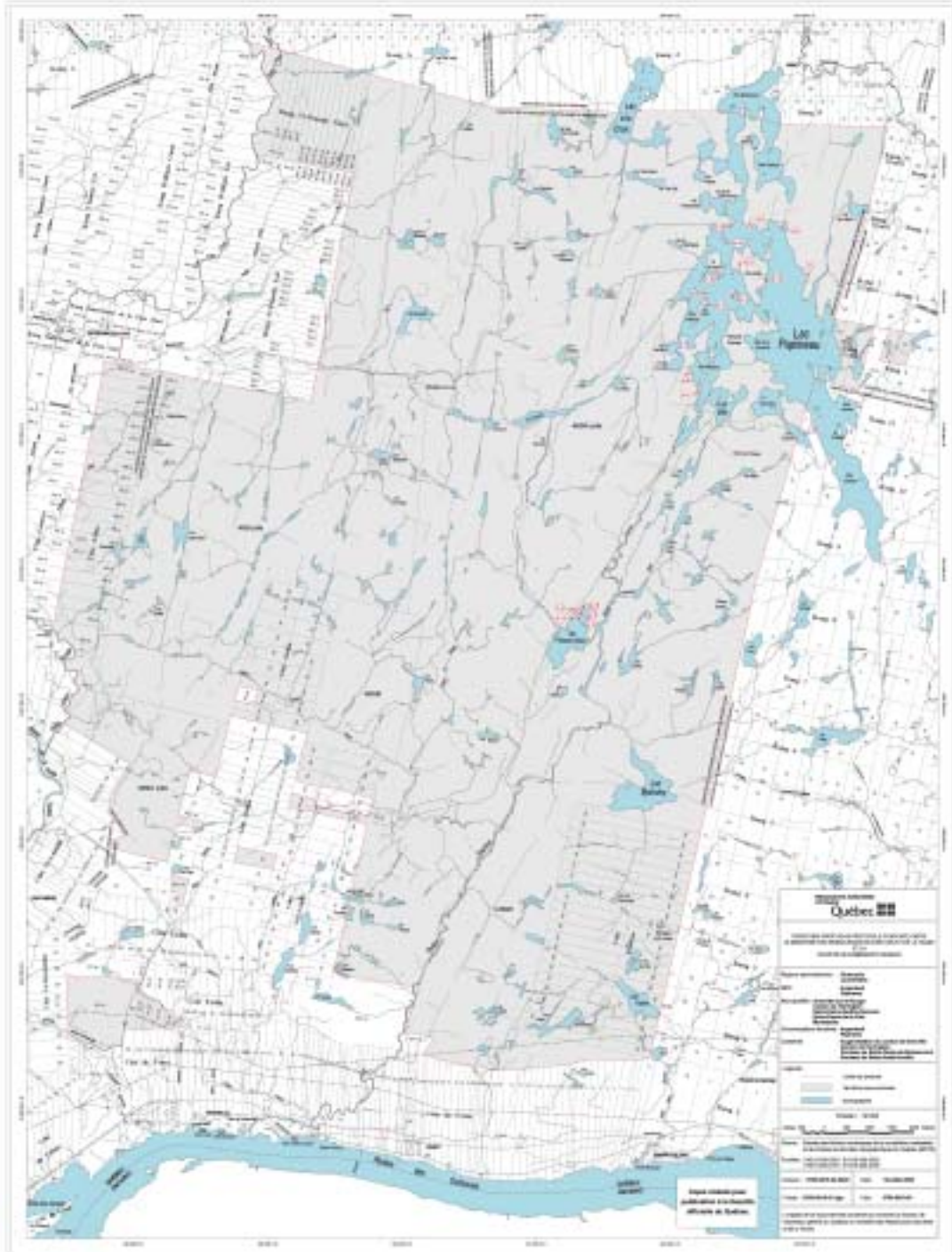
SCHEDULE XVII



SCHEDULE CX



SCHEDULE CLXXXIX



M.O., 2007-001**Order of the Minister of Health and Social Services making the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan dated 19 January 2007**

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 2005, c. 40)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING section 60 of the Act respecting prescription drug insurance (R.S.Q., c. A-29.01; 2005, c. 40, s. 22, par. 1);

CONSIDERING Order 1999-014 dated 15 September 1999 of the Minister of State for Health and Social Services and Minister of Health and Social Services making the Regulation respecting the List of medications covered by the basic prescription drug insurance plan;

CONSIDERING that it is necessary to amend the List of medications attached to that Regulation;

CONSIDERING that the Conseil du médicament has been consulted on the draft regulation;

MAKES the Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan, the text of which is attached hereto.

Québec, 19 January 2007

PHILIPPE COUILLARD,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the List of medications covered by the basic prescription drug insurance plan*

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 60; 2005, c. 40, s. 22, par. 1)

1. The Regulation respecting the List of medications covered by the basic prescription drug insurance plan is amended, in the List of medications attached thereto, in section 3 entitled “EXTEMPORANEOUS PREPARATIONS”, by replacing the text following the fifth dash of the first clause of paragraph 3.2 by the following text:

“– An ophthalmic preparation containing

- amikacin, amphotericin B, cefazolin, ceftazidime, fluconazole, mitomycin, penicillin G, vancomycin or

- gentamicin or tobramycin in concentrations of 3 mg/mL and more.”.

2. The List of medications attached to that Regulation is amended, in Appendix I entitled “Manufacturers That Have Submitted Different Guaranteed Selling Prices for Wholesalers and Pharmacists”:

(1) by inserting the following after the line concerning the manufacturer “Optima”:

“Pendopharm	Pendopharm Inc.	5%”;
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(2) by inserting the following after the line concerning the manufacturer “Proval”:

“* Ranbaxy	Ranbaxy Pharmaceuticals Canada Inc.	5%”.
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3. The List of medications is amended, in Appendix III entitled “Products for Which the Wholesaler’s Mark-up is Limited to a Maximum Amount”:

* The Regulation respecting the List of medications covered by the basic prescription drug insurance plan, made by Minister’s Order 1999-014 dated 15 September 1999 (1999, *G.O.* 2, 3197) of the Minister of State for Health and Social Services and Minister of Health and Social Services, was last amended by the Regulations made by Minister’s Orders 2006-017 dated 1 August 2006 (2006, *G.O.* 2, 2911), 2006-021 dated 18 September 2006 (2006, *G.O.* 2, 3440) and 2006-023 dated 5 December 2006 (2006, *G.O.* 2, 3971) of that Minister. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2006, updated to 1 September 2006.

(1) by inserting the following after the line concerning the medication “Agrimol Caps. 0,5 mg”:

“Bo. Ing. Aptivus Caps. 250 mg 120”;

(2) by inserting the following after the line concerning the medication “Avonex PS I.M. Inj. Sol. 30 mcg (6 MUI)”:

“B.-M.S. Baraclude Tab. 0,5 mg 30
B.-M.S. Baraclude Oral Sol. 0,05 mg/mL 210 ml”;

(3) by inserting the following after the line concerning the medication “Invirase Co. 500 mg”:

“Jamp Jamp-Docusate Syr. 50 mg/mL 500 ml”;

(4) by inserting the following after the line concerning the medication “pms-Docusate Syr. 50 mg/mL”:

“J.O.I. Prezista Tab. 300 mg 120”;

(5) by inserting the following after the line concerning the medication “Pulmozyne Sol. Inh. 1 mg/mL (2,5 mL)”:

“Ranbaxy Ran-Risperidone Tab. or
Oral Diss. tab. 2 mg 500
Ranbaxy Ran-Risperidone Tab. or
Oral Diss. tab. 3 mg 250”;

(6) by inserting the following after the line concerning the medication “Remodulin Inj. Sol. 10 mg/mL”:

“Pfizer Revatio Tab. 2 mg 90”.

4. The List of medications is amended, in Appendix IV entitled “Exceptional Medications and Recognized Indications for Payment Purposes”:

(1) by deleting the medication “QUINAGOLIDE HYDROCHLORIDE” and the accompanying indication;

(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying indications:

“DARUNAVIR:

- ◆ for treatment, in association with other antiretrovirals, of HIV-infected persons,
 - whose current viral load is both $\geq 1\ 000$ copies/mL and \geq the previous value, obtained at an interval of at least three months, while having been

treated with an association of three or more antiretrovirals during the interval between the two viral load measurements,

and

- who previously received at least one other antiretroviral treatment that resulted in a documented virological failure, after at least three months of treatment,

and

- who have tried, since the beginning of their antiretroviral therapy, at least one nucleoside reverse transcriptase inhibitor, one non-nucleoside reverse transcriptase inhibitor and one protease inhibitor, except in the presence of a class resistance.

The maximum duration of the initial authorization is five months.

Upon subsequent requests, the physician must provide evidence of a beneficial effect

- on a recent viral load measurement, showing a reduction of at least 0.5 log compared with the viral load measurement obtained before the tipranavir or darunavir treatment began;

or

- on a recent CD4 count, showing an increase of at least 30% compared with the CD4 count obtained before the tipranavir or darunavir treatment began.

Authorizations will then have a maximum duration of 12 months;

ENTECAVIR:

- ◆ for treatment of chronic hepatitis B, at a dose of 0.5 mg per day, in persons
 - not having a resistance to lamivudine and
 - whose viral load is greater than 100 000 copies/mL (HBeAg-positive) or 10 000 copies/mL (HBeAg-negative) prior to the beginning of treatment;
 - ◆ for treatment of chronic hepatitis B in persons
 - having a resistance to lamivudine as defined by a 1-log increase in HBV-DNA under treatment with lamivudine, with viremia greater than 100 000 copies/mL;
- and
- for whom adefovir has failed or is not tolerated;

GLYCERIN, supp.

- ◆ for treatment of constipation related to a medical condition;

RASAGILINE MESYLATE:

- ◆ for persons suffering from Parkinson's disease with motor fluctuations, despite levodopa therapy;

SILDENAFIL CITRATE:

- ◆ for treatment of pulmonary arterial hypertension (WHO functional class III) that is either idiopathic or secondary to a connective tissue disease and that is symptomatic despite the optimal conventional treatment.

The person must be evaluated and followed up on by physicians working at designated centres specializing in the treatment of pulmonary arterial hypertension.

Authorizations will be given for 20 mg three times per day;

SOLIFENACIN SUCCINATE:

- ◆ for treatment of vesical hyperactivity in persons for whom oxybutynine is poorly tolerated, contraindicated or ineffective;

TIPRANAVIR:

- ◆ for treatment, in association with other antiretrovirals, of HIV-infected persons,
 - whose current viral load is both $\geq 1\ 000$ copies/mL and \geq the previous value, obtained at an interval of at least three months, while having been treated with an association of three or more antiretrovirals during the interval between the two viral load measurements,
 and
 - who previously received at least one other antiretroviral treatment that resulted in a documented virological failure, after at least three months of treatment,
 and
 - who have tried, since the beginning of their antiretroviral therapy, at least one nucleoside reverse transcriptase inhibitor, one non-nucleoside reverse transcriptase inhibitor and one protease inhibitor, except in the presence of a class resistance.

The maximum duration of the initial authorization is five months.

Upon subsequent requests, the physician must provide evidence of a beneficial effect

- on a recent viral load measurement, showing a reduction of at least 0.5 log compared with the viral load measurement obtained before the tipranavir or darunavir treatment began;

or

- on a recent CD4 count, showing an increase of at least 30% compared with the CD4 count obtained before the tipranavir or darunavir treatment began.

Authorizations will then have a maximum duration of 12 months;”;

(3) by replacing the indication accompanying the medication “ADALIMUMAB” by the following indications:

- ◆ for treatment of moderate or severe rheumatoid arthritis and moderate or severe psoriatic arthritis of the rheumatoid type;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

- the person must, prior to the beginning of treatment, have eight or more joints with active synovitis and one of the following five elements must be present:
 - a positive rheumatoid factor for rheumatoid arthritis only;
 - radiologically measured erosions;
 - a score of more than 1 on the health assessment questionnaire (HAQ);
 - an elevated C-reactive protein level;
 - an elevated sedimentation rate;

and

- the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be

for rheumatoid arthritis:

- methotrexate at a dose of 20 mg or more per week.

for psoriatic arthritis of the rheumatoid type:

- methotrexate at a dose of 20 mg or more per week;

or

- sulfasalazine at a dose of 2 000 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information establishing the treatment's beneficial effects, specifically:

- a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:
 - a decrease of 20% or more in the C-reactive protein level;
 - a decrease of 20% or more in the sedimentation rate;
 - a decrease of 0.20 in the HAQ score;
 - a return to work.

Requests for continuation of treatment are authorized for a period of 12 months.

For rheumatoid arthritis, authorizations for adalimumab are given for a dose of 40 mg every two weeks. However, after 12 weeks of treatment with adalimumab as monotherapy, an authorization may be given for 40 mg per week.

For psoriatic arthritis of the rheumatoid type, authorizations for adalimumab are given for a dose of 40 mg every two weeks;

- ◆ for treatment of moderate or severe psoriatic arthritis of a type other than rheumatoid;

Upon initiation of treatment or if the person has been receiving the drug for less than five months:

- the person must, prior to the beginning of treatment, have at least three joints with active synovitis and a score of more than 1 on the health assessment questionnaire (HAQ);
- and
- the disease must still be active despite treatment with two disease-modifying anti-rheumatic drugs, used either concomitantly or not, for at least three months each. Unless there is a significant intolerance or contraindication, one of the two drugs must be:
 - methotrexate at a dose of 20 mg or more per week;
 - or
 - sulfasalazine at a dose of 2 000 mg per day.

The initial request is authorized for a maximum of five months.

When requesting continuation of treatment, the physician must provide information making it possible to establish the treatment's beneficial effects, specifically:

- a decrease of at least 20% in the number of joints with active synovitis and one of the following four elements:
 - a decrease of 20% or more in the C-reactive protein level;
 - a decrease of 20% or more in the sedimentation rate;
 - a decrease of 0.20 in the HAQ score;
 - a return to work.

Requests for continuation of treatment are authorized for a maximum of 12 months.

Authorizations for adalimumab are given for a dose of 40 mg every two weeks;”;

(4) by replacing the indication accompanying the medication “BETAHISTINE DIHYDROCHLORIDE” by the following indication:

“◆ to reduce the severity of vertigo of peripheral origin;”;

(5) by replacing the indications accompanying the medication “DELTA-9-TETRAHYDROCANNABINOL” by the following indication:

“◆ for treatment of severe vomiting and nausea;”;

(6) by replacing, in each of the indications accompanying the medication “ENFUVRTIDE”, the last sentence “Authorizations will then have a maximum duration of six months.” by the sentence “Authorizations will then have a maximum duration of 12 months.”;

(7) by replacing, in the last paragraph of the indication accompanying the medication “GLATIRAMER ACETATE”, the term “interferon beta-1a” by the term “interferon beta”;

(8) by replacing, in the last paragraph of the second indication accompanying the medication “INTERFERON BETA-1A i.m. inj. pd. and i.m. inj. sol.”, the term “interferon beta-1a” by the term “interferon beta”;

(9) by replacing, in the last paragraph of the second indication accompanying the medication “INTERFERON BETA-1A s.c. inj. sol. (syr.)”, the term “interferon beta-1a” by the term “interferon beta”;

(10) by replacing the indications accompanying the medication “INTERFERON BETA-1B” by the following indications:

“◆ for treatment of persons who have had a documented first acute clinical episode of demyelination.

The physician must provide, at the beginning of treatment, the results of an MRI showing:

- the presence of four or more lesions of the white substance, including a lesion located in the cerebellum, the corpus callosum or the periventricular region;
- and
- one such lesion having a diameter of 6 mm or more.

The maximum duration of the initial authorization is 12 months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of new clinical episodes).

Authorizations will be given for a dose of 8 MIU every two days;

- ◆ for treatment of persons suffering from remitting multiple sclerosis who have had two or more episodes of the disease within the last two years and whose EDSS scale result is less than 7.

The physician must provide, at the beginning of treatment and with each subsequent request, the following information: number of attacks per year and EDSS scale result.

The maximum duration of the initial authorization is six months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of deterioration).

For persons who previously received an interferon beta for treatment of the first acute clinical episode with documented demyelination, the interval between the two episodes may exceed two years;

- ◆ for treatment of persons suffering from secondary progressive multiple sclerosis, whether or not they have had clinical episodes, and whose EDSS scale result is less than 7.

The physician must provide, at the beginning of treatment and with each subsequent request, the following information: number of attacks per year, if any, and EDSS scale result.

The maximum duration of the initial authorization is 12 months. When submitting subsequent requests, the physician must provide evidence of a beneficial effect (absence of deterioration);”;

(11) by inserting, in the second sentence of the last paragraph of the indication accompanying the medication “PEGAPTANIB SODIUM”, the words “or by optical coherence tomography” following the words “by a retinal angiography”;

(12) concerning the medication “RIBAVIRINE/INTERFERON ALFA-2B PEGUYLATED”:

(a) by replacing, in the first indication accompanying it, the text following the second dash by the following text:

“– did not obtain a sustained virological response 24 weeks after the end of the treatment, except in the case of rapid responders (negativation) at four weeks who relapsed after a shortened 12-week to 16-week treatment;”;

(b) by replacing, in the second indication accompanying it, the text following the third dash by the following text:

“– did not obtain a sustained virological response 24 weeks after the end of the treatment, except in the case of rapid responders (negativation) at four weeks who relapsed after a shortened 24-week treatment;”;

(13) concerning the medication “RIBAVIRIN/PEGINTERFERON ALFA-2A”:

(a) by replacing, in the first indication accompanying it, the text following the second dash by the following text:

“– did not obtain a sustained virological response 24 weeks after the end of the treatment, except in the case of rapid responders (negativation) at four weeks who relapsed after a shortened 12-week to 16-week treatment;”;

(b) by replacing, in the second indication accompanying it, the text following the third dash by the following text:

“– did not obtain a sustained virological response 24 weeks after the end of the treatment, except in the case of rapid responders (negativation) at four weeks who relapsed after a shortened 24-week treatment;”;

5. The List of medications is amended by inserting, in order of classification of the medications, the following medication and the accompanying information and by deleting them from the exceptional medications section:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
92:00.02					
OTHER MISCELLANEOUS					
QUINAGOLIDE HYDROCHLORIDE [P]					
Tab.					
02223767	<i>Norprolac</i>	Ferring	30	75 mcg 32.70	1.0900
Tab.					
02223775	<i>Norprolac</i>	Ferring	30	150 mcg 48.90	1.6300

6. The List of medications is amended:

(1) by inserting, in order of classification of the medications, the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
8:12.04					
ANTIFUNGAL ANTIBIOTICS					
FLUCONAZOLE [P]					
Caps.					
02282348	<i>pms-Fluconazole</i>	Phmscience	1	150 mg LPM 9.19	
8:12.12					
MACROLIDES					
AZITHROMYCIN [P]					
Oral Susp.					
02282380	<i>phl-Azithromycin</i>	Pharmel	15 ml	100 mg/5 mL 10.75	0.7167

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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Oral Susp.			200 mg/5 mL		
02282410	<i>phl-Azithromycin</i>	Pharmel	22.5 ml	22.84	1.0151

Tab.			250 mg		
02278359	<i>Gen-Azithromycin</i>	Genpharm	30	93.24	3.1080

8:18
ANTIVIRALS

FAMCICLOVIR

Tab.			125 mg		
02278634	<i>Sandoz Famciclovir</i>	Sandoz	10	20.24	2.0240

Tab.			250 mg		
02278642	<i>Sandoz Famciclovir</i>	Sandoz	100	272.00	2.7200

Tab.			500 mg		
02278650	<i>Sandoz Famciclovir</i>	Sandoz	100	422.80	4.2280

8:22
QUINOLONES

NORFLOXACIN

Tab.			400 mg LPM		
02269627	<i>Co Norfloxacin</i>	Cobalt	100	137.16	1.3716

24:04.04
ANTIARRHYTHMIC AGENTS

FLECAINIDE ACETATE

Tab.			50 mg LPM		
02275538	<i>Apo-Flecainide</i>	Apotex	100	36.20	0.3620

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab.				100 mg	LPM
02275546	<i>Apo-Flecainide</i>	Apotex	100	72.39	0.7239

24:24
BÊTA-ADRENERGICS BLOCKING AGENTS
ATENOLOL 

Tab.				25 mg	LPM
02277379	<i>Riva-Atenolol</i>	Riva	100	17.58	0.1758

SOTALOL HYDROCHLORIDE 

Tab.				80 mg	LPM
02270625	<i>Co Sotalol</i>	Cobalt	100	59.32	0.5932

Tab.				160 mg	LPM
02270633	<i>Co Sotalol</i>	Cobalt	100	64.92	0.6492

24:28
CALCIUM-CHANNEL BLOCKING AGENTS
FELODIPIN 

L.A. Tab.				5 mg	
02280264	<i>Sandoz Felodipine</i>	Sandoz	100	46.20	0.4620

L.A. Tab.				10 mg	
02280272	<i>Sandoz Felodipine</i>	Sandoz	100	69.25	0.6925

24:32.04
ANGIOTENSIN-CONVERTING ENZYME INHIBITORS (ACEI)
CILAZAPRIL 

Tab.				1 mg	
02283778	<i>Gen-Cilazapril</i>	Genpharm	100	37.17	0.3717
02280442	<i>pms-Cilazapril</i>	Phmscience	100	37.17	0.3717

Tab.				2.5 mg	
02283786	<i>Gen-Cilazapril</i>	Genpharm	100	42.84	0.4284
02280450	<i>pms-Cilazapril</i>	Phmscience	100	42.84	0.4284

Tab.				5 mg	
02280469	<i>pms-Cilazapril</i>	Phmscience	500	248.55	0.4971
02283794	<i>Gen-Cilazapril</i>	Genpharm	100	49.77	0.4977

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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RAMIPRIL 

Caps.

02281112	<i>Altace</i>	Sanofi	100	105.00	1.0500
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24:32.08**ANGIOTENSIN II RECEPTOR ANTAGONISTS****IRBESARTAN/HYDROCHLOROTHIAZIDE** 

Tab.

02280213	<i>Avalide</i>	Sanofi	90	97.20	1.0800
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28:08.04**NONSTEROIDAL ANTI-INFLAMMATORY AGENTS****ACETYLSALICYLIC ACID**

Ent. Tab.

02285371	<i>pms-ASA EC</i>	Phmscience	1000	28.00	0.0280
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Ent. Tab.

02284537	<i>pms-ASA EC</i>	Phmscience	1000	56.00	0.0560
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Ent. Tab. or Chew. Tab.

02280167	<i>Asatab</i>	Odan	500	28.00	+	0.0560
02150352	<i>Aspirin (Co. Mast.)</i>	Bayer	90	5.04	+	0.0560
02283905	<i>Jamp-A.S.A.</i>	Jamp	1000	56.00	+	0.0560
02237726	<i>Aspirin (Co. Ent.)</i>	Bayer	240	16.27		0.0678

Tab.

02245443	<i>Jamp-Acide Acetylsalicylique</i>	Jamp	1000	12.50	+	0.0125
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28:08.08**OPIATE AGONISTS****FENTANYL** 

Patch

02280345	<i>Duragesic</i>	J.O.I.	5	21.25		4.2500
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Patch

02249391	<i>Ran-Fentanyl Transdermal System</i>	Ranbaxy	5	29.75		5.9500
02282941	<i>Ratio-Fentanyl</i>	Ratiopharm	5	29.75		5.9500

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Patch				50 mcg/h	
02249413	<i>Ran-Fentanyl Transdermal System</i>	Ranbaxy	5	56.00	11.2000
02282968	<i>Ratio-Fentanyl</i>	Ratiopharm	5	56.00	11.2000

Patch				75 mcg/h	
02249421	<i>Ran-Fentanyl Transdermal System</i>	Ranbaxy	5	78.75	15.7500
02282976	<i>Ratio-Fentanyl</i>	Ratiopharm	5	78.75	15.7500

Patch				100 mcg/h	
02249448	<i>Ran-Fentanyl Transdermal System</i>	Ranbaxy	5	98.00	19.6000
02282984	<i>Ratio-Fentanyl</i>	Ratiopharm	5	98.00	19.6000

28:08.92**MISCELLANEOUS****ACETAMINOPHEN**

Liq.				160 mg/5 mL	LPM	
01901389	<i>Jamp-Acetaminophen</i>	Jamp	100 ml	3.65	⊕	0.0365

Tab.				325 mg	LPM	
01938088	<i>Jamp-Acetaminophen</i>	Jamp	1000	11.40	⊕	0.0114

Tab.				500 mg	LPM	
01939122	<i>Jamp-Acetaminophen</i>	Jamp	1000	14.90	⊕	0.0149

28:12.92**MISCELLANEOUS ANTICONVULSANTS****TOPIRAMATE **

Tab.				25 mg		
02279614	<i>Apo-Topiramate</i>	Apotex	100	66.15		0.6615

Tab.				100 mg		
02279630	<i>Apo-Topiramate</i>	Apotex	100	125.37		1.2537

Tab.				200 mg		
02279649	<i>Apo-Topiramate</i>	Apotex	100	198.45		1.9845

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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28:16.04**ANTIDEPRESSANTS****BUPROPION HYDROCHLORIDE** 

L.A. Tab.

				100 mg	
02275074	<i>Sandoz Bupropion SR</i>	Sandoz	60	22.40	0.3733

L.A. Tab.

				150 mg	
02275082	<i>Sandoz Bupropion SR</i>	Sandoz	60	30.24	0.5040

MIRTAZAPINE 

Tab. or Oral Disint.

				15 mg	
02281732	<i>Phl-Mirtazapine</i>	Pharmel	100	37.50	0.3750

28:16.08**ANTIPSYCHOTIC AGENTS****RISPERIDONE** 

Tab. or Oral Disint.

				0.25 mg	
02282119	<i>Apo-Risperidone</i>	Apotex	500	130.75	0.2615
02282585	<i>Co Risperidone</i>	Cobalt	100	26.15	0.2615
02282240	<i>Gen-Risperidone</i>	Genpharm	100	26.15	0.2615
02282690	<i>Novo-Risperidone</i>	Novopharm	100	26.15	0.2615
02258439	<i>phl-Risperidone</i>	Pharmel	500	130.75	0.2615
02252007	<i>pms-Risperidone</i>	Phmscience	500	130.75	0.2615
02280906	<i>Ran-Risperidone</i>	Ranbaxy	100	26.15	0.2615
02264757	<i>Ratio-</i>	Ratiopharm	100	26.15	0.2615
02283565	<i>Riva-Risperidone</i>	Riva	100	26.15	0.2615
02279509	<i>Sandoz Risperidone</i>	Sandoz	100	26.15	0.2615

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab. or Oral Disint.				0.5 mg	
02282593	<i>Co Risperidone</i>	Cobalt	100	43.78	0.4378
02280914	<i>Ran-Risperidone</i>	Ranbaxy	100	43.78	0.4378
02264765	<i>Ratio-</i>	Ratiopharm	100	43.78	0.4378
02283573	<i>Riva-Risperidone</i>	Riva	100	43.78	0.4378
02279495	<i>Sandoz Risperidone</i>	Sandoz	100	43.78	0.4378
02282127	<i>Apo-Risperidone</i>	Apotex	500	218.95	0.4379
02282259	<i>Gen-Risperidone</i>	Genpharm	100	43.79	0.4379
02264188	<i>Novo-Risperidone</i>	Novopharm	100	43.79	0.4379
02258447	<i>phl-Risperidone</i>	Pharmel	500	218.95	0.4379
02252015	<i>pms-Risperidone</i>	Phmscience	500	218.95	0.4379

Tab. or Oral Disint.				1 mg	
02282135	<i>Apo-Risperidone</i>	Apotex	500	302.40	0.6048
02282607	<i>Co Risperidone</i>	Cobalt	500	302.40	0.6048
02282267	<i>Gen-Risperidone</i>	Genpharm	500	302.40	0.6048
02264196	<i>Novo-Risperidone</i>	Novopharm	100	60.48	0.6048
02258455	<i>phl-Risperidone</i>	Pharmel	500	302.40	0.6048
02252023	<i>pms-Risperidone</i>	Phmscience	500	302.40	0.6048
02280922	<i>Ran-Risperidone</i>	Ranbaxy	500	302.40	0.6048
02264773	<i>Ratio-</i>	Ratiopharm	500	302.40	0.6048
02283581	<i>Riva-Risperidone</i>	Riva	500	302.40	0.6048
02279800	<i>Sandoz Risperidone</i>	Sandoz	500	302.40	0.6048

Tab. or Oral Disint.				2 mg	
02282143	<i>Apo-Risperidone</i>	Apotex	500	603.73	1.2075
02282615	<i>Co Risperidone</i>	Cobalt	500	603.73	1.2075
02282275	<i>Gen-Risperidone</i>	Genpharm	500	603.73	1.2075
02264218	<i>Novo-Risperidone</i>	Novopharm	500	603.73	1.2075
02258463	<i>phl-Risperidone</i>	Pharmel	500	603.73	1.2075
02252031	<i>pms-Risperidone</i>	Phmscience	500	603.73	1.2075
02280930	<i>Ran-Risperidone</i>	Ranbaxy	500	603.73	1.2075
02264781	<i>Ratio-</i>	Ratiopharm	500	603.73	1.2075
02283603	<i>Riva-Risperidone</i>	Riva	500	603.73	1.2075
02279819	<i>Sandoz Risperidone</i>	Sandoz	500	603.73	1.2075

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Tab. or Oral Disint.				3 mg	
02282623	<i>Co Risperidone</i>	Cobalt	250	452.81	1.8112
02282283	<i>Gen-Risperidone</i>	Genpharm	100	181.12	1.8112
02264226	<i>Novo-Risperidone</i>	Novopharm	500	905.62	1.8112
02258471	<i>phl-Risperidone</i>	Pharmel	500	905.62	1.8112
02252058	<i>pms-Risperidone</i>	Phmscience	500	905.62	1.8112
02280949	<i>Ran-Risperidone</i>	Ranbaxy	250	452.81	1.8112
02264803	<i>Ratio-</i>	Ratiopharm	250	452.81	1.8112
02283611	<i>Riva-Risperidone</i>	Riva	250	452.81	1.8112
02279827	<i>Sandoz Risperidone</i>	Sandoz	250	452.81	1.8112
02282151	<i>Apo-Risperidone</i>	Apotex	100	181.13	1.8113

Tab. or Oral Disint.				4 mg	
02282178	<i>Apo-Risperidone</i>	Apotex	100	241.50	2.4150
02282631	<i>Co Risperidone</i>	Cobalt	60	144.90	2.4150
02282291	<i>Gen-Risperidone</i>	Genpharm	100	241.50	2.4150
02264234	<i>Novo-Risperidone</i>	Novopharm	60	144.90	2.4150
02258498	<i>phl-Risperidone</i>	Pharmel	100	241.50	2.4150
02252066	<i>pms-Risperidone</i>	Phmscience	100	241.50	2.4150
02280957	<i>Ran-Risperidone</i>	Ranbaxy	60	144.90	2.4150
02264811	<i>Ratio-</i>	Ratiopharm	100	241.50	2.4150
02283638	<i>Riva-Risperidone</i>	Riva	60	144.90	2.4150
02279835	<i>Sandoz Risperidone</i>	Sandoz	60	144.90	2.4150

RISPERIDONE TARTRATE 

Oral Sol.				1 mg/mL	
02280396	<i>Apo-Risperidone</i>	Apotex	30 ml	23.18	0.7727
02279266	<i>pms-Risperidone</i>	Phmscience	30 ml	23.18	0.7727

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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40:12**REPLACEMENT PREPARATIONS****CALCIUM CARBONATE**

Tab.

500 mg à 600 mg LPM

02246040	<i>Jamp-Calcium</i>	Jamp	500	10.80	⊕ 0.0216
80001122	<i>pms-Calcium</i>	Pendopharm	1000	21.60	⊕ 0.0216

CALCIUM CARBONATE/VITAMIN D

Caps. or Tab.

500 mg - 125 UI à 200 UI LPM

02246041	<i>Jamp-Calcium+Vitamin D 125 U.I.</i>	Jamp	500	34.00	⊕ 0.0680
80001199	<i>pms-Calcium 500 + D 200 U.I.</i>	Pendopharm	1000	68.00	⊕ 0.0680

40:28**DIURETICS****HYDROCHLOROTHIAZIDE**

Tab.

12.5 mg LPM

02282887	<i>Phl-Hydrochlorothiazide</i>	Pharmel	500	15.80	⊕ 0.0316
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56:14**CHOLELITHOLYTIC AGENTS****URSODIOL**

Tab.

250 mg LPM

02281317	<i>phl-Ursodiol C</i>	Pharmel	500	493.45	⊕ 0.9869
02273497	<i>pms-Ursodiol C</i>	Phmscience	500	493.45	⊕ 0.9869

Tab.

500 mg LPM

02281325	<i>phl-Ursodiol C</i>	Pharmel	100	187.20	⊕ 1.8720
02273500	<i>pms-Ursodiol C</i>	Phmscience	100	187.20	⊕ 1.8720

56:40**MISCELLANEOUS GI DRUGS****RABEPRAZOLE SODIUM**

Ent. Tab.

20 mg

02243797	<i>Pariet</i>	J.O.I.	30	36.40	1.2133
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RANITIDINE HYDROCHLORIDE

Oral Sol.

150 mg/10 mL LPM

02280833	<i>Apo-Ranitidine</i>	Apotex	300 ml	35.23	⊕ 0.1174
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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68:04**ADRENALS****DEXAMETHASONE**

Tab.

				2 mg	
02279363	<i>pms-Dexamethasone</i>	Phmscience	100	38.37	0.3837

68:12**CONTRACEPTIVES****ETHINYLESTRADIOL DESOGESTREL**

Tab. (21)

				0.025 mg/0.1 mg-0.025 mg/0.125 mg-0.025 mg/0.15 mg	
02272903	<i>Linessa 21</i>	Organon	1	11.60	11.6000

Tab. (28)

				0.025 mg/0.1 mg-0.025 mg/0.125 mg-0.025 mg/0.15 mg	
02257238	<i>Linessa 28</i>	Organon	1	11.60	11.6000

84:04.04**ANTIBIOTICS****MUPIROCIN**

Top. Oint.

				2 % LPM	
02279983	<i>Taro-Mupirocin</i>	Taro	30 g	10.36	0.3453

88:16**VITAMIN D****VITAMIN D**

Caps. or Tab.

				400 UI LPM	
80001125	<i>Calciferol (tablet)</i>	Pendopharm	500	15.00	0.0300

92:00.02**OTHER MISCELLANEOUS****ALENDRONATE MONOSODIUM**

Tab.

				70 mg	
02282771	<i>phl-Alendronate</i>	Pharmel	4	22.30	5.5750
02284006	<i>pms-Alendronate FC</i>	Phmscience	30	167.25	5.5750

ANAGRELIDE HYDROCHLORIDE



Caps.

				0.5 mg	
02281155	<i>phl-Anagrelide</i>	Pharmel	100	334.91	3.3491







BICALUTAMIDE



Tab.

				50 mg	
02281163	<i>phl-Bicalutamide</i>	Pharmel	100	405.72	4.0572

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
MIDODRINE HYDROCHLORIDE 					
Tab. 2.5 mg					
02278677	<i>Apo-Midrodine</i>	Apotex	100	29.99	0.2999
Tab. 5 mg					
02278685	<i>Apo-Midrodine</i>	Apotex	100	49.98	0.4998
RISEDRONATE SODIUM/CALCIUM CARBONATE 					
Tab. 35 mg - Ca+500 mg (4 tab. - 24 tab.)					
02279657	<i>Actonel Plus Calcium</i>	P&G Pharma	28	35.40	1.2643




(2) by inserting, in alphabetical order of the exceptional medications, the following medications and the accompanying information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
EXCEPTIONAL MEDICATIONS					
BETAHISTINE DIHYDROCHLORIDE 					
Tab. 16 mg					
02280191	<i>Novo-Betahistine</i>	Novopharm	100	29.40	0.2940
Tab. 24 mg					
02280205	<i>Novo-Betahistine</i>	Novopharm	100	44.10	0.4410
CALCIUM GLUCONATE/ CALCIUM GLUCOHEPTONATE					
Oral Sol. 95 mg à 100 mg/5 mL LPM					
02246675	<i>Jamp-Calcium</i>	Jamp	250 ml	2.83	 0.0113
DARUNAVIR 					
Tab. 300 mg					
02284057	<i>Prezista</i>	J.O.I.	120	835.20	6.9600
DIPHENHYDRAMINE HYDROCHLORIDE					
Caps. or Tab. 25 mg LPM					
02257548	<i>Jamp-Diphenhydramine</i>	Jamp	500	31.50	 0.0630
Caps. or Tab. 50 mg LPM					
02257556	<i>Jamp-Diphenhydramine</i>	Jamp	500	37.25	 0.0745
DOCUSATE SODIUM					
Caps. 100 mg LPM					
02245946	<i>Jamp-Docusate Sodium</i>	Jamp	1000	25.00	 0.0250

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
Syr. 20 mg/5 mL LPM					
02283239	<i>Jamp-Docusate</i>	Jamp	500 ml	9.50	0.0190
Syr. 50 mg/mL LPM					
02283220	<i>Jamp-Docusate</i>	Jamp	500 ml	429.19	0.8584
DRESSING - COMPOSITE					
Dressing 12.5 cm x 12.5 cm					
99100355	<i>Mepilex Border</i>	Mölnlycke	5	29.45	5.8900
Dressing 15 cm X 20 cm					
99100356	<i>Tielle Plus Bordeless</i>	J. & J.	5	55.72	11.1440
ENTECAVIR 					
Oral Sol. 0.05 mg/mL					
02282232	<i>Baraclude</i>	B.-M.S.	210 ml	462.00	2.2000
Tab. 0.5 mg					
02282224	<i>Baraclude</i>	B.-M.S.	30	660.00	22.0000
GLIMEPIRIDE 					
Tab. 1 mg					
02274248	<i>Co Glimepiride</i>	Cobalt	30	14.70	0.4900
02284545	<i>pms-Glimepiride</i>	Phmscience	100	49.00	0.4900
Tab. 2 mg					
02274256	<i>Co Glimepiride</i>	Cobalt	30	14.70	0.4900
02284553	<i>pms-Glimepiride</i>	Phmscience	100	49.00	0.4900
Tab. 4 mg					
02274272	<i>Co Glimepiride</i>	Cobalt	30	14.70	0.4900
GLYCERIN ⁵					
Supp.					
99100357			12		

5- Pharmacists may purchase the product of their choice. The product thus obtained is considered insured and the price payable by the Régie is the pharmacist's cost price.

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
LEFLUNOMIDE					
Tab.					
02283964	<i>Sandoz Leflunomide</i>	Sandoz	30	10 mg 181.25	6.0417
Tab.					
02283972	<i>Sandoz Leflunomide</i>	Sandoz	30	20 mg 181.25	6.0417
ONDANSETRON					
Tab. or Oral Disint.					
02278618	<i>Phl-Ondansetron</i>	Pharmel	100	4 mg LPM 754.53	7.5453
Tab. or Oral Disint.					
02278626	<i>Phl-Ondansetron</i>	Pharmel	100	8 mg LPM 1151.66	11.5166
OXCARBAZEPINE					
Tab.					
02284294	<i>Apo-Oxcarbazepine</i>	Apotex	100	150 mg 56.25	0.5625
Tab.					
02284308	<i>Apo-Oxcarbazepine</i>	Apotex	100	300 mg 112.50	1.1250
Tab.					
02284316	<i>Apo-Oxcarbazepine</i>	Apotex	100	600 mg 225.00	2.2500
OXYBUTYRINE CHLORIDE					
L.A. Tab.					
02273578	<i>Uromax</i>	Purdue	100	10 mg 130.00	1.3000
L.A. Tab.					
02273586	<i>Uromax</i>	Purdue	100	15 mg 140.00	1.4000
RASAGILINE MESYLATE					
Tab.					
02284642	<i>Azilect</i>	Teva	30	0.5 mg 210.00	7.0000
Tab.					
02284650	<i>Azilect</i>	Teva	30	1 mg 210.00	7.0000

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
SILDENAFIL CITRATE 					
Tab.					
				20 mg	
02279401	<i>Revatio</i>	Pfizer	90	937.80	10.4200
SILVER DRESSING					
Dressing					
				5 cm X 5 cm	
99100347	<i>3M - Tegaderm Ag Mesh</i>	3M Canada	1	2.55	2.5500
Dressing					
				10 cm x 12,7 cm	
99100348	<i>3M - Tegaderm Ag Mesh</i>	3M Canada	1	5.24	5.2400
Dressing					
				10 cm X 20 cm	
99100349	<i>3M - Tegaderm Ag Mesh</i>	3M Canada	1	7.94	7.9400
Dressing					
				20 cm X 20 cm	
99100350	<i>3M - Tegaderm Ag Mesh</i>	3M Canada	1	15.52	15.5200
Dressing					
				40 cm x 40 cm	
99100351	<i>3M - Tegaderm Ag Mesh</i>	3M Canada	1	53.02	53.0200
SOLIFENACIN SUCCINATE 					
Tab.					
				5 mg	
02277263	<i>Vesicare</i>	Astellas	90	147.60	1.6400
Tab.					
				10 mg	
02277271	<i>Vesicare</i>	Astellas	90	147.60	1.6400
TIPRANA VIR 					
Caps.					
				250 mg	
02273322	<i>Aptivus</i>	Bo. Ing.	120	990.00	8.2500
WOUND CONTACT LAYER					
Dressing					
				7.5 cm X 10 cm	
99100352	<i>Tegapore</i>	3M Canada	1	3.39	3.3900
Dressing					
				7,5 cm x 20 cm	
99100353	<i>Tegapore</i>	3M Canada	1	5.23	5.2300
Dressing					
				20 cm X 25 cm	
99100354	<i>Tegapore</i>	3M Canada	1	15.84	15.8400

7. The List of medications is amended by replacing the information accompanying the following medications by the following information:

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
8:12.12					
MACROLIDES					
AZITHROMYCIN [P]					
Oral Susp.				100 mg/5 mL	
02274388	<i>pms-Azithromycin</i>	Phmscience	15 ml	10.75	0.7167
Oral Susp.				200 mg/5 mL	
02274396	<i>pms-Azithromycin</i>	Phmscience	22.5 ml	22.84	1.0151
8:22					
QUINOLONES					
OFLOXACINE [P]					
Tab.				200 mg LPM	
02231529	<i>Apo-Oflox</i>	Apotex	100	130.41	1.3041
02243474	<i>Novo-Ofloxacin</i>	Novopharm	100	130.41	1.3041
Tab.				300 mg LPM	
02231531	<i>Apo-Oflox</i>	Apotex	100	153.23	1.5323
02243475	<i>Novo-Ofloxacin</i>	Novopharm	100	153.23	1.5323
01968416	<i>Floxin</i>	J.O.I.	50	121.61	2.4322
Tab.				400 mg LPM	
02231532	<i>Apo-Oflox</i>	Apotex	100	153.23	1.5323
02243476	<i>Novo-Ofloxacin</i>	Novopharm	100	153.23	1.5323
01968408	<i>Floxin</i>	J.O.I.	50	121.61	2.4322
10:00					
ANTINEOPLASTIC AGENTS					
TRIPTORELIN (AS PAMOATE) [P]					
Kit				3.75 mg	
02240000	<i>Trelstar</i>	Paladin	1	291.00	291.0000
12:08.04					
ANTIPARKINSONIAN AGENTS					
PERGOLIDE MESYLATE [P]					
Tab.				0.05 mg	
02123320	<i>Permax</i>	Shire	30	7.44	0.2480

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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24:04.04**ANTIARRHYTHMIC AGENTS****FLECAINIDE ACETATE** 

Tab.

			50 mg LPM		
01966197	<i>Tambacor</i>	3M Pharma	100	49.25	0.4925

Tab.

			100 mg LPM		
01966200	<i>Tambacor</i>	3M Pharma	100	98.50	0.9850

28:08.04**NONSTEROIDAL ANTI- INFLAMMATORY AGENTS****ACETYSALICYLIC ACID**

Ent. Tab. or Chew. Tab.

			80 mg or 81 mg LPM		
02009013	<i>Asaphen</i>	Phmscience	500	28.00	⊕ 0.0560
02250675	<i>Euro-ASA</i>	Euro-Pharm	500	28.00	⊕ 0.0560
02247355	<i>Phl-Asa</i>	Pharmel	500	28.00	⊕ 0.0560
02247318	<i>Phl-Asa</i>	Pharmel	500	28.00	⊕ 0.0560
02202352	<i>Rivasa</i>	Riva	500	28.00	⊕ 0.0560
02238545	<i>Asaphen E.C.</i>	Phmscience	1000	67.80	0.0678

TENOXCAM 

Tab.

			20 mg LPM		
02230661	<i>Apo-Tenoxicam</i>	Apotex	100	91.20	⊕ 0.9120
02231120	<i>Tenoxicam-20</i>	Pro Doc	500	456.00	⊕ 0.9120

28:12.08**BENZODIAZEPINES****CLOBAZAM** 

Tab.

			10 mg LPM		
02244638	<i>Apo-Clobazam</i>	Apotex	30	6.46	⊕ 0.2153
02248454	<i>Clobazam-10</i>	Pro Doc	30	6.46	⊕ 0.2153
02238334	<i>Novo-Clobazam</i>	Novopharm	30	6.46	⊕ 0.2153
02244474	<i>pms-Clobazam</i>	Phmscience	30	6.46	⊕ 0.2153
02238797	<i>Ratio-Clobazam</i>	Ratiopharm	30	6.46	⊕ 0.2153
02221799	<i>Frisium</i>	Aventis	30	10.25	0.3417

36:26**DIABETES MELLITUS****QUANTITATIVE KETONE BLOOD TEST**

Stick

99004879	<i>Precision Xtra (Cetone)</i>	MediSense	10	15.06	
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CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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40:28**DIURETICS****HYDROCHLOROTHIAZIDE**

			12.5 mg LPM		
02274086	<i>pms-Hydrochlorothiazide</i>	Phmscience	500	15.80	0.0316

52:04.12**MISCELLANEOUS ANTI-INFECTIVES****OFLOXACINE**

			0.3 % LPM		
02248398	<i>Apo-Ofloxacin</i>	Apotex	5 ml	4.96	0.9920
02252570	<i>pms-Ofloxacin</i>	Phmscience	5 ml	4.96	
02143291	<i>Ocuflox</i>	Allergan	5 ml	7.08	

56:14**CHOLELITHOLYTIC AGENTS****URSODIOL**

			250 mg LPM		
02238984	<i>Urso</i>	Axcan	100	123.36	1.2336

Tab.

			500 mg LPM		
02245894	<i>Urso DS</i>	Axcan	100	234.00	2.3400

56:40**MISCELLANEOUS GI DRUGS****RABEPRAZOLE SODIUM**

			10 mg		
02243796	<i>Pariet</i>	J.O.I.	100	65.00	0.6500

84:04.04**ANTIBIOTICS****MUPIROCIIN**

			2 % LPM		
01916947	<i>Bactroban</i>	GSK CONS	30 g	14.80	0.4933

EXCEPTIONAL MEDICATIONS**CALCIUM GLUCONATE/ CALCIUM GLUCOHEPTONATE**

			95 mg à 100 mg/5 mL LPM		
00466425	<i>Ratio-Calcium</i>	Ratiopharm	250 ml	2.83	0.0113

DOCUSATE SODIUM

			50 mg/mL LPM		
00848417	<i>pms-Docusate</i>	Phmscience	500 ml	429.19	0.8584

CODE	BRAND NAME	MANUFACTURER	SIZE	COST OF PKG. SIZE	UNIT PRICE
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LACTULOSE

Syr. or Sol.

			667 mg/mL	LPM		
02242814	<i>Apo-Lactulose</i>	Apotex	1000 ml	14.50	⊕	0.0145
02247383	<i>Euro-Lac</i>	Euro-Pharm	1000 ml	14.50	⊕	0.0145
00703486	<i>pms-Lactulose</i>	Phmscience	1000 ml	14.50	⊕	0.0145
00854409	<i>Ratio-Lactulose</i>	Ratiopharm	1000 ml	14.50	⊕	0.0145

ONDANSETRON 

Tab. or Oral Disint.

			4 mg	LPM		
02264056	<i>Novo-Ondansetron</i>	Novopharm	10	75.45	⊕	7.5450
02258188	<i>pms-Ondansetron</i>	Phmscience	100	754.53	⊕	7.5453
02278529	<i>Ratio-Ondansetron</i>	Ratiopharm	100	754.53	⊕	7.5453
02274310	<i>Sandoz Ondansetron</i>	Sandoz	100	754.53	⊕	7.5453
02213567	<i>Zofran</i>	GSK	30	359.30		11.9767
02239372	<i>Zofran ODT</i>	GSK	10	119.80		11.9800

Tab. or Oral Disint.

			8 mg	LPM		
02264064	<i>Novo-Ondansetron</i>	Novopharm	100	1151.66	⊕	11.5166
02258196	<i>pms-Ondansetron</i>	Phmscience	100	1151.66	⊕	11.5166
02278537	<i>Ratio-Ondansetron</i>	Ratiopharm	100	1151.66	⊕	11.5166
02274329	<i>Sandoz Ondansetron</i>	Sandoz	100	1151.66	⊕	11.5166
02239373	<i>Zofran ODT</i>	GSK	10	182.80		18.2800
02213575	<i>Zofran</i>	GSK	30	548.41		18.2803

8. This Regulation comes into force on 7 February 2007.

7987

Draft Regulations

Draft Regulation

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

Installation of petroleum equipment — Use of unclaimed funds kept in trust

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the use of unclaimed funds kept in trust by the Comité paritaire de l'installation d'équipement pétrolier du Québec, adopted by the Comité paritaire, a copy of which appears below, may be submitted to the Government for its approval upon the expiry of the 45 days following this publication.

The purpose of this draft Regulation is to allow the Comité paritaire de l'installation d'équipement pétrolier du Québec to use, subject to certain conditions, part of the unclaimed funds for its general administration, up to a maximum amount of \$3,860.

The consultation period shall serve to clarify the impact of the draft Regulation. According to the 2005 annual report of the Comité paritaire, 43 employers, 6 artisans and 327 employees are governed by the Decree respecting the installation of petroleum equipment of Québec.

Further information may be obtained by contacting Ms Ginette Villemure, Direction des données sur le travail et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1, telephone 418 644-2206, fax: 418 644-6969, e-mail: ginette.villemure@travail.gouv.qc.ca

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JULIE GOSSELIN,
Deputy Minister of Labour

Regulation respecting the use of unclaimed funds held in trust by the Comité paritaire de l'installation d'équipement pétrolier du Québec

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, a. 22, par. o)

1. The Comité paritaire de l'installation d'équipement pétrolier du Québec may use the unclaimed funds kept in trust to pay for its general administration costs.

The funds used are the amounts collected for holidays, annual vacations and amounts collected following a wage claim.

General administration costs are those related to wages and fringe benefits paid to employees of the Comité paritaire, office expenses, travel, communications, retraining, advertising and subscriptions, professional fees, bank charges and interest, insurances, taxes, rent, maintenance, repairs, and other general expenses related to the administration of the Comité paritaire.

2. The Comité paritaire may use, up to a maximum amount of \$3,860, the funds that it holds in trust and unclaimed by the employees concerned within three years following the date as of which the funds are payable, insofar as the steps taken by the Comité paritaire to remit the funds to these employees have remained unsuccessful.

3. In the event that an employee claims the funds owed to him and such funds have been used, the Comité paritaire shall, on proof of the employee's identity, pay him the amount of his claim from the other unclaimed funds kept in trust.

4. The Comité paritaire must retain all information respecting the funds used under this Regulation. Amounts paid to its administration fund shall be indicated in its annual report.

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

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians

— 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 amending the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be performed by classes of persons other than physicians”, adopted by the Bureau of the Collège des médecins du Québec, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

In accordance with the second paragraph of section 19 of the Medical Act (R.S.Q., c. M-9), the “Office des professions du Québec” and the “Ordre des infirmières et infirmiers du Québec” were consulted prior to the adoption of the Regulation by the Bureau of the Collège.

The purpose of this Regulation is to authorize a specialized nurse practitioner in primary care to perform certain medical activities in compliance with the provisions of Section 36.1 of the Quebec Nurses Act (R.S.Q., c. I-8) and to prescribe the conditions for performing these activities. Authorization to perform the activities contemplated in this regulation is conditional to a nurse obtaining a specialist’s certificate in accordance with the provisions of the Ordre des infirmières et infirmiers du Québec’s regulation pursuant to subparagraph *f* of section 14 of the Nurses Act.

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

Further information may be obtained by contacting, M^e Linda Bélanger in the Legal Services Division, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec) H3H 2T8; telephone number: 514 933-4441, extension 5362, facsimile number: 514 933-3276, e-mail: lbelanger@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des profes-

sions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. 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 that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

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

Regulation amending the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians*

Medical Act
(R.S.Q., c. M-9, s. 19, 1st par., subpar *b*)

Professional Code
(R.S.Q., c. C-26, s. 94.1)

1. Section 2 of the Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged in by classes of persons other than physicians is amended by deleting in subparagraph (1) of the second paragraph the words “have completed”;

2. Section 6 of this Regulation is amended by inserting in subparagraph (2) after the word “provisions” of “of Division II”;

3. Section 7 of this Regulation is amended by inserting in subparagraph (2) after the word “provisions” of “of Division III”;

4. Section 8 of this Regulation is amended by inserting in subparagraph (2) after the word “with” of the words “the provisions of Division II”.

5. This Regulation is amended by inserting after section 8 the following subdivision:

* The Regulation respecting the activities contemplated in section 31 of the Medical Act which may be engaged by classes of persons other than physicians was approved by Order in Council 996-2005 of October 26, 2005 (2005, *G.O.* 2, 6367). The regulation has not been amended since then.

“§2.1 *Terms and conditions for authorization of primary care*

8.1 A specialized nurse practitioner in primary care is authorized to engage in an activity stipulated in section 5, in primary care, under the following terms and conditions:

(1) he or she engages in that activity with an ambulatory clientele presenting a common health problem or a stable chronic disease;

(2) he or she engages in that activity in partnership with a family physician;

8.2 Within the meaning of this Division, the term “common health problem” means a health problem that presents the following characteristics:

(1) a relatively high incidence in the community;

(2) clinical symptoms and signs usually affecting a single system;

(3) an absence of deterioration in the general condition of the person;

(4) usually a quick and favorable course;

8.3 Within the meaning of this Division, “stable chronic disease” means a disease that has been the subject of a diagnosis by a physician and of a medical treatment plan giving the expected results.

8.4 Besides the terms and conditions prescribed in section 8.1, the specialized nurse practitioner in primary care engages in his or her activities under the following terms and conditions:

(1) he or she prescribes diagnostic examinations stipulated with Schedule I of this Regulation;

(2) he or she uses the following diagnostic techniques:

(a) pelvic examination;

(b) rectal touch;

(c) cervico-vaginal smear;

(d) radial arterial puncture;

(3) he or she prescribes medications and other substances in accordance with Schedule II of this Regulation and the provisions of Division II of the Règlement sur les normes relatives aux ordonnances faites par un médecin, adapted as required;

(4) he or she prescribes the following medical treatments:

(a) diet;

(b) cryotherapy, except on the face and internal genital organs;

(c) eye irrigation;

(d) fluorescein staining;

(e) irrigating ears;

(f) represcription of oxygenotherapy;

(g) peripheral venous access;

(h) cleansing enema;

(i) bladder catheterization;

(j) nasogastric tube;

(5) he or she uses the following medical techniques or applies the following medical treatments:

(a) suture a wound, except below the fascia or in the presence of underlying lesions;

(b) incise and drain an abscess above the fascia;

(c) install a esophageal tracheal double cannula airway device.

8.5 The specialized nurse practitioner in primary care must request the intervention of the partner physician:

(1) when his or her evaluation does not allow the clear identification of the common health problem when the criteria to initiate the medical treatment are not clear or they exceed the skills of the specialized nurse practitioner in primary care, specifically in the presence of one of the following factors:

(a) a persistent or recurrent sign or symptom to which no cause can be assigned;

(b) a sign, a symptom or a result of medical imaging or laboratory analyses suggesting the presence of an undiagnosed chronic or systemic disease;

(c) the symptoms or the analyses results demonstrating the decline or alteration of the function of an organ or a system;

(d) a sign of a recurrent or persistent infection;

(e) an atypical manifestation of a common disease or an unusual reaction to treatment;

(f) a sign or a symptom of change of behavior which cannot be attributed to a specific cause.

(2) when he or she notes that the growth or development of a newborn, an infant or a child is abnormal or observes the presence of a sign or a symptom of disease in the newborn or the infant of three months old or less other than thrush, seborrheic dermatitis, diaper rash or tear duct obstruction;

(3) when there is a suspicion of abuse or in the presence of a sign of abuse or a symptom of a sexually transmitted infection in a child;

(4) when a chronic condition becomes worse, especially in the presence of one of the following factors:

(a) the symptoms or the results of laboratory analyses indicating deterioration of a patient;

(b) the unexpected deterioration of the condition of a patient already treated for a diagnosed disease.

(5) when the situation imperils the life or the physical or mental integrity of a person.

Further to the intervention of the partner physician, he or she may continue the practice of the activities stipulated in section 8.4 within the limits of the medical treatment plan determined by this physician.”

6. Section 9 of this Regulation is amended by:

(1) replacing in the second subparagraph of the following: “in subdivision 2” by the following: “in subdivisions 2 and 3”;

(2) inserting in paragraph (1) of the second subparagraph, after the word “specialist” of the following: “of the specialty contemplated or of a family physician as appropriate.”.

7. Section 10 of this Regulation is amended by:

(1) replacing in the second subparagraph of the following: “in subdivision 2” by the following: “in subdivisions 2 and 3”;

(2) inserting in paragraph (1) of the second subparagraph, after the word “specialist” of the following: “of the specialty contemplated or of a family physician as appropriate.”.

8. This Regulation is amended by adding, at the end, the following Schedules:

“**SCHEDULE I**
(s. 8.4, par. (1))

I. RADIOLOGICAL EXAMINATIONS

Head and neck

Mandibula
Nasal bone

Chest

Lungs
Thorax (rib cage)

Spine

Cervical spine
Dorsal spine
Lumbosacral spine

Upper limbs

Scapula
Shoulder
Clavicle
Humerus
Elbow
Fore arm
Wrist
Hand
Fingers

Lower limbs

Hip
Femur
Knee and patella
Leg
Ankle
Foot
Toes

Abdomen

Abdomen

Miscellaneous

Mammography
Osteodensitometry

II. ULTRASOUND EXAMINATIONS

Breast (thorax)

Breast ultrasonography as part of an abnormal screening mammogram

Abdomen

Abdominal ultrasound
Pelvic ultrasound

Obstetrics

Obstetrical ultrasound

Genital organs

Ultrasound, scrotum

Doppler exploration

Peripheral venous Doppler

III. OTHER DIAGNOSTIC TESTS

Resting electrocardiogram
Pulmonary function tests (spirometry, peak expiratory flow, FEV1)
Ambulatory monitoring of blood pressure (ABPM)

IV. MICROBIOLOGY**Specimens**

- for flu
- for herpes simplex

Cultures

- Expectorations
- Throat
- Urine
- Cervical
- Urethral
- Stools
- Purulent discharge
- Fungus

Testing

- for C. Difficile
- for BK in expectoration (tuberculosis)
- for pinworms
- for parasites in stools

Fresh vaginal state**V. BIOCHEMISTRY / BLOOD**

- Amylase
- Bilirubin, direct and total
- Chlorides
- Creatine phosphor-kinase (CPK)
- Creatinine
- Assays of phenobarbital, lithium, carbamazepine, theophylline, digoxin, dilantin, valproic acid
- Hormonal assays:
 - Follicle-stimulating hormone (FSH)
 - Luteinizing hormone (LH)
 - Thyrotropic hormone (TSH)

• Vitamin assays:

- Vitamin B12
- Folic acid
- Gamma glutamyl transferase (GGT)
- Glycaemia
- Orally provoked hyperglycemia
- Glycated haemoglobin HbA1c
- Iron binding capacity
- Iron, ferritin
- Lactose tolerance test
- Presence of lead in the blood
- Lipase
- Lipid check-up
- Arterial and capillary gas
- Alkaline phosphatase
- Phosphorous
- Electrolytes
- Total protein
- Prealbumin and albumin
- Transaminase
- Uric acid
- Sweat test
- Street and date-rape drugs and blood alcohol level testing
- Occult blood in stools
- β hCG (qualitative)

VI. BIOCHEMISTRY / URINE

- Urinalysis
- Microalbuminuria on urination or 24-hour urine collection
- Pregnancy test
- 24-hour creatinine clearance
- Street and date-rape drugs
- Enzyme technique testing:
 - Chlamydia
 - Gonorrhoea

VII. CYTOLOGY

- Cervico-vaginal smear
- Spermogram
- Test for sperm, post-vasectomy or in vaginal fluid

VIII. HEMATOLOGY

- Haemogram
- Coagulogram
- Prothrombin time (PT – RNI)
- Activated partial thrombin time (PPT or APPT)
- Reticulocytes count
- Sedimentation rate
- Blood group determination (crossmatch test)

IX. SEROLOGY

- Hepatitis A, B, C antigens or antibodies
- Elisa syphilis test
- Non-syphilis test: VDRL
- HIV antibody
- Herpes and chlamydia by immunofluorescence method
- C-reactive protein excluding ultrasensitive
- Mono test

X. ANTENATAL SCREENING

- Anticytomegalovirus antibody
- Toxoplasmosis antibody
- B-19 parvovirus
- Rubella antibody
- Anti-varicella antibody
- Alpha-fetoprotein, estradiol

SCHEDULE II

(s. 8.4, subpar (3))

LIST OF CLASSES OF MEDICATION THAT THE NURSE PRACTITIONER SPECIALIZED IN PRIMARY CARE CAN PRESCRIBE OR PRESCRIBE WITH RESTRICTIONS

Specifications

P	Can be prescribed, renewed or halted unless there is a limit indicated.
R	Can be prescribed according to the original dose to maintain treatment, provided that the medication in question has already been prescribed for the patient by the partner physician (renewal). Maximum duration of six months.
A	Can be prescribed as dose adjustment provided that the drug in question had been prescribed for the patient by the partner physician and the physician has established a medical treatment plan (as part of joint follow-up).

		Specifications
4: 00	Antihistamines	P
8: 00	Anti-infective agents	Orally only
8: 08	Mebendazole	P
8: 12.04	Fluconazole (single-dose)	P
	Nystatin	P
8: 12.06	Cephalosporins	P
8: 12.12	Macrolides	P

		Specifications
8: 12.16	Penicillins	P
8: 12.24	Tetracyclines	P
8: 12.28	Clindamycins	P
8: 16	Antituberculosis agents	R
8: 18	Antivirals	P (7 days or less)
8: 20	Antimalarial agents	P (for prevention)
8: 22	Ciprofloxacin	P (5 days or less)
	Norfloxacin	P (5 days or less)
8: 24	Sulphonamides	R
8: 36	Urinary anti-infectives	P
8: 40	Pediazole	P
	Metronidazole	P
	Trimethoprim	P
	Trimethoprim/Sulfamethoxazole	P
10: 00	Antineoplastic agents	
	Amethopterin as antirheumatic	R
	Tamoxifen	R
12: 00	Autonomic drugs	
12: 08.04	Antiparkinsonian agents	R
12: 08.08	Ipratropium (bromide)	R (aerosol)
12: 12	Sympathomimetic agents	
	Adrenaline	P (in an emergency)
	Self-injecting adrenalin	R
	Fenoterol	R
	Formoterol	R
	Salbutamol (sulfate)	P (14 days or less for 1 treatment) and R
	Salmeterol	R
	Terbutaline	R
12: 16	Sympatholytic agents	R
12: 92	Nicotine	P
20: 00	Blood formation and coagulation	
20: 04.04	Iron preparations	Orally only P (for 1 month)
20: 12.04	Anticoagulants	Orally only R and A

Specifications		
24: 00 Cardiovascular drugs		
24: 04.08	Hypotensive agents	R
24: 06.04	Bile acid sequestrants	R
24: 06.06	Fibrates	R
24: 06.08	HMG-COA reductase inhibitors	R and A
24: 06.92	Niacin	R
24: 08	Antihypertensives	R and A
24: 12.08	Nitrates and nitrites	R
24: 12.92	Various vasodilators	R
24: 20	Alpha-adrenergic blockers	R and A
24: 24	Beta-adrenergic blockers	R and A
24: 28	Calcium channel blockers	R and A
24: 32.04	Angiotensin-converting enzyme (ACE) inhibitors	R and A
24: 32.08	Angiotensin II receptor inhibitors	R and A
28: 00 Central nervous system agents		
28: 08.04	Non-steroid anti-inflammatory agents except: Celecoxib	P (14 days or less)
28: 08.08	Codeine	P (12 tablets only)
28: 08.92	Acetaminophens	P
28: 12.04	Phenobarbital	R (epilepsy)
28: 12.08	Benzodiazepines (Clobazam and Clonazepam)	R (epilepsy)
28: 12.12	Hydantoins	R
28: 12.92	Various anticonvulsants	R
28: 24.08	Benzodiazepines Lorazepam	R P (12 tablets only)
28: 24.92	Hydroxyzine (chlorhydrate)	P
28: 28	Lithium	R
28: 92	Various central nervous system medications	R

Specifications		
36: 00 Diagnostic agents		
36: 26	Diabetes mellitus Quantitative blood ketone reagent Quantitative blood glucose reagent	P P
36: 88	Urinalyses	P
40: 00 Electrolytic, caloric and water balance		
40: 12	Replacement preparations	P
40: 28	Diuretics	R and A
40: 28.10	Potassium-sparing diuretics	R
40: 36	Irrigation solution	P
48: 00 Antitussives, expectorants and mucolytic agents		
48: 24	Mucolytic agents	R
52: 00 Eye, ear, nose and throat preparations		
52: 04 EENT anti-bacterials		
52: 04.04	Antibiotics except: Chloramphenicol Gentamicin Tobramycin	P
52: 04.08	Sulfonamides	P
52: 04.12	Ciprofloxacin	Ofloxacin P P
52: 08	Anti-inflammatory agents except: ophthalmic unguent and drops	P
52: 16	Local anesthetics	P
52: 36	Sodium cromoglycate Ipratropium bromide Sodium chloride	P P P
56: 00 Gastrointestinal drugs		
56: 16	Digestants Lactase	P
56: 22	Anti-emetics Doxylamine	P

		Specifications
56: 40	Various gastro-intestinals except: Domperidone Esomeprazole Famotidine Misoprostol Omeprazole Pantoprazole sodium Ranitidine Sucralfate	R R R R R R R P (for breastfeeding)
68: 00 Hormones and synthetic substitutes		
68: 04	Adrenal corticosteroids	Aerosol only P (14 days or less)
68: 12	Contraceptives	P
68: 16.04	Estrogens	R and A
68: 16.12	Estrogen agonists - antagonists	R
68: 20.08	Insulins	R and A
68: 20.20	Sulfonylureas except: chlorpropamide	R and A
68: 20.92	Various anti-diabetic drugs	R and A
68: 24	Parathyroid agents	R
68: 32	Progestins except: Norethindrone (acetate) 5 mg Medroxyprogesterone (acetate) (Provera)	P R and A
68: 36.04	Thyroid agents except: Liothyronine sodium	R and A
84: 00 Skin and mucous membrane agents		
84: 04.04	Antibiotics	P
84: 04.08	Antifungals	P (14 days or less)
84: 04.12	Scabicides and pediculicides	P
84: 04.16	Other anti-infective agents	P

		Specifications
84: 06	Anti-inflammatory agents	P (medium and low strength)
84: 12	Astringents Aluminum acetate	P
84: 28	Keratolytic agents	P
84: 32	Keratoplastic agents except: zinc oxide	R P
84: 36	Various except: Fluorouracil	P
86: 00 Smooth muscle relaxants		
86: 12	Genitourinary	R
86: 16	Respiratory Aminophylline Theophylline	R R
88: 00 Vitamins		Orally only
88: 08	B vitamins except: Vitamin B12	P R including injectable)
88: 16	D vitamins	P
88: 28	Multivitamins A, D and C	P
92: 00 Unclassified therapeutic agents		
	Alendronate monosodium	R
	Alfuzosin	R
	Allopurinol	R
	Etidronate disodium / calcium	R
	Finasteride	R
	Risedronate sodium	R
	Tamsulosin	R
	Terazosine	R
	Local anesthetics	
	• Topical lidocaine-prilocaine (in various forms)	P
	• Lidocaine chlorhydrate with or without injectable epinephrine	P
	• Chlorhydrate tetracaine	P
	Intravenous solutions	P

EXCEPTION DRUGS

Generic name	Form of administration	Trade name	Code
1. Aluminum hydroxide	Tablet	Amphogel	P
2. Bisacodyl	Tablet and supp.	PMS – Bisacodyl	P
3. Capsaicine	Topical cream	Zoderm, Zostrix	P
4. Donepezil	Tablet	Aricept	R
5. Rivastigmine	Caps	Exelon	R
6. Galantamine	Caps and Tablet	Reminy IE	R
7. Memantine	Tablet	Ebixa	R
8. Estradiol	Skin patch	Estraderm Estradot Climara 25 Oesclim 25 Estalis	R and A
9. Ethinyl estradiol/ cyproterone	Tablet	Diane 35	P
10. Gliclazide	Tablet	Diamicron Gliclazide	R and A
11. Glimepiride	Tablet	Amaryl	R and A
12. Mineral oil		Lansoyl	P
13. Milk of magnesia			P
14. Metronidazole	Vaginal gel	Nidagel	P
15. Island dressings		Cutinova hydro Mepilex Border Versiva Combiderm ACD Tielle Plus	P
16. Alginate dressings	Rope Dressing	Melgisorb Algoderm Algisite M Nu-Derm Alginate Kaltostat Tegagen HI Curasorb 30 cm Seasorb Soft 44 cm Curasorb 60 cm Curasorb 90 cm	P
17. Activated charcoal dressing		Actisorb Silver	P
18. Sodium chloride dressing		Mesalt Curasalt	P

Generic name	Form of administration	Trade name	Code
19. Hydrocolloid dressing		Nu-Derm Hydrocolloïdal Com Feel Plus Clear Duo Derm CGF Tega Sorb Combiderm nonadhesive Ultec	P
20. Hydrofiber dressings		Aquacel hydrofiber Intrasite Gel Comformable	P
21. Hydrogel dressings		Curagel Nu-Gel	P
22. Iodized dressings		Iodosorb	P
23. Hydrophilic foam dressings		Allevyn Aquaflo Curafoam Hydrasorb Lyof foam Extra Mepilix Lite 3M foam adhesive dressing Tielle Biatain adhesive	P
24. Multilayer dressing		All dressings	P
25. Monobasic sodium phosphate	I/R	Fleet Fleet pediatric	P
26. Ploglitazone	Tablet	Actos	R and A
27. Micronized progesterone	Caps	Prometrium	R
28. Coaguchek PTS			P
29. Repaglinide	Tablet	Gluco Norm	R and A
30. Rosiglitazone	Tablet	Avandia	R and A
31. Salmeterol/Fluticasone	Inhalation	Advair	R
32. Sennosides A and B		Sennatab Senokot	P
33. Tolterodine	Caps / Tablet	Unidet Detrol	R
34. Tretinoïne	Topical	Stieva – A Retin – A	P

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

7992

Draft Regulation

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

Nurses

— Diplomas giving access to specialist's certificates — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 1.17 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to provide for diplomas giving access to the primary care nurse practitioner certificate of the Ordre des infirmières et infirmiers du Québec.

The draft Regulation is part of the regulation to be implemented to enable nurse practitioners specialized in primary care to perform certain medical activities.

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

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

Further information may be obtained by contacting Carmelle Marchessault, Director, Direction des services juridiques, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal (Québec) H3Z 1V4; telephone: 514 935-2501 or 1 800 363-6048; fax: 514 935-3147.

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

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

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions 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 educational institutions which give access to permits or specialist's certificates of professional orders is amended in section 1.17 by adding the following after subparagraph 3 of the second paragraph:

“(4) specialist's certificate, nurse practitioner specializing in primary care:

(a) Maîtrise en sciences infirmières (M. Sc.) held with the Diplôme d'études supérieures spécialisées en sciences infirmières, obtained upon completion of the program in primary care practice from Université Laval;

(b) Master of Science (M. Sc.) (Applied) Nurse Practitioner (Primary Care) or Graduate Diploma – Nurse Practitioner (Primary Care) from McGill University.”

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

7991

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits and 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 716-2006 dated 8 August 2006 (2006, *G.O.* 2, 2938) and 892-2006 dated 3 October 2006 (2006, *G.O.* 2, 3261). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 September 2006.

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 2006, c. 20)

Nurses Act
(R.S.Q., c. I-8)

Nurses

— Classes of specialties

— 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 Bureau of the Ordre des infirmières et infirmiers du Québec, at its meeting held on September 28 and 29, 2006, adopted the “Regulation to amend the Regulation respecting Ordre des infirmières et infirmiers du Québec classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act”.

This regulation has been forwarded to the Office des professions du Québec for examination in accordance with section 95 of the Professional Code (R.S.Q., c. C 26). Thereafter, it will be submitted, with the recommendation of the Office, to the Government which, in accordance with the same section, may approve it, with or without amendment, following the expiry of a period of 45 days from the publication of this notice.

The purpose of this regulation is to amend the regulation respecting Ordre des infirmières et infirmiers du Québec classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act in order to add a new class of speciality, i.e. nurse practitioner specializing in first-line care. This regulation sets out diploma and training equivalency standards to be met in order to obtain a specialist’s certificate issued to nurse practitioners specializing in first-line care, and introduces transitory provisions to facilitate the integration of certain nurses from Ontario and New Brunswick. The purpose of this regulation is also to incorporate a process for the review of a decision by persons other than those who rendered it into the equivalency recognition procedure.

This Regulation has no impact on businesses, including small and medium-sized businesses.

Further information concerning the proposed Regulation may be obtained by contacting Carmelle Marchessault, Director and Legal Counsel, Direction des services juridiques, Ordre des infirmières et infirmiers du Québec, 4200, boulevard Dorchester Ouest, Montréal (Québec) H3Z 1V4; telephone: 514 935-2501 or 1 800-363-6048; fax: 514 935-3147.

Persons having comments to make are asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting professions; they may also be submitted to the professional order which has adopted this Regulation and to the persons, departments and agencies concerned.

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

Regulation to amend the Regulation respecting Ordre des infirmières et infirmiers du Québec classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act*

Professional Code
(R.S.Q., c. C-26, s. 93, par. c and c.1, s. 94, par. e, h and i and s. 94.1; 2006, c. 20, s. 4)

Nurses Act
(R.S.Q., c. I-8, s. 14, par. f)

1. Section 2 of the Regulation respecting Ordre des infirmières et infirmiers du Québec classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act is amended by inserting in subparagraph 2^o of the first paragraph and after “specialist’s certificate”: “as well as physicians’ offices, medical clinics, dispensaries or other facilities providing first-line care.”

2. Section 3 is amended by adding the following after paragraph 3^o:

“4^o nurse practitioner specializing in first-line care.”.

3. Section 5 is amended by replacing “Bureau” with “secretary”.

4. Section 6 is amended by replacing “Bureau” with “secretary”.

* The Regulation respecting Ordre des infirmières et infirmiers du Québec classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act, approved by Order in Council 997-2005 dated October 26, 2005 (2005, G.O. 2, 6370) has not been amended since its approval.

5. Section 9 is amended by replacing “the Bureau of the Order grants them” with “the date on which they are granted”.

6. Section 23 is amended as follows:

1° by deleting “number of hours” and “in the care units specified” from subparagraph 1° of the first paragraph;

2° by replacing, “by the Bureau of the Order” with “in application of Division IV” in the second paragraph.

7. This regulation is amended by inserting the following after section 23:

“**23.1.** A graduate diploma, issued by a Canadian university and preparing a nurse to work as a nurse practitioner in primary healthcare is equivalent to a diploma giving access to a specialist’s certificate issued to nurse practitioners specializing in first-line care”.

8. Section 24 is amended by replacing “section 23” with “sections 23 and 23.1”.

9. Section 25 is amended as follows:

1° by inserting “, in first-line care or in a hospital centre in one or several fields specified in paragraph 1° of section 4 of Schedule I” into the first paragraph and after “Schedule I”;

2° by replacing “by the Bureau of the Order” with “in application of Division IV” into the second paragraph.

10. Section 26 is amended by inserting “the committee as set out in section 28 and, as the case may be,” into the wording preceding paragraph 1° and after “training equivalence application”.

11. Section 28 is amended by replacing “which shall study it and make recommendations to the Bureau of the Order” with “formed by the Bureau in application of paragraph 2° of section 86.0.1 of the Professional Code to examine the request and decide whether to grant or refuse to grant the diploma or training equivalence requested”.

12. Section 29 is amended:

1° by inserting “but who are not members of the Bureau” after “Bureau of the Order” in the first paragraph;

2° by replacing “recommendations of the committee shall be formulated” with “decisions of the committee shall be rendered” in the second paragraph.

13. Section 30 is replaced by the following:

“**30.** Within 15 days following the date on which the equivalence eligibility committee renders its decision to grant or refuse to grant equivalence, the committee must notify the nurse in writing.

If the committee refuses to grant the equivalence requested, it must, at that time, inform the nurse, in writing, of the conditions she must meet in order to obtain such equivalence.”.

14. Section 31 is amended by replacing, “the Bureau of the Order” with “the equivalence eligibility committee” in the first paragraph.

15. This regulation is amended by the insertion of the following after section 31:

“**31.1** The Bureau of the Order may solicit experts for the purpose of examining a request for review submitted pursuant to the first paragraph of section 31.”.

16. Schedule I is amended by adding the following after section 3:

“**4. Nurse practitioner specializing in first-line care:**

1° Training program prerequisites:

3,360 hours in first-line care or in a hospital centre in one or several of the following fields: emergency/critical care, medicine, surgery, obstetrics or pediatrics;

2° Graduate program of 1, 580 hours, divided as follows:

(a) 630 hours of theory courses including:

Branch: Nursing Science

i. 45 hours in the use of scientific evidence;

ii. 45 hours in theoretical bases of nursing science;

iii. 135 hours in the following fields: health education, interprofessional collaboration, ethics and legal aspects;

Branch: Medical Science

i. 135 hours in pharmacology;

ii. 270 hours in the following fields: physiopathology, clinical assessment.

(b) 950 hours of clinical training in the field of the speciality concerned.”.

17. The Secretary of the Order shall issue a training card to a nurse who requests one during the six months following (*enter the date on which this regulation comes into force*) and who meets the following conditions:

1° she is registered in the “extended class” category on the Roll of the College of Nurses of Ontario or as a “nurse practitioner” on the Register of the Nurses Association of New Brunswick;

2° she has practiced:

(a) a minimum of 3,360 hours, over the three years preceding her request, as a nurse registered in the “extended class” category on the Roll of the College of Nurses of Ontario or in the “nurse practitioner” category on the Register of the Nurses Association of New Brunswick; or

(b) a minimum of 3,360 hours, over the three years preceding her request, as a nurse in Canada, and holds a graduate diploma in Nursing Science issued in Canada;

3° she pays the required fee for the purpose of obtaining a training card.

A nurse holding a training card issued pursuant to the first paragraph above is, for purposes of the Regulation respecting *Ordre des infirmières et infirmiers du Québec* classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act, a “specialized nurse practitioner candidate”. Her training card is valid for the period during which she is eligible to sit the examination related to the specialty concerned.

She is eligible to sit the examination prescribed for “nurse practitioners specializing in first-line care”, in accordance with Division III of the Regulation respecting *Ordre des infirmières et infirmiers du Québec* classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act, and must sit the exam within the year following the date of issue of her training card. After the year has expired, she may not sit the examination unless she proves to the Bureau of the Order that she has kept her knowledge up to date and maintained her professional skills.

A nurse practitioner specializing in first-line care specialist’s certificate will be issued to her, provided she meets the following conditions:

1° she passes the specialty examination related to the “nurse practitioner specializing in first-line care” speciality, in accordance with Division III of the Regulation respecting *Ordre des infirmières et infirmiers du Québec* classes of specialties related to the performance of acts contemplated in section 36.1 of the Nurses Act;

2° she pays the required fee for the purpose of obtaining a specialist’s certificate.

18. A nurse requesting a training card as set out in section 17 must produce the following supporting documentation, as the case may be:

1° a certified true copy of her graduate diploma in nursing, obtained in Canada;

2° an attestation regarding the number of hours of practice, as set out in subparagraph 2° of the first paragraph of section 17;

3° proof of registration on the roll or register of the professional order specified in subparagraph 1° of the first paragraph of section 17. ”.

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

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Parliamentary Committees

Committee on Institutions

General consultation

Reform of the Code of Civil Procedure

Invitation to attend

Members of the Committee on Institutions will shortly be holding public hearings on the Rapport d'évaluation de la Loi portant sur la réforme du Code de procédure civile (evaluation report on the Act to reform the Code of Civil Procedure) to hear interested individuals and organizations. The Act requires that the committee examine the report during the year it was tabled in the National Assembly. The report was tabled on April 25, 2006, and can be viewed on the National Assembly's website at:

<http://www.assnat.qc.ca/eng/37legislature2/commissions/ci/index.shtml>

WHEN?	Hearings begin on March 6, 2007
WHERE?	In the Parliament Building in Québec
HOW TO PARTICIPATE?	All are invited to present their briefs* in 25 copies to the Committees Secretariat. The Committee will select the individuals and organizations it wishes to hear from among those that sent in a brief.
DEADLINE?	The Secretariat must have received the briefs by February 27, 2007.

Briefs and correspondence must be sent to

Mr. Louis Breault, Clerk
Committees Secretariat
Édifice Pamphile-Le May, 3^e étage
1035, rue des Parlementaires
Québec (Québec) G1A 1A3
Telephone: 418 643-2722
Fax: 418 643-0248
lbreault@assnat.qc.ca

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* Briefs must be forwarded on letter-sized paper and include a summary of their contents. If the sender wishes the brief to be sent to the Press Gallery, an extra 20 copies must be included. All briefs will be posted on the Committee's website. An electronic copy sent by e-mail is also welcome.

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

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