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Laws and Regulations

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Summary

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Regulations and other acts

M.O., 2007

**Order number AM 2007-015 of the Minister of
Natural Resources and Wildlife dated 30 May 2007**

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

CONCERNING the delimitation of areas on lands in the
domain of the State in view of increased utilization of
wildlife resources of the part of Bonaventure river,
located on the territory of the municipality of Saint-
Elzéar and Bonaventure, in the MRC de Bonaventure

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

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

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

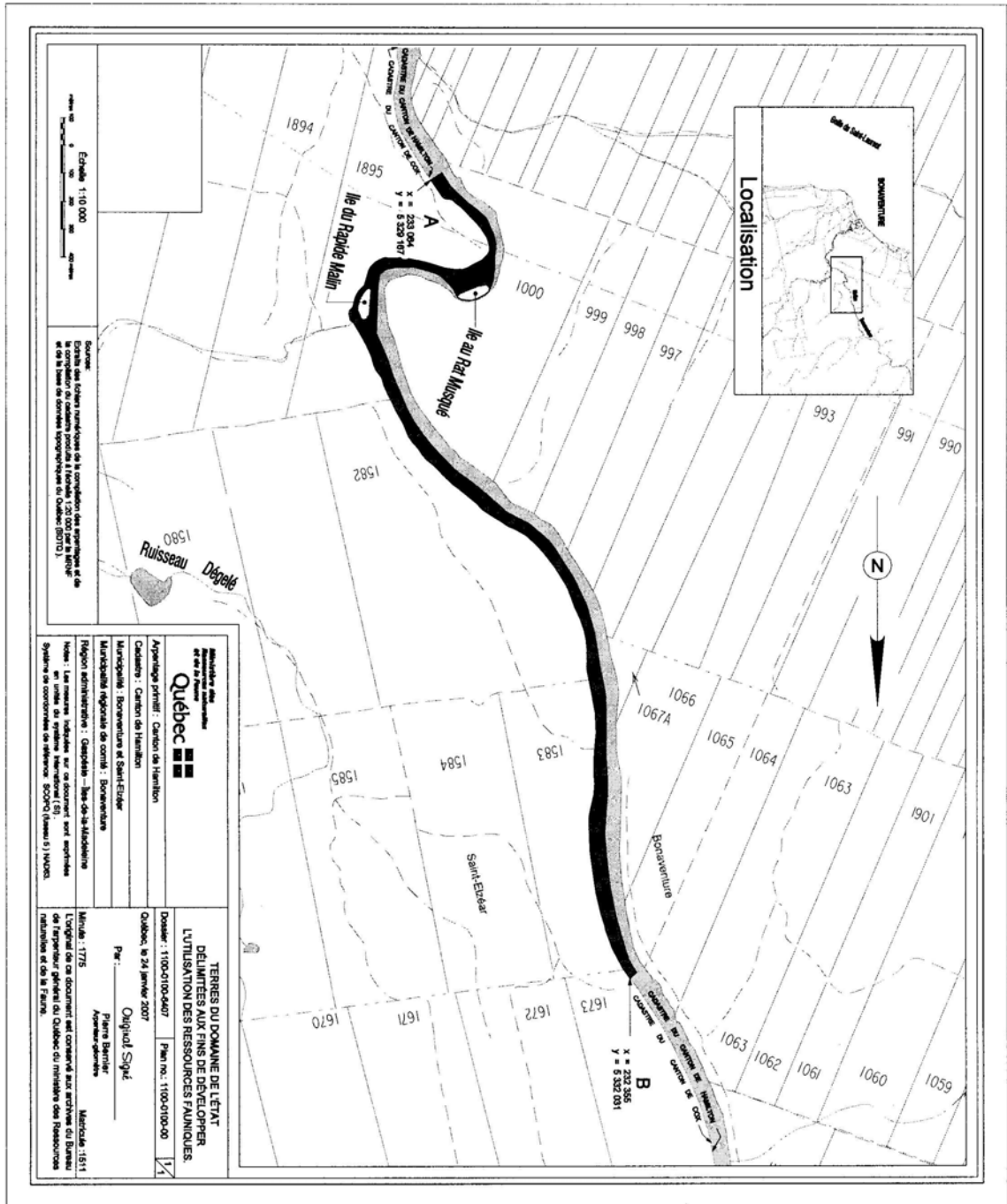
ORDERS THAT:

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

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

Québec, 30 May 2007

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*



M.O., 2007**Order number AM 2007-016 of the Minister of Natural Resources and Wildlife dated 30 May 2007**

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

CONCERNING the establishment of the Rivière-Bonaventure Controlled Zone

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Government, by Order in Council 123-89 dated 8 february 1989 respecting certain controlled zones for the development, harvesting or conservation of anadromous atlantic salmon, established the Rivière-Bonaventure Controlled Zone;

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

CONSIDERING the second paragraph of the same section which provides that the Minister may also include in a controlled zone any private land subject to agreement between the owner, including a municipality or a metropolitan community, and the Minister;

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

CONSIDERING that an agreement has been entered into between the Minister of Natural Resources and Wildlife and the Club de pêche au saumon Le Canadien inc. on 18 april 2007 foreseeing inclusion of private lands in the Rivière-Bonaventure controlled zone;

CONSIDERING that it is expedient to alter the territory of the Rivière-Bonaventure Controlled Zone described in the Schedule 6 of the Order in Council 123-89 dated 8 february 1989;

ORDERS THAT:

The territory, whose boundaries are shown on the map appended to the present order, be established as a controlled zone designated by the name of “Rivière-Bonaventure Controlled Zone”;

This Order replaces Schedule 6 of the Order in Council 123-89 dated 8 february 1989;

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

Québec, 30 May 2007

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Draft Regulations

Draft Regulation

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

Controlled zones — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend various regulations respecting controlled zones, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to make reference to the general Consumer Price Index instead of the unadjusted Canadian Consumer Price Index (recreation component) to adjust hunting and fishing fees payable under the Regulation respecting hunting and fishing controlled zones and the Regulation respecting salmon fishing controlled zones, and to add a similar section to the Regulation respecting wildfowl hunting controlled zones. It also corrects various irregularities.

Study of the matter has shown no negative impact on enterprises including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Serge Bergeron, Direction des territoires fauniques et de la réglementation, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 627-8691 extension 7393; fax: 418 646-5179; e-mail: serge.bergeron@mrnf.gouv.qc.ca

Any interested person having comments to make on the draft Regulation is asked to send them in writing before the expiry of the 45-day period to Gilles Desaulniers, Acting Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Regulation to amend various regulations respecting controlled zones*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 110, 1st par., subpars. 5.3 and 6)

1. The Regulation respecting wildfowl hunting controlled zones is amended by inserting the following after section 17:

“**17.1.** As of 1 April 2008, the maximum amounts of the fees payable for wildfowl hunting, set pursuant to section 15, are adjusted annually based on the annual percentage change, calculated for the month of June of the preceding year, in the general Consumer Price Index (CPI) published by Statistics Canada.

The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec* or by any other appropriate means.”

2. Section 28.1 of the Regulation respecting hunting and fishing controlled zones is amended

(1) by replacing “shall be indexed annually by applying to their value for the preceding year the percentage of annual increase in the unadjusted Canadian Consumer Price index (recreation component), computed for the month of June of the preceding year, as” in the first paragraph by “are adjusted annually based on the annual percentage change, calculated for the month of June of the preceding year, in the general Consumer Price Index (CPI)”;

* The regulations amended are the Regulation respecting wildfowl hunting controlled zones, made by Order in Council 1255-99 dated 17 November 1999 (1999, *G.O.* 2, 4381), amended once by the regulation made by Order in Council 1095-2002 dated 18 September 2002 (2002, *G.O.* 2, 5273), the Regulation respecting hunting and fishing controlled zones, made by Order in Council 1255-99 dated 17 November 1999 (1999, *G.O.* 2, 4381), last amended by the regulation made by Order in Council 485-2004 dated 19 May 2004 (2004, *G.O.* 2, 1642), and the Regulation respecting salmon fishing controlled zones, made by Order in Council 1255-99 dated 17 November 1999 (1999, *G.O.* 2, 4381), last amended by the regulation made by Order in Council 810-2005 dated 31 August 2005 (2005, *G.O.* 2, 3922). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

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

“The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec* or by any other appropriate means.”.

3. Section 20.2 of the Regulation respecting salmon fishing controlled zones is amended

(1) by replacing “are indexed annually by applying to their value for the preceding year the annual percentage change, calculated for the month of June of the preceding year, in the Consumer Price Index for Canada, not seasonally adjusted (recreation component), as” in the first paragraph by “are adjusted annually based on the annual percentage change, calculated for the month of June of the preceding year, in the general Consumer Price Index (CPI)”;

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

“The Minister is to publish the results of the adjustment in Part 1 of the *Gazette officielle du Québec* or by any other appropriate means.”.

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

8142

Draft Regulation

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

Scale of fees and duties related to the development of wildlife

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Any interested person having comments to make on the matter is asked to send them in writing before the expiry of the 45-day period to Gilles Desaulniers, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife *

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10)

1. Section 15 of Regulation respecting the scale of fees and duties related to the development of wildlife is amended

(1) by replacing “variation computed for the month of June of the preceding year, in the not seasonally adjusted Consumer Price Index for Canada (recreation component) as” in the first paragraph by “variation, computed for the month of June of the preceding year, in the general Consumer Price Index (CPI)”;

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

“The Minister shall publish the result of the indexing in Part 1 (French) of the *Gazette officielle du Québec* or by any other appropriate means.”.

2. Schedule I is amended

(1) by inserting the following after subparagraph *ii* of paragraph *c* of section 1:

“iii. non-resident Canadian \$117”;

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulation made by Order in Council 932-2005 dated 12 October 2005 (2005, *G.O.* 2, 4536). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

(2) by inserting the following after subparagraph *ii* of paragraph *d* of section 1:

“iii. non-resident Canadian \$117”;

(3) by inserting the following after subparagraph *ii* of paragraph *g* of section 1:

“iii. non-resident Canadian \$117”.

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

8143

Draft Regulation

Individual and Family Assistance Act
(2005, c. 15)

Individual and family assistance — 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 Individual and Family Assistance Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to clarify the normative interpretation to the effect that gifts in kind or in services, including in the form of clothes, furniture, meals, food or rent reductions, if they are made without consideration and otherwise than to perform an obligation, are not income to be considered for the purpose of calculating a last resort financial assistance benefit.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses.

Further information concerning the draft Regulation may be obtained by contacting Christine Brockman, Direction des politiques de sécurité du revenu, Ministère de l'Emploi et de la Solidarité sociale, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1; telephone: 418 646-2586; fax: 418 643-0019.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Employment and Social Solidarity, 425, rue Saint-Amable, 4^e étage, Québec (Québec) G1R 4Z1.

SAM HAMAD,
*Minister of Employment
and Social Solidarity*

Regulation to amend the Individual and Family Assistance Regulation *

Individual and Family Assistance Act
(2005, c. 15, s. 132, par. 10)

1. Section 111 of the Individual and Family Assistance Regulation is amended by adding the following paragraph at the end:

“(28) the monetary value of property given or services rendered, including in the form of clothes, furniture, meals, food or rent reductions granted by the owner or lessee, if they are given or made without consideration and otherwise than to satisfy a judgment or an obligation arising out of a juridical act.”.

2. This Regulation comes into force on 1 September 2007.

8144

Draft Regulation

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

Guidance counsellors and psychoeducators — Practice within a partnership or a joint-stock company

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 practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within

* The Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006 (2006, *G.O.* 2, 3877), was last amended by the regulation made by Order in Council 210-2007 dated 21 February 2007 (2007, *G.O.* 2, 1138). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

a partnership or a joint-stock company, made by the Bureau of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation contains specific provisions to set the terms and conditions authorizing the carrying on of professional activities by guidance counsellors and psychoeducators within a limited liability partnership or a joint-stock company in accordance with Chapter VI.3 of the Professional Code (R.S.Q., c. C-26), in particular as regards the management of the partnership or joint-stock company and the holding of shares or units.

In accordance with Chapter VI.3 of the Professional Code, the conditions proposed include the obligation to subscribe liability insurance for the partnership or joint-stock company to cover faults or negligence on the part of the members in carrying on their professional activities within the partnership or joint-stock company. The members must also provide the Order with the required information on the partnership or joint-stock company and keep it up-to-date.

The Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec foresees no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Renée Verville, Director General and Secretary, Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, 1600, boulevard Henri-Bourassa Ouest, bureau 520, Montréal (Québec) H3M 3E2; telephone: 514 737-4717 or 1 800 363-2643; fax: 514 737-2172.

Any interested 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 sent 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 made the Regulation and to interested persons, departments and bodies.

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

Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company

Professional Code

(R.S.Q., c. C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*)

CHAPTER 1 GENERAL

1. Members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec are authorized to carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C 26) if

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by members of the Order or by other professionals governed by the Professional Code;

(b) by a legal person, trust or enterprise whose voting rights attached to the shares or units of the partnership or joint-stock company are held entirely by members of the Order or by other professionals governed by the Professional Code; or

(c) by a combination of persons, trusts or enterprises referred to in subparagraphs *a* and *b*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners to manage the affairs of the limited liability partnership are members of the Order or other professionals governed by the Professional Code; and

(3) to constitute a quorum of the board of directors of a partnership or joint-stock company, a majority of the members present are members of the Order or other professionals governed by the Professional Code.

Members of the Order must ensure that those conditions appear in the articles of incorporation of the joint-stock company or in the contract constituting the limited liability partnership and that the documents stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

2. A member of the Order may carry on professional activities within a partnership or joint-stock company if the member

(1) provides the Order with a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Chapter II;

(2) provides the Order, where the member carries on professional activities within a joint-stock company, with a written document from the competent authority certifying the existence of the joint-stock company;

(3) provides the Order, where applicable, with a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(4) provides the Order with a written document certifying that the partnership or joint-stock company is duly registered in Québec;

(5) provides the Order with a written document certifying that the partnership or joint-stock company has an establishment in Québec;

(6) provides the Order with an irrevocable written authorization from the partnership or joint-stock company within which the member carries on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to obtain from a person any document listed in section 13 or a copy of such a document; and

(7) provides the Order with a written document from the partnership or joint-stock company certifying that its shareholders having voting rights, its partners, directors and officers, as well as the members of its staff who are not members of the Order are aware of the Code of ethics of the members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006 and comply with the Code.

3. In addition, the member of the Order must send to the Order a sworn declaration, made on the form provided by the Order, containing

(1) the partnership or joint-stock company name and any other names used in Québec by every partnership or joint-stock company within which the member of the Order carries on professional activities and the registration number assigned to them by the competent authority;

(2) the legal form of the partnership or joint-stock company;

(3) the professional activities carried on by the member of the Order within the partnership or joint-stock company;

(4) the member of the Order's name, home address and status within the partnership or joint-stock company;

(5) where the member carries on professional activities within a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the main establishment, names and home addresses of all the partners, their percentage of units and an indication of their management functions, as the case may be;

(6) where the member carries on professional activities within a joint-stock company, the address of the head office of the joint-stock company and of its establishments in Québec, the names and home addresses of all the shareholders, their percentage of voting shares and non-voting shares and an indication of their functions of director and officer, as the case may be;

(7) an indication that the shares or units held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation;

(8) the names of the holders of shares or units referred to in subparagraph 1 of the first paragraph of section 1 with the percentage of voting rights held by each shareholder; and

(9) an indication that the conditions set out in subparagraph *b* of subparagraph 1 of the first paragraph of section 1 are complied with in the case of holders of shares or units referred to in that subparagraph.

Members of the Order must submit with their declaration a fee of \$100.

4. Where more than one member of the Order carries on activities within the same partnership or joint-stock company, they must designate a representative to fill out the documents on behalf of all the members of the Order and send the documents and fees prescribed in sections 2 and 3 to the Order, reply to requests made by the syndic, an assistant syndic, an inspector, an investigator or any other representative of the Order and provide any other documents the members of the Order are required to submit.

The representative must be a member of the Order and a voting partner or shareholder.

The representative must ensure the accuracy of the information given in the declaration referred to in the first paragraph of section 3.

5. A member of the Order is exempt from the requirement to satisfy the conditions set out in sections 2 and 3 if a member of the Order or the representative of the partnership or joint-stock company within which the member practises has already satisfied the conditions.

6. The documents referred to in paragraphs 1, 4 and 5 of section 2 must be updated every year by the member of the Order or the representative by 31 March at the latest.

Any change to the other documents referred to in section 2 and to the declaration referred to in the first paragraph of section 3 must be sent to the Order within 30 days of the date of the change.

7. Where a member of the Order becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the member of the Order must, within 15 days, take the necessary measures to comply, failing which, the member of the Order is no longer authorized to carry on activities within the partnership or company.

8. A member of the Order or the representative of the partnership or the joint-stock company must immediately inform the Order of any change to the insurance coverage referred to in paragraph 1 of section 2, the striking off, dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or joint-stock company or any other cause likely to prevent the partnership or joint-stock company from carrying on its activities and any change in the information given in the declaration referred to in the first paragraph of section 3 that is contrary to the conditions set out in section 1.

CHAPTER II PROFESSIONAL LIABILITY COVERAGE

9. A member of the Order must furnish and maintain security for the partnership or joint-stock company within which the member carries on professional activities by means of an insurance or suretyship contract or by joining a group plan contract entered into by the Order, against liabilities of the partnership or joint-stock company arising from fault or negligence on the part of members of the Order in carrying on their professional activities within the partnership or joint-stock company.

10. The following minimum conditions for the security must be set out in a specific rider or contract:

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the member of the Order pursuant to the Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 19 December 2001, or the coverage taken out by the member of the Order if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault or negligence on the part of the member of the Order in carrying on professional activities;

(2) an undertaking by the insurer or surety to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking that the security extends to all claims submitted in the five years after the date on which a member of the Order in the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault or negligence on the part of that member while carrying on professional activities within the partnership or joint-stock company;

(4) an amount of at least \$1,000,000 per claim and \$3,000,000 for all claims relating to the coverage period;

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a 30-day notice of intent to cancel the insurance or suretyship contract, to amend a condition of this section or not to renew the contract; and

(6) an undertaking by the insurer or surety to provide the secretary of the Order with a notice that the insurance or suretyship contract has not been renewed; the notice must be sent within 15 days following the expiry of the contract.

11. The suretyship under this Chapter must be with a bank, credit union, trust or insurance company that undertakes to provide the coverage required by section 10,

waiving the benefit of division and discussion; the institution must be domiciled in Canada and maintain sufficient property in Québec to meet the required coverage.

CHAPTER III ADDITIONAL INFORMATION

12. On a general partnership being continued as a limited liability partnership or a joint-stock company being constituted, a member of the Order carrying on professional activities within the partnership or joint-stock company must, on the date of the occurrence, send a notice to his or her clients informing them of the nature and effects of the change of status of the partnership or joint-stock company, in particular with respect to the member's professional liability and that of the partnership or joint-stock company.

13. The documents for which an authorization from the partnership or joint-stock company is required to communicate or obtain copies pursuant to paragraph 6 of section 2 are the following:

(1) if the member of the Order carries on professional activities within a joint-stock company,

(a) the complete and up-to-date register of the articles and by-laws of the joint-stock company;

(b) the complete and up-to-date register of the shareholders of the joint-stock company;

(c) the complete and up-to-date register of the directors of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) the declaration of registration of the joint-stock company and any update; and

(f) the names and home addresses of the company's principal officers;

(2) if the member of the Order carries on professional activities within a limited liability partnership,

(a) the declaration of registration of the partnership and any update;

(b) the partnership contract and amendments;

(c) the complete and up-to-date register of the partners;

(d) where applicable, the complete and up-to-date register of the directors; and

(e) the names and home addresses of the partnership's principal officers.

CHAPTER IV INCOME

14. Where a member of the Order carries on professional activities within a joint-stock company, the income derived from the professional services rendered within and on behalf of the company belongs to the company, unless it has been agreed otherwise.

The determination, billing and payment of fees is subject to the conditions set out in the Code of ethics of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec and the member of the Order is personally responsible for seeing to their application.

CHAPTER V TRANSITIONAL AND FINAL

15. A member of the Order who carries on professional activities within a joint-stock company constituted for the purposes of the professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

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

8148

Draft Regulation

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

Physiotherapy — Professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation

therapists, made by the Bureau of the Ordre professionnel de la physiothérapie du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Ordre professionnel de la physiothérapie du Québec, the purpose of the draft Regulation is to enable certain students trained mainly outside Québec, as well as students enrolled in a program of studies in physiotherapy that gives access to a permit issued by the Order, to engage in certain professional activities reserved for physical therapists or physical rehabilitation therapists, on the terms and conditions set out in the draft Regulation.

A further purpose is to allow physical therapists training for a certificate enabling them in accordance with subparagraph *h* of paragraph 3 of section 37.1 of the Professional Code (R.S.Q., c. C 26) to insert needles under the dermis to reduce inflammation as a supplemental means, to engage in that activity as part of their training, on the terms and conditions set out in the draft Regulation.

The Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Julie Martin, Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 1000, Anjou (Québec) H1M 3N8; telephone : 514 351-2770, extension 247; toll free : 1 800 361-2001, extension 247; fax : 514 351-2658; e-mail: jmartin@opq.qc.ca

Any interested 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 sent 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 made the Regulation and to the persons, departments and other bodies concerned.

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

Regulation to amend the Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists*

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

1. The Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists is amended by replacing its title by “Regulation respecting certain professional activities in physiotherapy”.

2. Section 1 is replaced by the following:

“DIVISION I PERSONS OTHER THAN PHYSICAL THERAPISTS OR PHYSICAL REHABILITATION THERAPISTS

1. Among the professional activities that may be engaged in by physical therapists or physical rehabilitation therapists, the activities required for the completion of a program of studies in physiotherapy or physical rehabilitation techniques may be engaged in by a student, on the condition that the student engages in the activities under the supervision of a teacher or training supervisor who is available to intervene at short notice if

(1) the program of studies in which the student is enrolled leads to a diploma giving access to a permit issued by the Order;

(2) the program of studies in which the student is enrolled leads to a diploma in physiotherapy or physical rehabilitation techniques issued by a Canadian educational institution outside Québec; or

(3) the program of studies in which the student is enrolled leads to a diploma in physiotherapy or physical rehabilitation techniques issued by an educational institution outside Canada that has entered into an agreement on the terms and conditions of admission of a foreign student with an educational institution that has a program leading to a diploma giving access to a permit issued by the Order.”.

* The Regulation respecting the professional activities that may be engaged in by persons other than physical therapists or physical rehabilitation therapists was approved by Order in Council 803-2005 dated 31 August 2005 (2005, *G.O.* 2, 3921) and has not been amended since.

3. Section 3 is amended by replacing paragraph 3 by the following:

“(3) not have been the subject of a decision by the Bureau imposing a refresher training period or course, a limitation on or suspension of the right to practise or the striking off the roll of the Order, in the five years preceding the date on which he or she supervises as a teacher or training supervisor.”.

4. The following is inserted after section 3:

**“DIVISION II
PHYSICAL THERAPISTS**

3.1. A physical therapist may, within the scope of the training provided for in the Regulation respecting a training activity by physical therapists to insert needles under the dermis to reduce inflammation, as a supplemental means, approved by the Office des professions du Québec on (*insert the date of approval*) and published in the *Gazette officielle du Québec* on (*insert the date of publication*), insert needles under the dermis to reduce inflammation, in the presence of a training instructor referred to in paragraph 1 of section 1 of the Regulation or a physical therapist authorized to engage in that activity in accordance with subparagraph *h* of paragraph 3 of section 37.1 of the Professional Code (R.S.Q., c. C-26).”.

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

8140

Draft Regulation

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

Respiratory therapists

— Code of ethics
— 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 draft Regulation entitled Regulation to amend the Code of ethics of respiratory therapists, made by the Bureau of the Ordre professionnel des inhalothérapeutes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

According to the Ordre professionnel des inhalothérapeutes du Québec, the draft Regulation introduces an additional provision to the division respecting duties and obligations toward clients, obliging the respiratory therapists to report any incident or accident resulting from his intervention or omission. The Regulation also introduces an additional provision to the division respecting duties and obligations toward the profession, obliging the respiratory therapist to ensure the accuracy of information he provides to the Order.

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

Further information may be obtained by contacting M^e Andrée Lacoursière, assistant to the director general of the Ordre professionnel des inhalothérapeutes du Québec, 1440, rue Sainte-Catherine Ouest, bureau 320, Montréal (Québec) H3G 1R8; telephone: 514 931-2900 or 1 800 561-0029, fax: 514 931-3621.

Any interested person having comments to make is asked to send them in writing, 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 sent to the professional order that made the Regulation and to the persons, departments and other bodies concerned.

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

Regulation to amend the Code of ethics of respiratory therapists of Québec *

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

1. Code of ethics of respiratory therapists of Québec is amended by the insertion of the following after section 11:

“**11.1** The respiratory therapist shall report any incident or accident that results from his intervention or omission as soon as he becomes aware of it.

* The last amendments to the Code of ethics of respiratory therapists of Québec were made by regulation approved by Order in Council No. 944-2003 dated September 10, 2003. For prior amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2007, updated to March 1, 2007.

The respiratory therapist shall not attempt to conceal such incident or accident.

Where such an incident or accident has or could have consequences for the client's health, the respiratory therapist shall promptly take the necessary measures to remedy, minimize, or offset the consequences of the incident or accident.”.

2. The code is amended by the insertion of the following after section 40:

“**40.1** The respiratory therapist shall ensure that the information he provides to the Order is accurate.”.

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

8147

Draft Regulation

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14)

Registration of agricultural operations and reimbursement of real estate taxes and compensations — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, appearing below, may be made by the Government, with or without amendment, on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to update the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations and harmonize it to reflect the amendments made to Division VII.1 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14) by the Act to amend various legislative provisions concerning municipal affairs (2001, c. 68), the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Food Products Act (2005, c. 8), and more specifically, the Act to amend the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation and the Act respecting the Ministère du Revenu (2006, c. 32).

The latter Act replaced the system of reimbursements to agricultural operations for property taxes and compensations for municipal services by a credit applied by local municipalities directly to the tax account. The amount thus credited is paid by the Minister.

The draft Regulation clarifies the rules applicable to the new system of tax credits.

The draft Regulation will have a significant positive impact on agricultural operations and local municipalities since it facilitates the procedure and administration associated with payment applications made by agricultural operations and has a beneficial effect on the finances of municipalities and agricultural operations alike.

Further information may be obtained by contacting Claude Tremblay, Director, Direction à l'information de gestion et aux taxes, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 9^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100; fax: 418 380-2172.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Agriculture, Fisheries and Food, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6.

LAURENT LESSARD,
Minister of Agriculture, Fisheries and Food

Regulation to amend the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations*

An Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., c. M-14, ss. 36.12 and 36.15; 2006, c. 32, s. 8)

1. The Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations is amended by replacing its title by the following:

“Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations”.

* The Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 340-97 dated 19 March 1997 (1997, G.O. 2, 1275) has been amended once, by Order in Council 229-2000 dated 8 March 2000 (2000, G.O. 2, 1337).

2. Section 2 is amended

(1) by replacing “dont il est question” in the part of the French text of the third paragraph preceding subparagraph 1 by “prévue”;

(2) by striking out “livestock” in subparagraph 3 of the third paragraph;

(3) by replacing subparagraph 4 of the third paragraph by the following:

“(4) where the production or sale of agricultural products is temporarily limited owing to exceptional natural causes or adverse market conditions.”.

3. Section 4 is amended

(1) by replacing “registration number” in subparagraph 1 of the first paragraph by “business number”;

(2) by adding the following after subparagraph 6 of the first paragraph:

“(7) the list and registration number of the units of assessment that include one immovable forming part of the agricultural operation and identification of the immovables leased by the agricultural operation; and

(8) the information required by section 12.”;

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

“The registration slip and every update notice shall be signed by the operator or by a person authorized by the operator. They must contain a statement to the effect that the information provided is true.”.

4. Section 5 is amended by adding the following after the second paragraph:

“The inclusion in the registration slip of a new unit of assessment forming part of the agricultural operation or the exclusion of a unit no longer forming part of the agricultural operation is valid from the date of receipt by the Minister of an update notice.”.

5. The heading of Division III is amended by replacing “REIMBURSEMENT OF REAL ESTATE” by “PAYMENT OF PROPERTY”.**6.** Section 9 is amended

(1) by replacing “reimbursement of real estate” by “payment of property” and by replacing “reimbursement” wherever it appears by “payment”;

(2) by striking out “municipal” wherever it appears;

(3) by replacing “\$10 000” in the first paragraph by “\$5,000”;

(4) by replacing “referred to in the first paragraph” in the part of the second paragraph preceding subparagraph 1 by “in the following cases.”;

(5) by striking out “where” at the beginning of subparagraph 1 of the second paragraph;

(6) by replacing subparagraphs 2, 3 and 4 of the second paragraph by the following:

“(2) development work, excluding work done on the wooded portion of the agricultural operation, has been carried out or undertaken with a view to producing such a revenue in the future, taking into account the special features of the production;

(3) a new production has been undertaken with a view to producing such a revenue in the future, taking into account the special features of the production; or

(4) the production or sale of agricultural products is temporarily limited owing to exceptional natural causes or adverse market conditions.”.

7. Section 10 is replaced by the following:

“**10.** For an agricultural operation to qualify for the payment of property taxes and compensations, the person applying for payment must show that the agricultural operation has generated a minimum average gross revenue of at least \$8 per \$100 of property assessment in respect of the immovables situated in the agricultural zone and forming part of the agricultural operation during the calendar year that ended before the beginning of the fiscal year for which an application for payment is made. To that end, an immovable that began to form part of the agricultural operation in that year is not taken into account.

A registered agricultural operation shall be exempt from the requirement to produce the minimum average gross revenue in the following cases:

(1) the agricultural operation is registered for the first time during the fiscal year for which an application for payment is made or was registered for the first time during one of the two fiscal years preceding the fiscal year for which an application for payment is made;

(2) reforestation or development work has been carried out or undertaken with a view to producing such a revenue in the future, taking into account the special features of the production;

(3) a new production has been undertaken with a view to producing such a revenue in the future, taking into account the special features of the production;

(4) the production or sale of agricultural products is temporarily limited owing to exceptional natural causes or adverse market conditions; or

(5) the necessary measures have been taken to develop the property investments to produce such a revenue during the fiscal year for which an application for payment is made.”.

8. Section 11 is amended by replacing “the reimbursement of real estate” by “payment of property” and by replacing “put at his disposal by the Minister” by “provided by the Minister at the time the agricultural operation is registered or the registration is updated or renewed” at the end.

9. Section 12 is replaced by the following:

“**12.** The application for payment shall contain the following information:

(1) the name, date of birth, social insurance number and mailing address of the operator and those of any person in whose name the unit of assessment covered by the application is entered on the assessment roll;

(2) the name of the agricultural operation and its department identification number (NIM);

(3) the statement of the agricultural operation’s gross revenue for the calendar year that ended before the beginning of the fiscal year for which the application is made;

(4) the fiscal year for which the application is made;

(5) the list and registration number of the units of assessment for which the application is made and identification of the units of assessment that include an immovable leased by the agricultural operation; and

(6) the list and value entered on the assessment roll of the immovables situated in an agricultural zone, forming part of the agricultural operation and that are not covered by the application.

For the purposes of subparagraph 5 of the first paragraph of section 36.2 of the Act, the application must contain a statement by the operator to the effect that the operator sent or was not subject to the requirement to send to the Minister of Sustainable Development, Environment and Parks the phosphorus report referred to in the Agricultural Operations Regulation made by Order in Council 695-2002 dated 12 June 2002, in respect of each unit of assessment forming part of the agricultural operation.

The application must also contain a statement by the operator to the effect that the information provided is true and that the operator has not applied for financial assistance from another department or public body in respect of the property taxes and compensations covered by the application. It must be signed by the operator and any other person in whose name the unit of assessment covered by the application is entered on the assessment roll. The signature may be that of a person duly authorized.”.

10. Section 13 is replaced by the following:

“**13.** The statement of the agricultural operation’s gross revenue required by subparagraph 3 of the first paragraph of section 12 shall be corroborated by the fiscal return of the operator filed pursuant to section 1000 of the Taxation Act (R.S.Q., c. I-3) for the year concerned, and the notice of assessment relating to the return.

Payment of the annual assessment under the Farm Producers Act shall be confirmed by the association certified under that Act.

The operator’s statement required by the second paragraph of section 12 shall be confirmed by the Minister of Sustainable Development, Environment and Parks or, if the operator was not required to send the phosphorus report to the Minister of Sustainable Development, Environment and Parks, by a written attestation from an agrologist who is a member in good standing of the Ordre des agronomes du Québec.”.

11. The following is inserted after section 13:

“**13.1.** The Minister shall send to a local municipality whose property assessment roll includes an immovable forming part of a registered agricultural operation, the reduction rate and any adjustment applicable, for a particular fiscal year, in respect of the unit of assessment that includes such an immovable if that unit is the subject of an application for payment pursuant to the Act for that fiscal year.

13.2. For the purposes of the first paragraph of section 36.7.1 of the Act, a local municipality shall send to the Minister, using an information technology medium, the following information for each unit of assessment referred to in section 36.7 of the Act:

(1) the name of the municipality and the geographic code assigned to it by the Institut de la statistique du Québec;

(2) the registration number of the unit as entered on the assessment roll;

(3) the date of the account of property taxes and compensations;

(4) the period for which the amount of the tax or compensation is imposed;

(5) an indication of whether it is an account of taxes or compensations referred to in the second paragraph of section 81 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), an account relating to a tax supplement or any other account of taxes or compensations that is not referred to in that paragraph;

(6) the name and address of the debtor of the tax or compensation and, if the debtor is not the person in whose name the unit of assessment is entered on the assessment roll, the name and address of that person;

(7) the total value of the immovables included in the unit;

(8) the value of the part of the immovables forming part of the agricultural operation and situated in the agricultural zone;

(9) where applicable, the value of the part of the immovables forming part of the agricultural operation and situated elsewhere than in the agricultural zone;

(10) the total value of the buildings included in the unit and, if only part of the buildings forms part of the agricultural operation and is situated in the agricultural zone, the value of that part;

(11) the value and total area of the land included in the unit and, if only part of the land forms part of the agricultural operation and is situated in the agricultural zone, the value and area of that part;

(12) the value, for the purposes of school taxes, of the land forming part of the agricultural operation and situated in the agricultural zone, taking into account section 231.3 of the Act respecting municipal taxation;

(13) the total amount of property taxes and compensations attributable to the immovables forming part of the agricultural operation;

(14) the basic general property tax rate and, where that rate applies to immovables forming part of the agricultural operation, the amount of the tax;

(15) where applicable, the rate specific to the category of agricultural immovables applicable to the immovables forming part of the agricultural operation and the amount of the general property tax;

(16) the amount of any other property tax and any tariff or compensation applicable to the immovables forming part of the agricultural operation;

(17) the reduction rate and the amount of any adjustment applicable to the unit;

(18) the amount owed to the municipality by the Minister under the second paragraph of section 36.7.1 of the Act; and

(19) the amount of taxes and compensations that the municipality was unable to credit or that it reimbursed, and the reason.

13.3. For the purposes of section 36.7.3 of the Act, the originals of the accounts of property taxes and compensations, whether paid or unpaid, for which an application for payment is made shall be attached to the application along with the notice of assessment and, where applicable, the notice of the alteration of the assessment roll.”

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

8141

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

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