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Coming into force of Acts

Gouvernement du Québec

O.C. 420-2008, 30 April 2008

An Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33)

— Coming into force of section 10

COMING INTO FORCE of section 10 of the Act to amend the Professional Code and other legislative provisions as regards the health sector

WHEREAS the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33) was assented to on 14 June 2002;

WHEREAS, under section 34 of the Act, the provisions of the Act come into force on the date or dates to be fixed by the Government;

WHEREAS, by Order in Council 1465-2002 dated 11 December 2002, the Act came into force on 30 January 2003, except for the following provisions:

— the provisions of section 1 that replace paragraphs *c*, *m*, *n* and *o* of section 37 of the Professional Code (R.S.Q., c. C-26), those of section 2 that add paragraphs 1 to 4 of section 37.1 of the Code, except subparagraph *i* of paragraph 3, those of section 4 that add, in section 39.2 of the Code, a reference to paragraphs 24 and 34 to 36 of Schedule I as well as section 39.10 of the Code, those of section 12 that add subparagraph 14 of the second paragraph of section 36 of the Nurses Act (R.S.Q., c. I-8) and those of section 17 that add subparagraph 10 of the second paragraph of section 31 of the Medical Act (R.S.Q., c. M-9), which came into force on 1 June 2003;

— the provisions of section 2 that add subparagraph *i* of paragraph 3 of section 37.1 of the Professional Code and those of section 10 that replace the provisions of section 12 of the Nurses Act;

WHEREAS it is expedient to fix 29 May 2008 as the date of coming into force of section 10 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT 29 May 2008 be fixed as the date of coming into force of section 10 of the Act to amend the Professional Code and other legislative provisions as regards the health sector (2002, c. 33).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8695

Gouvernement du Québec

O.C. 440-2008, 7 May 2008

An Act to amend the Environment Quality Act and other legislative provisions (2002, c. 53)

— Coming into force of section 1, paragraph 2 of section 2, sections 3 to 5, 9 to 14 and 18

COMING INTO FORCE of section 1, paragraph 2 of section 2, sections 3 to 5, 9 to 14 and 18 of the Act to amend the Environment Quality Act and other legislative provisions

WHEREAS the Act to amend the Environment Quality Act and other legislative provisions (2002, c. 53) was assented to on 17 December 2002;

WHEREAS section 22 of the Act provides that the Act comes into force on 17 December 2002, except section 1, paragraph 2 of section 2, sections 3 to 5, 9 to 14 and 18, which come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 June 2008 as the date of coming into force of section 1, paragraph 2 of section 2, sections 3 to 5, 9 to 14 and 18 of the Act to amend the Environment Quality Act and other legislative provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT 1 June 2008 be fixed as the date of coming into force of section 1, paragraph 2 of section 2, sections 3 to 5, 9 to 14 and 18 of the Act to amend the Environment Quality Act and other legislative provisions (2002, c. 53).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8707

Regulations and other acts

Gouvernement du Québec

O.C. 408-2008, 23 April 2008

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

Distribution of information and protection of personal information

Regulation respecting the distribution of information and the protection of personal information

WHEREAS, under section 155 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1) and under sections 16.1 and 63.2, introduced by sections 9 and 34 of the Act to amend the Act respecting Access to documents held by public bodies and the Protection of personal information and other legislative provisions (chapter 22 of the Statutes of 2006), the Government may, by regulation, prescribe information distribution rules and rules for the protection of personal information;

WHEREAS, in accordance with section 156 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), an opinion of the Commission d'accès à l'information on the text of the draft of the Regulation respecting the distribution of information and the protection of personal information was obtained on 15 June 2007;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* on 14 November 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Canadian Intergovernmental Affairs, Aboriginal Affairs, Francophones within Canada, the Reform of Democratic Institutions and Access to Information:

THAT the Regulation respecting the distribution of information and the protection of personal information, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the distribution of information and the protection of personal information

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1, ss. 16.1, 63.2 and 155; 2006, c. 22, ss. 9 and 34)

DIVISION I **SCOPE**

1. This Regulation applies to a public body referred to in section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), except the Lieutenant-Governor, the National Assembly, persons designated by the Assembly to an office under its jurisdiction and public bodies referred to in sections 5 to 7 of the Act. It does not apply to professional orders.

DIVISION II **PERSONS RESPONSIBLE**

§1. *Deputy Minister or chief executive officer of a public body*

2. The Deputy Minister or the chief executive officer of a public body must

(1) oversee the implementation of the responsibilities and obligations assigned by this Regulation to the public body under his or her responsibility;

(2) set up and be responsible for a committee on access to information and the protection of personal information; that committee is to be composed of the person in charge of access to information and the protection of personal information and, where applicable, the person responsible for information security and the person responsible for document management; the function of the committee is to support the Deputy Minister or the chief executive officer of the public body

in the performance of his or her duties and obligations and, for that purpose, the committee may retain the services of any other person whose expertise is necessary for the performance of its function;

(3) see that staff members and management staff or officers of the public body are made aware of and receive training on the obligations and procedures concerning access to information and the protection of personal information;

(4) include in the annual management report or report of activities a report attesting to the distribution of the documents referred to in Division III and giving an account of

(a) the nature and number of requests for access received, the time taken to process them, the provisions of the Act justifying the refusal of certain requests, the number of requests for access granted, partially granted or refused, the number of requests for access that were the subject of reasonable accommodation and the number of requests that were the subject of an application for review by the Commission d'accès à l'information; and

(b) the activities relating to access to information and the protection of personal information that were carried out within the public body.

§2. Deputy Minister under the Minister responsible

3. The Deputy Minister working under the Minister responsible for the administration of the Act must

(1) set up a network of persons in charge of access to documents and the protection of personal information held by public bodies;

(2) provide the support necessary for the carrying out of the network's activities; and

(3) see to the setting up of a training program on access to information and the protection of personal information for the persons in charge of access to documents and the protection of personal information, and ensure that a program is also available to deputy ministers, assistant and associate deputy ministers, and to chief executive officers of the Government agencies referred to in section 4 of the Act.

DIVISION III DISTRIBUTION OF DOCUMENTS OR INFORMATION

4. A public body must distribute the following documents and information through a website, insofar as the information has been made accessible by law:

(1) the organization chart;

(2) the names and titles of the management staff or officers, excluding managers in categories 6 to 10 covered by Directive No. 630 concerning the classification and management of senior staff positions and their holders, made by Conseil du trésor decision 198195 dated 30 April 2002, or according to the necessary modifications if the Directive does not apply to the management staff or officers;

(3) the name of the person in charge of access to documents and the protection of personal information and that person's contact information;

(4) the document classification plan required under the second paragraph of section 16 of the Act or, as the case may be, the classification list required by the first paragraph of that section;

(5) an inventory of its personal information files established under section 76 of the Act;

(6) the register established under section 67.3 of the Act;

(7) the studies, research or statistical reports produced by or for the public body, whose distribution is of interest for the purposes of public information;

(8) the documents sent under a request for access, whose distribution is of interest for the purposes of public information;

(9) the public registers expressly required by law for which the public body is responsible;

(10) a description of the services offered and programs implemented by the public body, and the related forms;

(11) the statutes, regulations, codes of ethics, directives, policies and other documents of a similar nature administered by the public body and used by it to render decisions concerning the rights of citizens;

(12) the draft regulations published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (R.S.Q., c. R-18.1) for which the public body is responsible;

(13) the information pertaining to the contracts entered into by the public body and referred to in section 22 of the Act respecting contracting by public bodies, enacted by chapter 29 of the Statutes of 2006;

(14) a list of its financial commitments sent to the Comptroller of Finance and forwarded by the Comptroller to the National Assembly, in accordance with paragraph 7.1 of section 5 of Directive No. 4-80 concerning requests for commitment certification, certain commitments of \$25,000 or more and payment orders, made by Conseil du trésor decision 128500 dated 26 August 1980; and

(15) the documents produced and tabled by the public body, in accordance with the Standing Orders of the National Assembly, for the purposes of a public meeting of the National Assembly or one of its committees or subcommittees, including those included in the list established under section 58 of the Standing Orders.

The documents or information referred to in subparagraphs 1 to 9 must be accessible directly on the website of the public body and those referred to in the subsequent subparagraphs may be accessible through a hyperlink to another website.

Despite the foregoing, a public body is not required to distribute the documents listed in subparagraphs 7, 14 and 15 of the first paragraph produced before 29 November 2009.

A public body is also not required to distribute the documents referred to in subparagraph 8 sent before 29 November 2009.

A public body holding a register referred to in subparagraph 9 is not required to distribute the information filed in the register before 29 November 2009.

5. A public body must promptly distribute a document or information referred to in section 4 through a website and leave it there for as long as it is up-to-date, or until it acquires the status of a semi-active document according to its retention schedule.

6. A public body that makes reasoned decisions in the exercise of adjudicative functions must send the decisions to the Société québécoise d'information juridique, which must distribute them, in accordance with the by-law made under section 21 of the Act respecting the Société québécoise d'information juridique (R.S.Q., c. S-20), through its website on which the decisions of the courts, administrative tribunals and other bodies are published.

Despite the foregoing, a public body is not required to send the decisions made before 29 November 2009.

DIVISION IV **MEASURES TO PROTECT PERSONAL** **INFORMATION**

§1. Information or electronic service system

7. A public body must inform the committee referred to in section 2 of projects to acquire, develop or overhaul an information or electronic service system that collects, uses, keeps, releases or destroys personal information.

The committee is to suggest, from among those projects, those that must be monitored by special measures to protect personal information. The measures include

(1) the appointment of a person in charge of the implementation of the measures to protect personal information, for each project;

(2) the assessment, at the project's preliminary study stage, of the risks of a breach in the protection of personal information;

(3) measures to protect personal information for the time required to carry out the project and measures to preserve that protection during the use, maintenance, modification or evolution of the information or electronic service system;

(4) a description of the requirements regarding the protection of personal information set out in the specifications or the contract pertaining to the project, unless the contract is performed by another public body;

(5) a description of the responsibilities of the persons taking part in the project as regards the protection of personal information; and

(6) the holding of training activities on the protection of personal information intended for those persons taking part in the project.

§2. Survey

8. A public body must consult the committee referred to in section 2 on the special measures pertaining to a survey involving the collection or use of personal information to be complied with to protect personal information.

Those measures must examine

(1) the need to conduct the survey; and

(2) the ethical aspect of the survey with regard to the sensitivity of the personal information collected and the purposes for which it is to be used.

§3. *Video-surveillance*

9. A public body must consult the committee referred to in section 2 on the special measures pertaining to video-surveillance technology to be complied with to protect personal information.

Those measures must examine

- (1) the need to use that technology; and
- (2) whether the use of that technology is consistent with the right to privacy.

DIVISION V FINAL

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

- (1) paragraph 4 of section 2, which comes into force on 29 November 2010; and
- (2) sections 4 to 6, which come into force on 29 November 2009.

8682

Gouvernement du Québec

O.C. 418-2008, 30 April 2008

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

Nurses

— Certain professional activities that may be performed by nursing assistants

Regulation respecting certain professional activities that may be performed by nursing assistants

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting certain professional activities that may be performed by nursing assistants;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the profession:

THAT the Regulation respecting certain professional activities that may be performed by nursing assistants, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting certain professional activities which may be engaged in by nursing assistants

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

DIVISION I GENERAL

1. The purpose of this Regulation is to determine which of the professional activities that may be performed by nurses may, following the issue of a prescription and in accordance with the other terms and conditions set out herein, be performed by:

- (1) nursing assistants;
- (2) students registered in a program of study leading to a diploma qualifying them for a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec;
- (3) persons eligible by equivalence, that is, persons who take courses or serve a training period determined by the Ordre des infirmières et infirmiers auxiliaires du Québec for purposes of having an equivalence recognized, in accordance with the Regulation respecting standards of equivalence for diplomas and training for the issue of a permit by the Ordre des infirmières et infirmiers auxiliaires du Québec, approved by Order in Council 749-98 dated 3 June 1998.

DIVISION II

MAINTENANCE CARE OF A TRACHEOSTOMY CONNECTED TO A VENTILATOR

2. Nursing assistants may perform the following professional activities:

- (1) provide maintenance care of a tracheostomy connected to a ventilator, when the parameters of the ventilator are regulated;
- (2) open a device incorporated into the ventilation circuit in order to administer a metered-dose inhaler;
- (3) ventilate using a manual, self-inflating resuscitator, whether connected to an oxygen source or not;
- (4) reinstall the tracheal cannula in case of decannulation, in emergency situations, and in the absence of an authorized professional available to perform an immediate intervention.

3. In order to perform the professional activities set out in section 2, nursing assistants must meet the following conditions:

- (1) they must hold an attestation issued by the Ordre des infirmières et infirmiers auxiliaires du Québec, certifying that:
 - (a) they have completed at least seven hours of theoretical and practical training organized by the Order, in application of subparagraph *j* of the first paragraph of section 86 of the Professional Code (R.S.Q., c. C-26), and which covers the following aspects:
 - i. anatomy of the respiratory system;
 - ii. complications and limitations associated with maintenance care of a tracheostomy connected to a ventilator;

- iii. techniques related to maintenance care of a tracheostomy connected to a ventilator;
- iv. the operation of a device incorporated into the ventilation circuit;

(b) they have successfully performed each of the professional activities set out in paragraphs 1 to 3 of section 2 at least three times under the immediate supervision of a nurse or respiratory therapist, and such supervision has been recorded on a form bearing the date, location, as well as the name and signature of the nurse or respiratory therapist who has supervised them;

(2) they must perform these professional activities in one of the following centres, operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5):

- (a) a residential and long-term care centre;
- (b) a hospital centre, when the patient is in rehabilitation, lodging or long-term care;
- (c) a rehabilitation centre for persons with physical disabilities;
- (3) a nurse must be available on the premises, so that the latter may intervene with the patient quickly;
- (4) the user falls under a therapeutic nursing plan and his state of health is not in a critical or acute phase.

Provided the conditions set out in subparagraphs 2 to 4 of the first paragraph have been met, nursing assistants may, as part of the training set out in subparagraph of subparagraph 1 of that paragraph, perform the professional activities set out in section 2 under the immediate supervision of a nurse or respiratory therapist.

DIVISION III

ASSISTANCE WITH THE ADMINISTRATION OF INTRAVENOUS THERAPY

4. Nursing assistants may perform the following professional activities:

- (1) install a short peripheral intravenous catheter, measuring less than 7.5 centimetres;

(2) administer an intravenous solution without additives using a short peripheral intravenous catheter measuring less than 7.5 centimetres;

(3) install and irrigate a short intermittent injection intravenous catheter, measuring less than 7.5 centimetres, with an isotonic solution.

5. In order to perform the professional activities set out in section 4, nursing assistants must meet the following conditions:

(1) they must hold an attestation issued by the Ordre des infirmières et infirmiers auxiliaires du Québec, certifying that:

(a) they have successfully completed at least 21 hours of theoretical and practical training organized by the Order, in application of subparagraph *j* of the first paragraph of section 86 of the Professional Code, covering the following aspects:

- i. anatomy of the vascular system;
- ii. short peripheral intravenous catheter installation techniques;
- iii. administration of an intravenous solution without additives;
- iv. installation and irrigation of a short intermittent injection peripheral intravenous catheter;
- v. complications and limitations associated with the installation and irrigation of a short peripheral intravenous catheter;
- vi. complications and limitations associated with the administration of an intravenous solution without additives;
- vii. preventing infections related to the use of a short peripheral intravenous catheter;

(b) they must have successfully performed each of these professional activities at least three times under the immediate supervision of a nurse, and such supervision must have been recorded on a form bearing the date, location, as well as the name and signature of the nurse who has supervised them;

(2) these professional activities have been performed in a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons, except for the fields of pediatrics and neonatology;

(3) the patient falls under a therapeutic nursing plan.

Provided that the conditions set out in subparagraphs 2 and 3 of the first paragraph have been met, nursing assistants may, as part of the training set out in subparagraph *b* of subparagraph 1 of that paragraph, perform the professional activities set out in section 4.

Subparagraph 1 of the first paragraph does not apply to nursing assistants:

(1) who have completed the training set out therein as part of a program of study leading to a diploma qualifying them for a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec;

(2) who have been granted diploma or training equivalence by the Ordre des infirmières et infirmiers auxiliaires du Québec after the training set out in subparagraph 1 of the first paragraph has been incorporated into the program of study leading to a diploma qualifying them for a permit issued by the Order.

6. Nursing assistants may also perform the following professional activities:

(1) check intravenous infusions and maintain the flow rate;

(2) remove intravenous infusions if administered with a peripheral intravenous catheter measuring less than 7.5 centimetres;

(3) remove a peripheral intravenous catheter measuring less than 7.5 centimetres.

In order to perform these professional activities, nursing assistants must meet the following conditions:

(1) these professional activities are performed in a pediatric unit in a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons;

(2) the patient falls under a therapeutic nursing plan.

7. Students registered in a program of study leading to a diploma qualifying them for a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec may perform the professional activities set out in section 4 if they meet the conditions set out in subparagraphs 2 and 3 of the first paragraph of section 5, and to the extent that the performance of such activities is required in order for them to complete this program.

These students may also perform the professional activities set out in section 6 if they meet the conditions set out therein and to the extent that the performance of such activities is required in order for them to complete their programs.

8. Persons eligible by equivalence may perform the professional activities set out in section 4 if they meet the conditions set out in subparagraphs 2 and 3 of the first paragraph of section 5, and to the extent that the performance of such activities is required in order to obtain training equivalence.

Such persons may also perform the professional activities set out in section 6 if they meet the conditions set out therein and to the extent that the performance of such activities is required in order to obtain training equivalence.

9. Nursing assistants who performed the professional activities set out in the first paragraph of section 6 before 29 May 2008 may continue to do so provided the following conditions have been met:

(1) these professional activities are performed in a centre operated by an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons;

(2) the patient falls under a therapeutic nursing plan.

This section will cease to be in effect on 29 May 2011.

DIVISION IV **FINAL**

10. This Regulation replaces the Regulation respecting certain professional activities which may be engaged in by nursing assistants, approved by Order in Council 630-2007 dated 7 August 2007.

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

8693

Gouvernement du Québec

O.C. 419-2008, 30 April 2008

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

Nurses

— Certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons

Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons;

WHEREAS, pursuant to section 95 of the Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting certain professional activities which may be performed by a puéricultrice or a garde-bébé and by other persons

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

1. The purpose of this Regulation is to determine which of the professional activities that may be performed by nurses may, under certain terms and conditions set out herein, be performed by a puéricultrice or a garde-bébé and by other persons, in a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

2. The puéricultrice or garde-bébé who, before 29 May 2008, performed the following professional activities in nurseries or pédiatrie units may continue to perform them if she meets the conditions for practice that were then applicable:

- (1) check the following neurological signs:
 - (a) pupillary reflexes;
 - (b) pain reflexes;
 - (c) state of consciousness;
- (2) check intravenous infusions and maintain the flow rate;
- (3) remove intravenous infusions if administered with a peripheral intravenous catheter measuring less than 5";
- (4) administer a drug by oral or intramuscular routes, except for anticoagulants, controlled drugs, narcotics, cardiotropic agents, hypotensive agents or research drugs;
- (5) do an aseptic dressing, except in immediate post-operative period;
- (6) provide care of a colostomy, except in immediate post-operative period;

(7) administer a gavage if the tube is in place, except for premature babies;

(8) provide nursing care to a newborn in an incubator;

(9) perform a bladder irrigation except for kidney transplant patients and those in postoperative period in urology and gynecology;

(10) give an enema;

(11) take specimens of:

(a) urine, by a method other than by catheterization;

(b) stool;

(c) expectorations;

(d) secretions of the eye, nose, ears, throat, anus and umbilicus;

(e) pinworms.

For purposes of this section, a puéricultrice or garde-bébé is any person who holds a diploma as a puéricultrice or garde-bébé recognized by the Ministère de l'Éducation or who held, on 11 June 1980, a diploma as a puéricultrice or garde-bébé from a school recognized, on that date, by the Fédération des écoles de puéricultrices or by the Commission des écoles des gardes-bébés du Québec.

3. Persons who do not meet the conditions for issuance of a permit issued by the Ordre des infirmières et infirmiers auxiliaires du Québec and who, on July 11, 1980, was practising the activities described in paragraph *p* of section 37 of the Professional Code (R.S.Q., c. C-26) may continue to perform the following professional activities, provided they did so before 29 May 2008 and provided they meet the practice requirements that were then applicable:

(1) check intravenous infusions and maintain the flow rate;

(2) remove an intravenous infusion if administered with a peripheral intravenous catheter measuring less than 5".

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

Gouvernement du Québec

O.C. 421-2008, 30 April 2008

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

Physiothérapie

— Professional activities that may be engaged in by members of the Ordre

Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, the Bureau of the Collège des médecins du Québec made the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 August 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by members of the Ordre professionnel de la physiothérapie du Québec

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

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that, pursuant to a prescription and to the other terms and conditions set out in the Regulation, may be engaged in by a member of the Ordre professionnel de la physiothérapie du Québec, subject to the member's permit category, and by other persons.

2. A physiotherapist or physical rehabilitation therapist may administer topical medications for the purpose of using invasive forms of energy and when providing treatment for wounds.

3. A physiotherapist may administer topical medications when introducing an instrument or a finger in the human body beyond the labia majora or anal margin.

4. A physiotherapist may introduce an instrument into an artificial opening in the human body when providing care to a person having a physical function limitation or disability related to the cardiopulmonary system.

5. A student duly enrolled in a program of studies leading to a diploma that leads to a degree giving access to a permit issued by the Ordre professionnel de la physiothérapie du Québec may, in the presence of a physiotherapist, engage in the activities contemplated in section 2, 3 and 4 or, in the presence of a physical rehabilitation therapist, engage in the activities contemplated in section 2, insofar as such activities are required for the completion of this program.

6. A candidate for the practice of the profession affected by a decision made in application of paragraph 2) of section 11 of the Regulation respecting the standards for equivalence of diplomas and training for the issue of a physiotherapist's permit, approved by Order-in-Council No.357-2008 of April 16, 2008 may, in the presence of a

physiotherapist, perform the activities contemplated by sections 2, 3 and 4 or, in the presence of a physical rehabilitation therapist, the activities contemplated by section 2, to the extent they are required in order to satisfy the conditions there stipulated.

7. This Regulation comes into force on the fifteenth day after its publication in the *Gazette officielle du Québec*.

8696

Gouvernement du Québec

O.C. 422-2008, 30 April 2008

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

Respiratory therapists — Code of ethics — Amendments

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

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, the clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the Bureau of the Ordre des inhalothérapeutes du Québec made the Regulation to amend the Code of ethics of respiratory therapists of Québec;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the order at least 30 days before being made by the Bureau;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Professional Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 13 June 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of respiratory therapists of Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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 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.”

* The last amendments to the Code of ethics of respiratory therapists of Québec approved by Order in Council no. 451-99 dated April 21, 1999 (1999, *G.O.* 2, 1105), were made by regulation approved by Order in Council no. 944-2003 dated September 10, 2003 (2003, *G.O.* 2, 2916). For prior amendments, see *Tableau des modifications et index sommaire*, Éditeur officiel du Québec, 2007, updated to September 01, 2007.

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*.

8697

Gouvernement du Québec

O.C. 423-2008, 30 April 2008

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

Collège des médecins du Québec — Terms and conditions for the issuance of the permit and specialist’s certificates — Amendments

Regulation amending the Regulation respecting the terms and conditions for the issuance of the permit and specialist’s certificates by the Collège des médecins du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist’s certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS, under paragraph *h* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, in

particular persons serving a period of professional training determined pursuant to paragraph *i*, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, under paragraph *i* of section 94 of the Professional Code, the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS, the Bureau of the Collège des médecins du Québec made the Regulation amending the Regulation respecting the terms and conditions for the issuance of the permit and specialist’s certificates by the Collège des médecins du Québec;

WHEREAS section 95 of the Professional Code provides that, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation amending the Regulation respecting the terms and conditions for the issuance of the permit and specialist’s certificates by the Collège des médecins du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec*

Professional Code
(R.S.Q., c. C-26, s. 93, sub. c, s. 94, sub. h and i and s. 94.1)

1. The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates of the Collège des médecins du Québec is amended to its section 2:

(1) by inserting in subparagraph (1) and after the words "the committee" the following "composed of persons other than the members of the Executive Committee and";

(2) by replacing in subparagraphs (3), (4) and (5), the word "Bureau" by the word "Collège".

2. Section 4 of this Regulation is amended by replacing in the second paragraph the word "Bureau" by the word "committee".

3. Section 11 of this Regulation is amended:

1° by replacing in subparagraph (1) the word "Bureau" by the word "Collège".

2° by replacing subparagraph (2) by the following:

"2° he has been the holder of a restrictive permit for at least twelve months".

4. Section 14 of this Regulation is amended by replacing the word "Bureau" by the word "Collège".

5. Section 21 of this Regulation is amended by replacing the word "Bureau" by the word "committee."

6. Section 24 of this Regulation is amended by deleting subparagraph (2).

7. Section 32 of this Regulation is amended by replacing in subparagraph (1) the word "Bureau" by the word "Collège".

8. Section 33 of this Regulation is amended:

(1) by replacing, in the first paragraph the words "makes a recommendation to the Bureau" by the words "decides whether the candidate must be granted an equivalence or not";

(2) by replacing in the second paragraph the words "recommend to the Bureau to grant" by the word "recognize".

9. Section 41 of this Regulation is amended by replacing the words "provides reasons for its decision to the Bureau" by the words "decides whether the candidate must be granted an equivalence or not".

10. Sections 42 to 44 of this Regulation are replaced by the following:

42. Within 15 days after the date of its decision, the committee so informs the candidate in writing.

When the committee partially or entirely refuses the requested equivalence, it must notify the candidate in writing of the conditions that must be satisfied in order to obtain this equivalence.

43. The candidate informed of the decision of the committee not to grant the requested equivalence or to grant it only partially may ask for this decision to be reviewed on condition that the review is requested in writing to the secretary of the committee within 30 days of receipt of this decision.

The Executive Committee, within 90 days following the receipt of such a request, must examine the request for review. Before reaching a decision, it must allow the candidate to submit observations to this meeting.

For this purpose, the secretary of the committee informs the candidate of the date, place and time of the meeting during which the request will be reviewed by means of written notice sent by registered mail at least 15 days before the meeting is held.

A candidate who wishes to be present to make observations must so inform the secretary of the committee at least 5 days before the date planned for the meeting. The candidate may however send written observations to the secretary of the committee before the date planned for the meeting.

44. The decision of the Executive Committee is final and must be sent to the candidate by registered mail within 30 days after the date of the decision."

* The Regulation respecting the terms and conditions for the issuance of the permit and specialist's certificates by the Collège des médecins du Québec was approved by Order in council No. 339-2006 of April 26, 2006 (2006, G.O. 2, 1435). It has not been amended since.

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

8698

Gouvernement du Québec

O.C. 424-2008, 30 April 2008Professional Code
(R.S.Q., c. C-26)**Medical technologists
— Diploma or training equivalence standards
for the issue of a permit by the Ordre
— Amendments**

Regulation to amend the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec

WHEREAS, under paragraph *c* of section 93 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must, by regulation, prescribe standards for equivalence of diplomas issued by educational establishments situated outside Québec, for the purposes of issuing a permit or specialist's certificate, and standards of equivalence of the training of a person who does not hold a diploma required for such purposes;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau's power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Regulation to amend the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions

du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Office des professions du Québec following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting diploma or training
equivalence standards for the issue of a
permit by the Ordre professionnel des
technologistes médicaux du Québec***Professional Code
(R.S.Q., c. C-26, s. 93, pars. *c* and *c.1*; 2006, c. 20, s. 4)

1. Section 2 of the Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec is amended by replacing paragraphs 1 and 2 by the following:

* The Regulation respecting diploma or training equivalence standards for the issue of a permit by the Ordre professionnel des technologistes médicaux du Québec, approved by Order in Council 470-2006 dated 30 May 2006 (2006, *G.O.* 2, 1724), has not been amended since it was approved.

“(1) “diploma equivalence” means recognition by the Order that a diploma issued by an educational institution outside Québec certifies that the candidate’s level of knowledge and skills is equivalent to the level attained by the holder of a diploma determined by a regulation of the Government, made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), that gives access to the permit issued by the Order;

(2) “training equivalence” means recognition by the Order that a candidate’s training has enabled the candidate to attain a level of knowledge and skills equivalent to the level attained by the holder of a diploma determined by a regulation of the Government, made under the first paragraph of section 184 of that Code, that gives access to the permit issued by the Order.”.

2. Section 5 is amended by replacing “the administrative committee must take into account the following factors” in the second paragraph by “the following factors must be taken into account”.

3. Section 8 is amended

(1) by striking out “and make appropriate recommendations to the administrative committee” in the first paragraph;

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

“The committee is composed of persons who are not members of the administrative committee.”;

(3) by replacing “a recommendation” in the second paragraph by “a decision”;

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

“(4) provide a comparative assessment, made by the Ministère de l’Immigration et des Communautés culturelles, of any diploma obtained.”.

4. Section 9 is amended

(1) by replacing the words “administrative committee” wherever they appear by “committee”;

(2) by replacing “At its first meeting following receipt of a recommendation from the committee” in the first paragraph by “Within 90 days of the date of receipt of an equivalence application”.

5. Section 10 is amended by replacing “administrative committee’s decision” in the first paragraph by “committee’s decision”.

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

8703

Gouvernement du Québec

O.C. 425-2008, 30 April 2008

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

Medical technologists

— Issue of a permit of medical technologist in cytopathology — Amendments

Regulation to amend the Regulation respecting the issue of a permit of medical technologist in cytopathology

WHEREAS, under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may, by regulation, determine the other terms and conditions for issuing permits, in particular the obligation to serve the periods of professional training and to pass the professional examinations it determines; the regulation may also fix standards of equivalence applicable to the terms and conditions determined therein;

WHEREAS, under paragraph *c.1* of section 93 of the Professional Code, the Bureau must, by regulation, determine a procedure for recognizing an equivalence, standards for which are to be established in a regulation under paragraph *c* of that section, providing that a decision must be reviewed by persons other than those who made it and, for that purpose, provide that the Bureau’s power to decide an application or review a decision may be delegated to a committee established under paragraph 2 of section 86.0.1 of the Code;

WHEREAS the Bureau of the Ordre professionnel des technologistes médicaux du Québec made the Regulation to amend the Regulation respecting the issue of a permit of medical technologist in cytopathology;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Office des professions du Québec following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the issue of a permit of medical technologist in cytopathology, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the issue of a permit of medical technologist in cytopathology*

Professional Code
(R.S.Q., c. C-26, s. 93, par. c.1 and s. 94, par. i)

1. Section 4.4 of the Regulation respecting the issue of a permit of medical technologist in cytopathology is amended by replacing “the administrative committee must take into account the following factors” in the second paragraph by “the following factors must be taken into account”.

2. Section 4.7 is amended

(1) by striking out “and make appropriate recommendations to the administrative committee” in the first paragraph;

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

“The committee is composed of persons who are not members of the administrative committee.”;

(3) by replacing “a recommendation” in the second paragraph by “a decision”;

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

“(4) provide a comparative assessment, made by the Ministère de l’Immigration et des Communautés culturelles, of any diploma obtained.”.

3. Section 4.8 is amended

(1) by replacing the words “administrative committee” wherever they appear by “committee”;

(2) by replacing “At its first meeting following receipt of a recommendation from the committee” in the first paragraph by “Within 90 days of the date of receipt of an equivalence application”.

4. Section 4.9 is amended by replacing “administrative committee’s decision” in the first paragraph by “committee’s decision”.

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

8699

Gouvernement du Québec

O.C. 426-2008, 30 April 2008

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

Activities engaged in and described in sections 39.7 and 39.8

— Amendments

Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code

WHEREAS, under section 39.9 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec may, by regulation, determine places, cases and circum-

* The Regulation respecting the issue of a permit of medical technologist in cytopathology, approved by Order in Council 925-2002 dated 21 August 2002 (2002, *G.O.* 2, 4578), has been amended once by the regulation approved by Order in Council 471-2006 dated 30 May 2006 (2006, *G.O.* 2, 1727).

stances in which a person may engage in the activities described in sections 39.7 and 39.8 of the Code as well as the applicable conditions and procedures;

WHEREAS, in accordance with the third paragraph of section 39.9 of the Professional Code, the Minister of Health and Social Services, the Ordre des infirmières et infirmiers du Québec, the Ordre des inhalothérapeutes du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec and the Collège des médecins du Québec have been consulted before the making of the Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

WHEREAS, under section 39.9 of the Professional Code, the Office made the Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 May 2007 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Chair of the Office did not receive any comments following that consultation;

WHEREAS, pursuant to section 13 of the Professional Code, every regulation made by the Office under the Code or an Act constituting a professional order must be submitted to the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code*

Professional Code
(R.S.Q., c. C-26, s. 39.9)

1. The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code is amended by inserting the following before section 1:

“DIVISION I REHABILITATION CENTRES”.

2. Section 2 is amended by replacing “or socio-occupational program administered by the centre” at the end of the second paragraph by “, the socio-occupational program administered by the centre or during outings within the scope of a socio-occupational program administered by the centre”.

3. The following Division is inserted after section 3:

“DIVISION II SCHOOLS AND OTHER TEMPORARY ALTERNATIVE ENVIRONMENTS FOR CHILDREN

3.1. The persons acting on behalf of a school or other temporary alternative environment for children may engage in the activities described in section 39.7 of the Professional Code if an agreement to that effect has been entered into between the school board, an institution as defined in section 54.1 of the Act respecting private education (R.S.Q., c. E-9.1) or temporary alternative environment and an institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

3.2. A person acting on behalf of a school or other temporary alternative environment for children may engage in the activities referred to in section 3.1, at any place they are required, on the following conditions:

* The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, approved by Order in Council 66-2004 dated 29 January 2004 (2004, *G.O.* 2, 989), has only been amended by the regulation approved by Order in Council 634-2005 dated 23 June 2005 (2005, *G.O.* 2, 2300).

(1) the person learns how to perform the activities with a professional from the institution authorized by law to engage in such activities, namely a physician, a nurse, a nursing assistant or a respiratory therapist;

(2) the person is supervised the first time he or she engages in the activity by a professional from the institution authorized to engage in the activity;

(3) the person complies with the rules of care in force in the institution to which the agreement referred to in section 3.1 refers, where applicable; and

(4) the person has access at all times to a professional authorized to engage in the activities.”.

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

8700

Gouvernement du Québec

O.C. 429-2008, 30 April 2008

An Act respecting the Centre de la francophonie des Amériques
(2006, c. 57)

Corrections to the English text of Order in Council 261-2008 dated 19 March 2008

WHEREAS, by Order in Council 261-2008 dated 19 March 2008, the Government set the date of coming into force of the Act respecting the Centre de la francophonie des Amériques (2006, c. 57);

WHEREAS errors slipped into the English text of the Order in Council;

WHEREAS it is expedient to correct the errors to ensure consistency between the French and English texts of the Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Canadian Intergovernmental Affairs, Aboriginal Affairs, Francophones within Canada, the Reform of Democratic Institutions and Access to Information:

THAT the English text of Order in Council 261-2008 dated 19 March 2008 be amended

— by replacing “26” in the third WHEREAS by “19”;

— by replacing “26” in the operative part by “19”.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

8702

Gouvernement du Québec

O.C. 441-2008, 7 May 2008

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

Various regulatory provisions in respect of environmental fees

— Revoking

Regulation revoking or amending various regulatory provisions in respect of environmental fees

WHEREAS sections 31, 31.41, 31.69, 46, 70 and 70.19 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS paragraph 2 of section 2 and sections 4, 5 and 13 of the Act to amend the Environment Quality Act and other legislative provisions (2002, c. 53) provides for the striking out of provisions of the Environment Quality Act that authorize the Government to prescribe by regulation the fees payable under the Act;

WHEREAS, under section 31.0.1 of the Environment Quality Act, enacted by section 3 of chapter 53 of the Statutes of 2002 and amended by section 5 of chapter 24 of the Statutes of 2004, the Minister of Sustainable Development, Environment and Parks is authorized to determine, by order, the fees payable under the Environment Quality Act;

WHEREAS a Draft Minister’s Order respecting the fees payable under the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 3 January 2007;

WHEREAS the coming into force of the provisions of the Act to amend the Environment Quality Act and other legislative provisions, together with the coming into force of the Draft Minister’s Order respecting the fees payable under the Environment Quality Act, will entail several regulatory provisions prescribing such fees becoming spent and therefore inapplicable;

WHEREAS it is appropriate to formally proceed with the revocation of the regulatory provisions so that they clearly ceased to have effect at the time of the coming into force of the above-mentioned Minister's Order;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation revoking or amending various regulatory provisions in respect of environmental fees, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation revoking or amending various regulatory provisions in respect of environmental fees

Environment Quality Act
(R.S.Q., c. Q-2, ss. 31, 31.41, 31.69, 46, 70, 70.19;
2002, c. 53, s. 2, par. 2 and ss. 4, 5 and 13)

- 1.** The Regulation respecting industrial depollution attestations¹ is amended in section 2 by striking out the second paragraph.
- 2.** The heading of Division II of Chapter III is amended by replacing “FEES” by “ANNUAL DUTIES”.
- 3.** Section 11 is revoked.
- 4.** Section 13 is amended
 - (1) by striking out “fees and” in the first paragraph;
 - (2) by striking out “fees and” in the second paragraph.
- 5.** The Groundwater Catchment Regulation² is amended by revoking section 39.

¹ The Regulation respecting industrial depollution attestations, made by Order in Council 601-93 dated 28 April 1993 (1993, *G.O.* 2, 2672), has not been amended since it was made.

² The Groundwater Catchment Regulation, made by Order in Council 696-2002 dated 12 June 2002 (2002, *G.O.* 2, 2657), was last amended by the regulation made by Order in Council 647-2006 dated 28 June 2006 (2006, *G.O.* 2, 2135). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

6. The Regulation respecting biomedical waste³ is amended in section 46 by striking out paragraph 3.

7. Section 49 is revoked.

8. Section 51 is amended by replacing “sections 49 and 50” in the first paragraph by “section 50”.

9. The Regulation respecting the burial of contaminated soils⁴ is amended by revoking section 57.

10. The Regulation respecting the landfilling and incineration of residual materials⁵ is amended by revoking section 149.

11. The Regulation respecting pulp and paper mills and amending various regulatory provisions⁶ is amended in section 130 by striking out paragraph 3.

12. Section 135 is revoked.

³ The Regulation respecting biomedical waste, made by Order in Council 583-92 dated 15 April 1992 (1992, *G.O.* 2, 2503), was last amended by the regulation made by Order in Council 451-2005 dated 11 May 2005 (2005, *G.O.* 2, 1182). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

⁴ The Regulation respecting the burial of contaminated soils, made by Order in Council 843-2001 dated 27 June 2001 (2001, *G.O.* 2, 3518), was last amended by the regulation made by Order in Council 451-2005 dated 11 May 2005 (2005, *G.O.* 2, 1182). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

⁵ The Regulation respecting the landfilling and incineration of residual materials, made by Order in Council 451-2005 dated 11 May 2005 (2005, *G.O.* 2, 1182), was last amended by the regulation made by Order in Council 808-2007 dated 18 September 2007 (2007, *G.O.* 2, 2581). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

⁶ The Regulation respecting pulp and paper mills and amending various regulatory provisions, made by Order in Council 808-2007 dated 18 September 2007 (2007, *G.O.* 2, 2581), has not been amended since it was made.

13. The Regulation respecting hazardous materials⁷ is amended by revoking section 126.

14. The Regulation respecting contaminated soil storage and contaminated soil transfer stations⁸ is amended by revoking section 75.

15. This Regulation comes into force on 1 June 2008.

8706

Gouvernement du Québec

O.C. 456-2008, 7 May 2008

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1)

Individual and Family Assistance — Amendments

Regulation to amend the Individual and Family Assistance Regulation

WHEREAS, under the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1), the Government made the Individual and Family Assistance Regulation by Order in Council 1073-2006 dated 22 November 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Individual and Family Assistance Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 February 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

⁷ The Regulation respecting hazardous materials, made by Order in Council 1310-97 dated 8 October 1997 (1997, *G.O.* 2, 5199), was last amended by the regulation made by Order in Council 808-2007 dated 18 September 2007 (2007, *G.O.* 2, 2581). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

⁸ The Regulation respecting contaminated soil storage and contaminated soil transfer stations was made by Order in Council 15-2007 dated 16 January 2007 (2007, *G.O.* 2, 525) and has not been amended since it was made.

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

THAT the Regulation to amend the Individual and Family Assistance Regulation, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Individual and Family Assistance Regulation *

Individual and Family Assistance Act
(R.S.Q., c. A-13.1.1, s. 131, pars. 8, 9 and 12; s. 132, pars. 8, 10 and 15; s. 133, par. 2 and s. 136)

1. The Individual and Family Assistance Regulation is amended in section 16 by adding the following sentence: “Despite the foregoing, if the financial assistance is granted under a last resort financial assistance program, the child continues to be a dependant of that person for the purposes of the special benefit for pharmaceutical services under section 83.”.

2. Section 26 is replaced by the following:

“**26.** An independent adult required to reside in a half-way house is eligible for financial assistance from the month in which the adult begins residing in the half-way house and

(1) is authorized to be temporarily absent from a correctional facility or a community correctional centre for reintegration purposes under section 54 or 136 of the Act respecting the Québec correctional system (2002, c. 24); or

(2) has been conditionally released under section 143 of that Act.

For the purposes of this section, a half-way house means a community residential centre, a community shelter or a foster home bound by a partnership agreement or service contract with the Minister of Public Security to facilitate the reintegration of the persons required to reside there.”.

* 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 1064-2007 dated 28 November 2007 (2007, *G.O.* 2, 3688). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

3. The following is inserted after section 26:

“**26.1.** Despite section 26, an adult accused who is required to reside in a half-way house, a facility other than a penitentiary, a correctional facility or other prison is eligible for financial assistance. The provisions of this Regulation that are specific to an adult required to reside in a facility do not apply, however, to the accused.”

4. Section 89 is amended by replacing the second paragraph by the following:

“If transportation is by private vehicle, the special benefit is paid to cover parking fees and vehicle use expenses up to \$0.145 per kilometre travelled.

The vehicle use expenses are, however, paid up to \$0.41 per kilometre if the transportation is provided by a volunteer driver under the control of a humanitarian organization recognized by the Ministère de la Santé et des Services sociaux under one of its support programs, provided the total remuneration for such transportation, excluding parking fees, is no more than a contribution to vehicle use expenses and the organization keeps a permanent record of all trips made. In such a case, the claim for payment may be made by the organization, with the consent of the independent adult or an adult member of the family, and the special benefit paid directly to the organization.”

5. Section 90 is amended by adding the following paragraph:

“The special benefit may be paid directly to the taxi transport service provider with the consent of the independent adult or an adult member of the family.”

6. Section 95 is amended by replacing “the use of the vehicle up to a maximum of \$0.135” in the second paragraph by “vehicle use expenses up to \$0.145”.

7. Section 111 is amended by adding “paid under the Taxation Act, and the Working Income Tax Benefit and the supplement for handicapped persons paid by the Canada Revenue Agency” at the end of paragraph 12.

8. Section 138 is amended by adding the following paragraph:

“(12) for the month in which they are received, sums received as income tax refunds.”

9. Section 140 is replaced by the following:

“**140.** If they are received quarterly, advance payments as a work premium made under the Taxation Act and advance payments related to the Working Income Tax

Benefit and the supplement for handicapped persons paid by the Canada Revenue Agency are wholly excluded for the month in which they are paid and are excluded in the proportion of two-thirds for the following month and one-third for the last month.

In addition, the amount received as a child assistance payment under section 1029.8.61.28 of the Taxation Act that includes 2 or 3 months of eligibility is wholly excluded for the month in which it is paid and, depending on the months of eligibility, is excluded in the proportion of 50% for the following month, or in the proportion of two-thirds for the following month and one-third for the last month.

Payment of arrears in respect of the amounts referred to in this section are excluded up to the last day of the following month.”

10. Section 142 is amended by adding the following paragraph:

“If the benefit paid for the month during which savings begin under an individual savings plan is later claimed in its entirety by the Minister, the exclusion applies, unless the claim is made following a false declaration, up to the date on which a formal repayment notice was sent by the Minister pursuant to section 97 of the Act.”

11. Section 153 is amended

(1) by replacing “\$17,100” in paragraph 1 by “\$17,606”;

(2) by replacing “\$12,210” in paragraph 2 by “\$12,349”;

(3) by replacing “\$12,210” in paragraph 3 by “\$12,349”.

12. Section 164 is amended

(1) by adding the following after subparagraph 4 of the first paragraph:

“(5) the proceeds from a life insurance policy received by an independent adult or a member of the family following the death of a person as well as a death benefit, if the proceeds or benefit are paid in a lump sum.”;

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

“The exclusions in subparagraphs 4 and 5 of the first paragraph apply if the property or liquid assets are received during a month in which the independent adult or the family is a recipient under a last resort financial assis-

tance program, otherwise than pursuant to section 49 of the Act, or is eligible to receive the special benefit for dental and pharmaceutical services pursuant to section 48 of this Regulation. Despite the foregoing, if the benefit paid for that month is later claimed in its entirety by the Minister, the exclusions apply, unless the claim is made following a false declaration, up to the date on which a formal repayment notice was sent by the Minister pursuant to section 97 of the Act.

In addition, the exclusion in subparagraph 4 of the first paragraph continues to apply the first time the property is converted into liquid assets or the liquid assets are converted into property, and the exclusion in subparagraph 5 of the first paragraph continues to apply the first time the proceeds or benefit are converted into property.”.

13. Section 173 is amended by replacing “subparagraph 4 of the first paragraph of section 164 applies only” in the third paragraph by “subparagraphs 4 and 5 of the first paragraph of section 164 apply only”.

14. This Regulation comes into force on 1 June 2008, except section 11, which comes into force on 1 July 2008.

8705

M.O., 2008

Order of the Minister of Sustainable Development, Environment and Parks dated 7 May 2008

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

Respecting the fees payable under the environment quality act

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
ENVIRONMENT AND PARKS,

CONSIDERING section 31.0.1 of the Environment Quality Act (R.S.Q., c. Q-2), enacted by section 3 of chapter 53 of the Statutes of 2002 and amended by section 5 of chapter 24 of the Statutes of 2004, under which the Minister of Sustainable Development, Environment and Parks may, by an order published in the *Gazette officielle du Québec*, determine the fees payable for the issue, renewal or modification of an authorization, approval, certificate, permit, attestation or permission under the Act or its regulations;

CONSIDERING that provision, which provides that the Minister of Sustainable Development, Environment and Parks may also fix the terms and conditions of payment of the fees and vary the fees according to the nature, scope or cost of the project, the class of source of contamination, the characteristics of the enterprise or establishment, in particular its size, or the complexity of the technical and environmental aspects of the file;

CONSIDERING the publication, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft of the Minister’s Order respecting the fees payable under the Environment Quality Act in Part 2 of the *Gazette officielle du Québec* of 3 January 2007, with a notice that it could be made by the Minister on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Order with amendments after taking into consideration the comments made following the publication of the Draft Order;

ORDERS AS FOLLOWS:

CHAPTER I GENERAL

1. In this Order, the word “Act” appearing alone means the Environment Quality Act (R.S.Q., c. Q-2).

CHAPTER II AUTHORIZATIONS

DIVISION I AUTHORIZATIONS OF THE MINISTER

2. The fees for an application for authorization under section 22 of the Act are as follows:

(1) for any project involving

(a) a dam, a bridge with an opening greater than 3.6 metres, or a marina: \$2,500;

(b) development work carried out in a watercourse, the construction, reconstruction, widening or straightening of a road likely to alter a watercourse, lake, pond, marsh, swamp or bog, or dredging operations in a watercourse where the sediment volume is equal to or greater than 50 m³: \$2,500;

(c) an electric power generating station: \$5,000 if the capacity of the generating station is less than 1MW and \$10,000 in any other case;

(d) a golf course: \$5,000;

(e) subject to subparagraph *f*, an industrial establishment, a quarry, sand pit or mine: \$1,500; additional fees are payable

i. where the issue of a certificate of authorization for such a project is subject to the determination of environmental emission objectives due to contaminants emitted into the atmosphere: \$1,000; or

ii. where the issue of a certificate of authorization for such a project is subject to the determination of environmental discharge objectives due to process water discharged into the environment: \$2,500;

(f) a sand pit or hot mix asphalt plant, if it is shown in the application that the project meets the applicable siting or emission standards: \$500;

(g) a facility that stores or treats biomedical waste or a system that transports such waste: \$1,000;

(h) the establishment or alteration with increase in capacity of a pulp and paper mill or sawmill residual materials landfill: \$5,000; for any other alteration of such a landfill: \$2,500;

(i) the establishment or alteration with increase in capacity of a snow disposal site: \$1,000; for any other alteration of such a site: \$500;

(j) the establishment or alteration with increase in capacity of a contaminated soil landfill: \$5,000; for any other alteration of such a landfill: \$2,500;

(k) the establishment of a contaminated soil treatment facility: \$5,000 in the case of a thermal processing unit and \$2,500 in the case of a biological or physico-chemical treatment unit; for any alteration of such a facility: \$2,500 in the case of a thermal processing unit or \$1,250 in the case of a biological or physico-chemical treatment unit;

(l) the establishment or alteration with increase in capacity of a contaminated soil storage site or transfer station: \$5,000; for any other alteration of such a site or station: \$2,500;

(m) the establishment of an engineered landfill, a construction or demolition waste landfill, or a residual materials incineration facility: \$5,000; for an alteration with increase in capacity of such a facility: \$2,500; for any other alteration of such a facility: \$1,000;

(n) the establishment of a residual materials trench landfill: \$2,500; for an alteration with increase in capacity of such a landfill: \$1,250; for any other alteration of such a landfill: \$1,000; or

(o) the establishment of a northern landfill or residual materials transfer station: \$1,000; for any alteration of such a landfill or station: \$500;

(2) for any other project not expressly covered by paragraph 1: \$500, with the exception of a project that relates exclusively to

(a) an agricultural activity;

(b) the alteration without increase in capacity of a solid waste elimination or storage site governed by the Regulation respecting solid waste (R.R.Q. 1981, c. Q-2, r.14);

(c) wildlife development to which the third paragraph of section 2 of the Regulation respecting environmental impact assessment and review (R.R.Q. 1981, c. Q-2, r.9) applies;

(d) work that must be carried out by a regional county municipality to restore normal water flow in a watercourse pursuant to section 105 of the Municipal Powers Act (R.S.Q., c. C-47.1); or

(e) work or activities carried out as a result of a state of emergency declared by a local municipality in accordance with section 42 of the Civil Protection Act (R.S.Q., c. S-2.3).

3. The fee for an application for authorization under the second paragraph of section 24 of the Act to transfer one or more certificates of authorization issued to the applicant under section 22 of the Act is \$500 for the same works or establishment, the same activity or the same work.

The fee in the first paragraph is not payable for an application to transfer one or more certificates of authorization concerning only an activity or work provided for in subparagraphs *a* to *e* of paragraph 2 of section 2.

4. The fees for an application for authorization under section 32 of the Act are as follows:

(1) for a project involving

(a) a treatment facility for drinking water supplied by a distribution system that supplies 1,000 persons or more: \$1,000;

(b) a municipal wastewater treatment facility serving 1,000 persons or more: \$2,000; additional fees of \$1,500 are payable where the issue of an authorization for such a project is subject to the determination of environmental discharge objectives due to wastewater discharged into the environment; or

(c) an industrial establishment, a quarry, sand pit or mine: \$1,000; additional fees of \$2,500 are payable where the issue of an authorization for such a project is subject to the determination of environmental discharge objectives due to process water discharged into the environment; or

(2) for any other project not expressly covered by paragraph 1: \$500.

5. The fee for an application for authorization under section 48 of the Act for a project involving an industrial establishment, a quarry, sand pit or mine is \$1,000. Additional fees of \$1,000 are payable where the issue of a certificate of authorization for such a project is subject to the determination of environmental emission objectives due to contaminants emitted into the atmosphere.

6. The fee for an application for authorization under the first paragraph of section 70.8 of the Act to have possession for more than 12 months of a hazardous material referred to in any of subparagraphs 1 to 4 of the first paragraph of section 70.6 of the Act is \$2,000.

7. The fee for an application for authorization under section 70.17 of the Act to transfer one or more permits issued to the applicant under section 70.11 of the Act is \$500 for the same establishment or the same facility or activity.

8. The fees for an application for authorization or modification of authorization for a groundwater catchment project under section 31 of the Groundwater Catchment Regulation made by Order in Council 696-2002 dated 12 June 2002 are as follows:

(1) for a groundwater catchment project supplying more than 20 persons and having a capacity of less than 75 m³ per day: \$1,500;

(2) for a groundwater catchment project having a capacity of 75 m³ but not more than 300 m³ per day or that will increase the capacity to 75 m³ or more per day without exceeding 300 m³: \$1,500;

(3) for a groundwater catchment project having a capacity of more than 300 m³ per day: \$4,000; or

(4) for a groundwater catchment project if the water is to be distributed or sold as spring water or mineral water or to be used as an ingredient in the fabrication, conservation or treatment and listed as spring water or mineral water on a product within the meaning of the Food Products Act (R.S.Q., c. P-29) or on the package, container or label of such a product: \$3,500.

The renewal of the authorizations referred to in section 38 of the Groundwater Catchment Regulation is subject to payment of fees representing 10% of the fees payable under the first paragraph. However, if there is a change in the conditions of operation, the fees payable are those provided for in the first paragraph.

DIVISION II AUTHORIZATIONS OF THE GOVERNMENT

9. This Division applies only to projects subject, under the Regulation respecting environmental impact assessment and review, to the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Act.

10. The fees for an application for authorization under section 31.5 of the Act are set out in the table below:

Steps in the environmental impact assessment and review procedure	Rate classes			
	1	2	3	4
1. Filing of the project notice under section 31.2 of the Act	\$1,000	\$1,000	\$1,000	\$1,000
2. Filing of the impact statement under the first paragraph of section 31.3 of the Act	\$4,000	\$14,000	\$24,000	\$34,000
3. Beginning of the public consultation under the third paragraph of section 31.3 of the Act	\$0	\$35,000	\$60,000	\$85,000
Total	\$5,000	\$50,000	\$85,000	\$120,000

Schedule I sets the rate class applicable for each class or subclass of projects.

11. An application for authorization under section 31.6 of the Act for a project that is exempt in part from the environmental impact assessment and review procedure must include the fee set out in section 10 for each of the remaining applicable steps in that procedure.

Schedule I sets the rate class applicable for each class or subclass of projects.

12. The fees for an application for authorization under section 31.5 or 31.6 of the Act for a project covered by more than one class or subclass of projects referred to in Schedule I are the fees set out in section 10 for the highest rate class applicable to the project.

13. In the case of a certificate of authorization issued under section 31.5 or 31.6 of the Act, the fees payable under sections 2, 4, 5 and 18 of this Order do not apply to applications subsequently filed with the Minister in accordance with section 22, 32, 48 or 70.9 of the Act so that the physical realization of the authorized project may begin.

CHAPTER III DEPOLLUTION ATTESTATIONS

14. The fee for an application for a depollution attestation under section 31.16 of the Act is \$8,350.

The fee for a reapplication for a new depollution attestation under section 31.28 of the Act is \$4,175.

CHAPTER IV APPROVALS OF THE MINISTER

DIVISION I LAND REHABILITATION PLAN

15. The fees for an application for approval of a land rehabilitation plan under section 31.51, 31.54 or 31.57 of the Act are as follows:

(1) where the work or works required under the land rehabilitation plan involve the elimination of contaminants on sites authorized under section 22 of the Act: \$1,000;

(2) where the work or works required under the land rehabilitation plan involve on-site treatment of contaminants: \$3,000;

(3) where the rehabilitation plan provides that contaminants are to be left in place: \$8,000.

DIVISION II DEPOLLUTION PROGRAMME

16. The fee for an application for approval of a depollution programme under section 116.2 of the Act is \$10,000.

CHAPTER V PERMITS AND PERMISSIONS

17. The fees for an application under section 65 of the Act for permission to use, for construction purposes, land that was formerly used as a site for the elimination of residual materials are as follows:

(1) for a project involving the construction of a residential, commercial, institutional or industrial building: \$2,500;

(2) for any other project not expressly covered by paragraph 1: \$500.

18. The fees for an application for a permit under section 70.9 of the Act are as follows:

(1) for a project involving the operation, for commercial purposes, of a physico-chemical or biological treatment process for residual hazardous materials, the storage of such materials or the transportation of hazardous materials to a disposal site for such materials: \$2,500;

(2) for any other project not expressly covered by paragraph 1: \$5,000.

19. The fees for an application for modification of a permit under section 70.16 of the Act are as follows:

(1) where the purpose of the modification is to increase the nominal capacity of a facility by more than 35%: 50% of the fee payable under section 18 for the project;

(2) for any other modification: \$1,000.

CHAPTER VI ADMINISTRATIVE CERTIFICATES

20. The fees for an application under section 24.1 of the Act for an administrative certificate combining certificates of authorization issued under section 22 of the Act are as follows:

(1) to combine 5 or fewer certificates of authorization: \$2,000;

(2) to combine 6 to 10 certificates of authorization: \$3,000;

(3) to combine 11 to 20 certificates of authorization: \$4,000;

(4) to combine 21 or more certificates of authorization: \$5,000.

CHAPTER VII MODIFICATION AND RENEWAL

21. The fee for an application under the Act or its regulations for modification of an authorization, approval, certificate, permit or permission referred to in this Order is \$250, unless a provision of the Order sets a different fee for the application.

The fee set out in the first paragraph does not apply to an application for only one change or modification to the information or documents already provided in support of an application.

The fee also does not apply to an application for modification of a certificate of authorization issued under section 22 of the Act for any project that relates exclusively to

- (a) an agricultural activity, including fish-farming;
- (b) the alteration without increase in capacity of a solid waste elimination or storage site governed by the Regulation respecting solid waste;
- (c) wildlife development to which the third paragraph of section 2 of the Regulation respecting environmental impact assessment and review applies;
- (d) work that must be carried out by a regional county municipality to restore normal water flow in a water-course pursuant to section 105 of the Municipal Powers Act; or
- (e) work or activities arising from a state of emergency declared by a local municipality in accordance with section 42 of the Civil Protection Act.

22. The fee for an application under the Act or its regulations for the renewal of a document referred to in this Order is \$500, unless a provision of the Order sets a different fee for the application.

CHAPTER VIII PAYMENT OF FEES

23. The fees payable under this Order must be paid in full at the time the application is submitted.

However, the fees payable under section 10 may be paid at the beginning of each of the three steps in the environmental impact assessment and review procedure mentioned in that section.

The fees are payable in cash, by cheque or by bank or postal money order made out to the Minister of Finance or by an electronic method of payment.

24. Beginning 1 January 2009, the fees payable under this Order are adjusted on 1 January of each year based on the percentage change in the general Consumer Price Indexes for Canada, as published by Statistics Canada; the change is calculated by determining the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the same period of the second preceding year.

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

The Minister publishes the results of the adjustment in the *Gazette officielle du Québec* before 1 January of each year and, if the Minister considers it appropriate, gives notice by any other means.

CHAPTER IX MISCELLANEOUS AND TRANSITIONAL

25. Despite subparagraph *e* of paragraph 1 of section 2, subparagraph *c* of paragraph 1 of section 4 and section 5, the fees for an application for the issue of an authorization or, simultaneously, of one or more authorizations under section 22, 32 or 48 of the Act for a project involving an industrial establishment having, at the time of the application, 10 or fewer production employees is set at \$1,000.

26. Every application made prior to 1 June 2008 and on which, on that date, no decision had been made by the Minister under the Act or its regulations or, for a project exempt from the environmental impact assessment and review procedure, by the Government under section 31.6 of the Act, remains subject to the fees under the regulations applicable at the time the application is filed, if any, provided that all the information and documents required for the application file under the Act and its regulations had been sent to the Minister before that date.

In the case of an application made prior to 1 June 2008 and on which, on that date, no decision had been made by the Government under section 31.5 or, in the case of a project exempt in part from the environmental impact assessment and review procedure, under section 31.6 of the Act, the fees set out in section 10 are payable for every step of the environmental impact assessment and review procedure referred to in that section that begins on or after that date.

27. Every application for authorization relating to the spreading of fertilizing waste substances certified by the Bureau de normalisation du Québec is exempt from the application of section 2.

28. The fees set out in section 2 for every application for authorization relating to the spreading of fertilizing waste substances for purposes other than agriculture are payable only for the applications filed as of 1 January 2009.

29. The additional fees related to the determination of environmental emission and discharge objectives set out in subparagraphs i and ii of subparagraph e of paragraph 1 of section 2, subparagraphs b and c of paragraph 1 of section 4 and section 5 are payable only for the applications filed as of 1 June 2010.

30. The fees set out in paragraph 2 of section 4 are payable only as of the coming into force of the Regulation that may be made by the Government following the publication in the *Gazette officielle du Québec* of the draft Regulation respecting the application of section 32 of the Environment Quality Act (2007, G.O. 2, 63).

31. This Order comes into force on 1 June 2008.

Québec, 7 May 2008

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

SCHEDULE I

(ss. 10, 11 and 12)

RATE CLASSES FOR PROJECTS SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE PROVIDED FOR IN DIVISION IV.1 OF CHAPTER I OF THE ACT

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
PROJECTS DESCRIBED IN THE FIRST PARAGRAPH OF SECTION 2 OF THE REGULATION RESPECTING ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW					
Paragraph (a)					
- construction and subsequent operation of a dam or dyke [...]		✓			
Paragraph (b)					
- programme or project involving the dredging, digging, filling, levelling off or backfilling [...]		✓			
Paragraph (c)					
- rerouting or diverting of a river	<i>Subclasses:</i>				
	1. within the same watershed – flow diverted to the river	✓			
	2. towards another watershed – flow not diverted to the river				✓

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
Paragraph (d)	<i>Subclasses:</i>				
- construction of a port or wharf	1. construction of a port or wharf intended for 100 or more pleasure or fishing craft		✓		
- extension of a port or wharf or modification in the use of a port or wharf [...]	2. construction of any other port or wharf			✓	
Paragraph (e)	<i>Subclasses:</i>	✓			
- construction, rebuilding or widening, along more than 1 kilometre, of a road or other public road network designed for 4 or more lanes of traffic [...]	1. more than 1 km but less than 2 km			✓	
	2. 2 km but less than 5 km				✓
	3. 5 km or more				
Paragraph (f)			✓		
- construction, rebuilding or widening, along more than 2 kilometres, of any road or other road network intended for forestry, mining or energy operations [...]					
Paragraph (h)					✓
- establishment of a marshalling yard or railway station and construction of more than 2 kilometres of railway [...]					
Paragraph (i)			✓		
- establishment or extension of an airport [...]					
Paragraph (j)					
<i>First paragraph</i>					✓
- construction of installations for natural gas gasification or liquefaction and construction of more than 2 kilometres of oil pipeline in a new right-of-way [...]					
<i>Second paragraph</i>					✓
- construction of a gas pipeline more than 2 kilometres in length					

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
Paragraph (k)	<i>Subclasses:</i>				
- construction or relocation of an electric power transmission line of 315 kV or more over a distance of more than 2 kilometres	1. more than 2 km but less than 5 km			✓	
	2. 5 km or more				✓
- construction or relocation of a control or transformer station of 315 kV or more			✓		
Paragraph (l)	<i>Subclasses:</i>				
<i>First paragraph</i>					
- construction, reconstruction and subsequent operation of a hydroelectric generating station or fossil fuel-fired generating station with a capacity that exceeds 5 MW					✓
- construction, reconstruction and subsequent operation of any other electric power generating station with a capacity that exceeds 10 MW, except a nuclear generating station contemplated by subparagraph <i>m</i>	1. 10 MW but less than 50 MW			✓	
	2. 50 MW or more				✓
<i>Second paragraph</i>					
- subject to the provisions of the second paragraph of section 2, any increase in the capacity of a hydroelectric generating station [...]				✓	
<i>Third paragraph</i>					
- addition of a turboalternator to a boiler that had not been previously used to produce electric power [...]		✓			
Paragraph (m)					
- construction or extension of a nuclear fission or fusion establishment, of a plant that manufactures, processes or reprocesses nuclear fuel, or of a disposal or storage site for radioactive waste					✓

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
Paragraph (n)					
- construction of an oil refinery, of a petrochemical plant, of a liquid petroleum gas fractionating plant					✓
- construction of a plant that processes or synthesizes energy-producing gas, or of a plant that processes or synthesizes coal products					✓
Paragraph (n.1)					
	<i>Subclasses:</i>				
- construction of a mill within the meaning of the Regulation respecting pulp and paper mills [...]	1. de-inking plant			✓	
	2. other pulp and paper mills				✓
Paragraph (n.2)					
- construction of a dismembering plant					✓
Paragraph (n.3)					
- construction of a mill that produces metals, metal alloys or metalloids [...]					✓
Paragraph (n.4)					
- construction of a cement plant					✓
- construction of a slaked lime plant				✓	
Paragraph (n.5)					
- construction of an explosives plant					✓
Paragraph (n.6)					
- construction of a chemical plant [...]					✓
Paragraph (n.7)					
- construction of a heavy water plant					✓

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
Paragraph (n.8)					
- construction of an ore processing plant for					
- metalliferous ore or asbestos ore, where the processing capacity of the plant is 7,000 metric tons or more per day					✓
- uranium ore					✓
- any other ore, where the processing capacity of the plant is 500 metric tons or more per day			✓		
Paragraph (n.9)					
- construction of a metal products processing plant [...]					✓
Paragraph (n.10)					
- construction of a mill that produces chipboard from wood fibre [...]					✓
Paragraph (n.11)					
- construction of a plant that manufactures vehicles or aircraft, including parts for such vehicles [...]				✓	
Paragraph (o)					
- construction or extension of one or several buildings in a livestock operation [...]				✓	
Paragraph (p)					
- opening and operation of					
- a metals mine or an asbestos mine that has a production capacity of 7,000 metric tons or more per day					✓
- a uranium mine					✓
- any other mine that has a production capacity of 500 metric tons or more per day			✓		

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
Paragraph (q)					
	- programme or project for aerial pesticide spraying for non-agricultural purposes over an area of 600 hectares or more [...]				√
Paragraph (r)					
	- construction of an incineration facility governed by Chapter III of the Regulation respecting the landfilling and incineration of residual materials made by Order in Council 451-2005 dated 11 May 2005, with a capacity of 2 metric tons or more per hour, an increase in the incinerating capacity of such a facility or an alteration to an incineration facility increasing its capacity to 2 metric tons or more per hour				√
Paragraph (r.1)					
	- construction of an incinerator wholly or partly intended for biomedical waste within the meaning of section 1 of the Regulation respecting biomedical waste made by Order in Council 583-92 dated 15 April 1992 or any alteration aimed at increasing by more than 10% the incinerating capacity of such an incinerator				√
Paragraph (s)					
	- establishment of one or several reservoirs with a total storage capacity of over 10,000 kilolitres intended to hold a liquid or gaseous substance [...]		√		
Paragraph (t)					
	- installation or use of facilities used in whole or in part for the incineration of residual hazardous materials [...]				√
Paragraph (u)					
	- installation or use of facilities used in whole or in part for energy generation or pyrolysis of residual hazardous materials [...]				√

Classes of projects for the application of the fee schedule	Subclasses of projects for the application of the fee schedule	Rate classes			
		1	2	3	4
Paragraph (u.1)					
- establishment or extension of an engineered landfill referred to in Division 2 of Chapter II of the Regulation respecting the landfilling and incineration of residual materials made by Order in Council 451-2005 dated 11 May 2005 used in whole or in part for the final deposit of household garbage collected by or for a municipality [...]					
- establishment or extension of a construction or demolition waste landfill referred to in the second paragraph of section 102 of the Regulation respecting the landfilling and incineration of residual materials [...]					
Paragraph (v)					
- establishment or extension of a site used in whole or in part for the final deposit of hazardous materials [...]					
Paragraph (w)					
- installation or use of facilities used in whole or in part for the treatment of residual hazardous materials outside their production location [...]					
Paragraph (x)					
- establishment or extension of a site used in whole or in part for the final deposit of soils [...]					
Paragraph (y)					
- installation or use of facilities used in whole or in part for the heat treatment of soils [...]					

Draft Regulations

Draft Regulation

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

250 MW block of wind energy from Aboriginal projects

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 a 250 MW block of wind energy from Aboriginal projects, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines, for the purpose of fixing the cost of electric power, and for the purposes of the supply plan and the tender solicitation by the electric power distributor, the block of wind energy from an installed capacity of 250 megawatts from Aboriginal projects.

The draft Regulation also provides that the electric power distributor must solicit public tenders for that block of energy on the later of the following 2 dates:

- 1 September 2008;
- 90 days after the coming into force of the Regulation.

Through the Regulation and an Order in Council pertaining to the economic, social and environmental concerns, which will be communicated to the Régie de l'énergie, the Government seeks to facilitate the development of Aboriginal wind projects and to maximize the economic benefits as follows:

1. The tender solicitation by the distributor is to support the development of Aboriginal wind projects for the benefit of Aboriginal nations and communities of Québec.

2. Aboriginal nation, Aboriginal community and Aboriginal institution are defined as follows:

— an Aboriginal nation means one of the 11 nations recognized by the National Assembly;

— an Aboriginal community is an Aboriginal group recognized as such by one of the 11 nations recognized by the National Assembly and the Government of Québec;

— an Aboriginal institution means a legal entity, owned by one or more Aboriginal nations, created for the purpose of supporting economic development of Aboriginal nations and that can take the form of an economic development corporation, a financing corporation, an investment fund, a trust or any other economic development entity controlled by Aboriginal nations and for which a majority of directors are appointed by one or more Aboriginal nations.

3. An Aboriginal wind project is defined as a project

— recognized by the Aboriginal nation or nations promoting the project, or their communities, under a resolution passed for that purpose during a duly constituted meeting. A duly constituted meeting refers to a meeting

— for which a council has issued, within a reasonable time, a notice widely distributed, to which is attached an agenda clearly announcing the council's intention to discuss the project concerned by the proposed resolution;

— where the necessary quorum is met;

— that produces the minutes describing the discussions of the meeting;

— where one or more final resolutions are passed by the council;

— submitted and developed by a legally constituted group of natural persons, in a juridical form adapted to the context of Aboriginal nations and, where applicable, in partnership with the private sector;

— under the control of Aboriginal nations, their communities or institutions, in particular those from the region where the project is located. In the case of a partnership, Aboriginal nations must demonstrate that they have control over the decisions affecting the said projects.

4. To ensure optimal development of the Aboriginal projects for the benefit of Aboriginal nations or their communities, a Regulation respecting a 250 MW block of wind energy from Aboriginal projects is proposed to establish a maximum price of 9.5¢/kWh in 2008 dollars adjusted for Consumer Price Index, excluding the cost of transmission and balancing service and supplementary capacity, to favour a selection of projects significantly focused on the following Aboriginal development concerns:

— the Aboriginal nations, the communities or their institutions are to hold an interest representing

– a minimum of 30% of capitalization of the project; and

– more than 50% of control of the project.

— It is understood that

– favourable treatment will be granted according to the level of interest of an Aboriginal nation, its communities or institutions to the capitalization or control of the project;

– favourable treatment will be granted in the case of interest of more than one Aboriginal nation in the ownership of a project.

5. To ensure that projects are apportioned between Aboriginal nations taking into account the integration capacity of Hydro-Québec's grid and to encourage direct involvement by those nations, every project is limited to a maximum of 25 MW and every Aboriginal nation is limited to 50 MW. Beyond 50 MW, an Aboriginal nation could support one or more additional projects, only to the extent that those projects involve the participation of at least one other Aboriginal nation.

6. The maximization of economic benefits in Québec regarding employment and investment must, for every project, result in expenditure in Québec corresponding to at least 60% of the overall costs, including the installation of wind turbines, on the understanding that the expenditure carried out locally is to receive preferential treatment.

7. The maximization of economic benefits and employment in Municipalité régionale de comté de Matane and in the Gaspésie-Îles-de-la-Madeleine administrative region must result in expenditure corresponding to at least 30% of the overall costs of each wind farm, excluding the installation of wind turbines. The requirement will be considered met if the following 2 components are manufactured in Municipalité régionale de comté de Matane and in the Gaspésie-Îles-de-la-Madeleine administrative region:

— tower;
— blades.

8. The block of 250 MW will contribute to maintain a hi-tech industry manufacturing wind turbines and wind turbine components in Québec, on the understanding that Municipalité régionale de comté de Matane and the Gaspésie-Îles-de-la-Madeleine administrative region are to receive preferential treatment.

9. The assessment of economic benefits associated with the projects, and for the benefit of Aboriginal nations, will have to consider all the steps to carry out a project throughout its life cycle, that is prefeasibility, feasibility, the tendering procedure, obtaining permits, the construction, operation, maintenance, dismantling and reequipping of the wind farm, as the case may be.

10. To continue the emergence of wind energy production, as defined in the draft of the Regulation respecting a 250 MW block of wind energy from Aboriginal projects, the cost for the purchase of electricity from energy blocks determined by regulation of the Government must be taken into account in establishing the cost of service of the electric power distributor.

The draft Regulation has no direct impact on small and medium-sized businesses. Interested enterprises active in the wind energy sector, in partnership with an Aboriginal nation, an Aboriginal community or their institutions, may participate in the tender solicitation by the electric power distributor, in compliance with the established rules.

Further information on the draft Regulation may be obtained by contacting René Paquette, Director General, Electricity, Ministère des Ressources naturelles et de la Faune, 5700, 4^e Avenue Ouest, bureau A 416, Québec (Québec) G1H 6R1; telephone: 418 627-6386, ext. 8351; fax: 418 646-1878; e-mail: rene.paquette@mrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Daniel Bienvenue, Associate Deputy Minister, Energy and Mines, Ministère des Ressources naturelles et de la Faune, 5700, 4^e Avenue Ouest, bureau B 401, Québec (Québec) G1H 6R1.

CLAUDE BÉCHARD,
*Minister of Natural
Resources and Wildlife*

Regulation respecting a 250 MW block of wind energy from Aboriginal projects

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01, s. 112, 1st par., subpars 2.1 and 2.2)

1. For the purpose of fixing the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), and for the purposes of the supply plan provided for in section 72 of the Act and the tender solicitation by the electric power distributor under section 74.1 of the Act, a block of wind

energy must be produced in Québec from a target capacity of 250 megawatts from Aboriginal projects connected to Hydro-Québec's main network, within the following timeframe:

- 50 megawatts, not later than 1 December 2012;
- 100 megawatts, not later than 1 December 2013;
- 100 megawatts, not later than 1 December 2014.

The energy block is subject to a balancing service and supplementary capacity in the form of a wind energy integration agreement between the electric power distributor and Hydro-Québec in its electricity production operations or another Québec supplier.

The price of electric power may not exceed 9.5¢/kWh in 2008 dollars adjusted for Consumer Price Index for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity.

2. The electric power distributor must solicit public tenders for each portion determined under section 1 on the later of the following 2 dates:

- 1 September 2008;
- 90 days after the coming into force of the Regulation.

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

8690

Draft Regulation

An Act respecting the Régie de l'énergie
(R.S.Q., c. R-6.01)

250 MW block of wind energy from community projects

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 a 250 MW block of wind energy from community projects, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines, for the purpose of fixing the cost of electric power, and for the purposes of the supply plan and the tender solicitation by the electric power distributor, the block of wind energy from an installed capacity of 250 MW from community projects.

The draft Regulation also provides that the electric power distributor must solicit public tenders for that block of energy on the later of the following 2 dates:

- 1 September 2008;
- 90 days after the coming into force of the Regulation.

Through the Regulation and an Order in Council pertaining to the economic, social and environmental concerns, which will be communicated to the Régie de l'énergie, the Government seeks to facilitate the development of community wind projects and to maximize the economic benefits as follows:

1. The tender solicitation by the distributor is to support the development of community wind projects for the benefit of regions in Québec.

2. A community wind project is defined as a project

- recognized by the regional county municipality or municipalities where the project is located and by the local municipality or municipalities where the project is located, under resolutions passed for that purpose; and

- submitted and developed by a local community. A local community is defined as

- a regional county municipality,

- a local municipality,

- a cooperative, or

- a legally constituted group of natural persons where the majority of members or shareholders live in the administrative region where the community project is located.

3. To ensure optimal development of the community projects for the benefit of regions, a Regulation respecting a 250 MW block of wind energy from community projects is proposed to establish a maximum price of 9.5¢/kWh in 2008 dollars adjusted for Consumer Price Index, excluding the cost of transmission and balancing service and supplementary capacity, to favour a selection of projects significantly focused on the following community development concerns:

- the local community is to hold an interest representing

- a minimum of 30% of capitalization of the project; and

– a minimum of 30% of control of the project.

— It is understood that

– favourable treatment will be granted in the case of interest of a regional county municipality or local municipalities where the community project is located;

– favourable treatment will be granted according to the level of interest (capitalization of the project or control of the project) of a local community to the project.

4. To ensure that projects are apportioned between regions taking into account the integration capacity of Hydro-Québec's grid and to encourage direct involvement by small communities, projects are limited to a maximum of 25 MW and not more than 25 MW may be granted in the territory of the same regional county municipality in connection with this block.

5. The maximization of economic benefits in Québec regarding employment and expenditure must, for every project, result in expenditure in Québec corresponding to at least 60% of the overall costs, including the installation of wind turbines, on the understanding that the expenditure carried out locally is to receive preferential treatment.

6. The maximization of economic benefits and employment in Municipalité régionale de comté de Matane and in the Gaspésie–Îles-de-la-Madeleine administrative region must result in expenditure corresponding to at least 30% of the overall costs of each wind farm, excluding the installation of wind turbines. The requirement will be considered met if the following 2 components are manufactured in Municipalité régionale de comté de Matane and in the Gaspésie–Îles-de-la-Madeleine administrative region:

- tower;
- blades.

7. The block of 250 MW will contribute to maintain a hi-tech industry manufacturing wind turbines and wind turbine components in Québec, on the understanding that Municipalité régionale de comté de Matane and the Gaspésie–Îles-de-la-Madeleine administrative region are to receive preferential treatment.

8. To continue the emergence of wind energy production, as defined in the draft of the Regulation respecting a 250 MW block of wind energy from community projects, the cost for the purchase of electricity from energy blocks determined by regulation of the Government must be taken into account in establishing the cost of service of the electric power distributor.

The draft Regulation has no direct impact on small and medium-sized businesses. Interested enterprises active in the wind energy sector may participate in the tender solicitation by the electric power distributor.

Further information on the draft Regulation may be obtained by contacting René Paquette, Director General, Electricity, Ministère des Ressources naturelles et de la Faune, 5700, 4^e Avenue Ouest, bureau A 416, Québec (Québec) G1H 6R1; telephone: 418 627-6386, ext. 8351; fax: 418 646-1878; e-mail: rene.paquette@mrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Daniel Bienvenue, Associate Deputy Minister, Energy and Mines, Ministère des Ressources naturelles et de la Faune, 5700, 4^e Avenue Ouest, bureau B 401, Québec (Québec) G1H 6R1.

CLAUDE BÉCHARD,
Minister of Natural Resources and Wildlife

Regulation respecting a 250 MW block of wind energy from community projects

An Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01, s. 112, 1st par., subpars 2.1 and 2.2)

1. For the purpose of fixing the cost of electric power referred to in section 52.2 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), and for the purposes of the supply plan provided for in section 72 of the Act and the tender solicitation by the electric power distributor under section 74.1 of the Act, a block of wind energy must be produced in Québec from a target capacity of 250 megawatts from community projects connected to Hydro-Québec's main network, within the following timeframe:

- 50 megawatts, not later than 1 December 2012;
- 100 megawatts, not later than 1 December 2013;
- 100 megawatts, not later than 1 December 2014.

The energy block is subject to a balancing service and supplementary capacity in the form of a wind energy integration agreement between the electric power distributor and Hydro-Québec in its electricity production operations or another Québec supplier.

The price of electric power may not exceed 9.5¢/kWh in 2008 dollars adjusted for Consumer Price Index for that block of energy, excluding the cost of transmission and balancing service and supplementary capacity.

2. The electric power distributor must solicit public tenders for each portion determined under section 1 on the later of the following 2 dates:

- 1 September 2008;
- 90 days after the coming into force of the Regulation.

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

8691

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Identification and traceability of certain animals — 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 identification and traceability of certain animals, 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 broaden the scope of the animal identification system currently in force to ensure the traceability of animals in the Cervidae family. It also contains consequential and transitional provisions.

Study of the matter has shown a minimal economic impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Chi Mai Vu, Interim Director, Institut national de santé animale, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11^e étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3662; fax: 418 380-2169.

Any interested person wishing to make comments on the matter may submit written comments within 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 identification and traceability of certain animals*

Animal Health Protection Act
(R.S.Q., c. P-42, s. 22.1)

1. The Regulation respecting the identification and traceability of certain animals is amended in the first paragraph of section 1

(1) by inserting “the identification of cervids, namely the Cervidae family,” after “hybrids,”;

(2) by replacing “détenus” in the French text by “gardés”.

2. The following is inserted after section 1:

“**1.1.** In this Regulation, unless the context indicates otherwise,

“approved tag” means a tag approved under Part XV of the Health of Animals Regulations (C.R.C. c. 296); (*étiquette approuvée*)

“blank tag” means a bangle tag on which no number is printed; (*étiquette vierge*)

“H of A” tag” means a tag issued by the Canadian Food Inspection Agency bearing the letters “H of A”; (*étiquette «H of A»*)

“management body” means the body entrusted with the management of the identification system pursuant to section 22.3 of the Animal Health Protection Act (R.S.Q., c. P-42); (*organisme gestionnaire*)

“official tag” means a tag recognized as official by the competent authority of the country of origin of the animal and meeting the requirements of Part XV of the Health of Animals Regulations; (*étiquette officielle*)

“operation” means any place where an animal is kept, except a vehicle, an establishment for livestock auctions, a sorting station, a slaughterhouse, an agricultural exhibition, a shopping centre and a community pasture; (*exploitation*)

* The Regulation respecting the identification of cattle, made by Order in Council 205-2002 dated 6 March 2002 (2002, *G.O.* 2, 1581), was last amended by the regulation made by Order in Council 161-2004 dated 10 March 2004 (2004, *G.O.* 2, 1115). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 September 2007.

“operation of origin” means the operation where the animal was born or the first operation to receive an animal born in Québec outside an operation; (*exploitation d’origine*)

“printed tag” means a bangle tag on which an identification number is printed; (*étiquette imprimée*)

“production site” means the livestock building, pen or pasture where animals are kept; (*site de production*)

“site number” or “number of the site” means the number assigned by the Minister or, as the case may be, the management body, to a place where animals are kept or a place where live or dead animals are received; (*numéro de site*)

“stakeholder number” means the number assigned by the Minister or, as the case may be, the management body, to an owner or a custodian of live or dead animals or to a person who plans to become an owner or custodian; (*numéro d’intervenant*)

“vehicle” means a road vehicle within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2). (*véhicule*”).

3. The following heading is added after section 1.1 and before section 2:

**“DIVISION I.I
IDENTIFICATION SYSTEM”.**

4. Section 2 is replaced by the following:

“2. The animal identification system managed by the Minister or, as the case may be, the management body, contains the following information in respect of each animal:

(1) the name and address of the operation of origin and any other information enabling the animal’s owner to be contacted;

(2) the name, address and stakeholder number of every owner or custodian of the animal and any other useful contact information, the type of activity carried on by the owner or custodian and, where applicable, the date on which the owner or custodian ceases activities;

(3) the registration number of every agricultural operation registered under Division II of the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations, made by Order in Council 340-97 dated 19 March 1997, where the animal is kept;

(4) if an operation comprises more than one production site, the address and site number of each site;

(5) the number and class of any licence issued to every owner or custodian of the animal under section 42 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

(6) the date of every application for and issue of tags;

(7) every identification of the animal, including identification recognized under another identification system established by the Government of Canada or the government of another province or Canadian territory, or by the competent authority of the country of origin;

(8) every date of identification of the animal;

(9) the address and number of every site where the animal is kept;

(10) whether the animal is a bovine or an ovine or, in the case of a cervid, its species;

(11) the animal’s date of birth or, if the animal is from outside Québec, its date of birth or weight;

(12) every category to which the animal belongs;

(13) the animal’s sex;

(14) the date and time of all of the animal’s movements and the address and site number of every site from and to which it is moved;

(15) the number of every movement permit issued pursuant to section 76 of the Health of Animals Regulations;

(16) the registration number of every vehicle and, where applicable, the registration number of every trailer or semi-trailer used to transport the animal;

(17) if the animal disappears, the date on which the disappearance is noticed; and

(18) the date, address and number of the site at which the animal dies.”.

5. The following division is inserted after section 2:

**“DIVISION I.II
REGISTRATION**

2.1. Every owner, custodian or importer of animals must send the following information to the Minister or, as the case may be, the management body:

(1) name, address and telephone number;

(2) if an agricultural operation is owned and registered under Division II of the Regulation respecting the registration of agricultural operations and the payment of property taxes and compensations, its registration number;

(3) the address of the site where the animals are kept and, if it is located in an operation comprising more than one production site, the address of each site;

(4) whether the animals are bovines or ovines or, in the case of cervids, their species;

(5) the type of activity carried on or proposed to be carried on in respect of the animals; and

(6) where applicable, the number and class of the licence issued under section 42 of the Act respecting the conservation and development of wildlife.

A person referred to in the first paragraph who ceases activities must so inform the Minister or, as the case may be, the management body, within 30 days of the cessation.”.

6. Section 3 is amended

(1) by replacing “the bar code tag or the” in the first paragraph by “printed tag and”;

(2) by inserting the following after subparagraph 5 of the first paragraph:

“(6) show a sketch of the fleur-de-lys.”;

(3) by striking out the second paragraph;

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

“The chip tag and the printed tag must bear the same easy-to-read identification number assigned by the Canadian Food Inspection Agency.”.

7. Section 4 is replaced by the following:

4. The Minister or, as the case may be, the management body, must issue or cause the issue of the chip tags, printed tags and blank tags at the request of

(1) the owner or custodian of any animal in an operation;

(2) the importer, for animals imported from outside Canada; or

(3) the operator of an establishment for livestock auctions, for animals having lost their tags.

A person who makes such a request must indicate his name, address and, where applicable, stakeholder number; the person must also indicate whether the tags are intended for a bovine or an ovine or, if they are intended for a cervid, its species.

The person may not transfer the tags.

A person who ceases activities must, within 30 days of the cessation, return unused tags to the Minister or, as the case may be, the management body, at the person’s own expense.”.

8. Section 5 is amended

(1) by replacing “he imports” in the first paragraph by “before their importation”;

(2) by replacing the second and third paragraphs by the following:

“A tag is valid as long as it remains on the animal to which it was affixed provided that it remains easily readable and in good working order and its fastener is not altered.

The number of any tag that is no longer valid must be sent to the Minister or, as the case may be, to the management body, within 30 days after the day on which it becomes invalid.

Every unused tag must be kept on the premises of the operation or establishment for livestock auctions unless the tag is for an imported animal. It must be shown on request to an inspector designated under section 22.2 of the Act.”.

9. Section 6 is amended by replacing “no one may remove or have removed” by “only an inspector may remove or cause the removal of”;

10. Section 7 is replaced by the following:

7. No person may keep an animal to which a tag is affixed that

(1) bears a number that is or was already assigned to identify another animal;

(2) is intended to identify a species to which the animal does not belong; or

(3) falsely suggests that it is a tag referred to in section 3.”.

11. Divisions III and IV are replaced by the following:

**“DIVISION III
IDENTIFICATION**

8. An owner, custodian or importer of animals must identify the animals or have them identified and ensure that they remain identified.

Despite the foregoing, the following animals born in Québec are not required to be identified until they are removed from the operation of origin or pasture:

(1) a bovine aged 7 days or less or, if it is born in pasture and kept with its mother, 5 months or less;

(2) a cervid less than one year of age, until 31 December following birth; and

(3) an ovine aged 30 days or less.

A cervid other than white-tailed deer that is in a place where fewer than 6 cervids are kept on 31 December of the current year is also exempt from identification.

If the operation comprises more than one production site, an animal that is removed from a production site is considered to be removed from the operation if the site is 10 kilometres or more from the location where most of the operation’s activities are carried on.

9. An animal is identified by affixing a chip tag to one of its ears and a printed tag to the other ear. The tags must comply with the provisions of section 3, bear the same identification number, be affixed so that they remain on the animal and be valid.

10. Despite section 9, the following animals are deemed to be identified in accordance with section 9:

(1) an animal to which 2 official or approved tags are affixed, namely one chip tag and one printed tag;

(2) an animal to which an approved printed tag is affixed, provided that a chip tag bearing the same number is affixed to the other ear;

(3) an animal to which an approved chip tag is affixed, provided that a tag, printed or blank when issued, bearing the same number is affixed to the other ear;

(4) an animal to which an official chip tag is affixed, provided that a blank tag bearing the same number is affixed to the other ear;

(5) a cervid kept in a zoological garden or wildlife observation centre for which a licence was issued under Division IV or V of the Regulation respecting animals in captivity, made by Order in Council 1238-2002 dated 16 October 2002, to which only one chip or printed tag is affixed, or an “H of A” tag; and

(6) white-tailed deer to which only one printed tag is affixed.

11. An owner, custodian or importer of animals who identifies or causes an animal to be identified must send to the Minister or, as the case may be, the management body, his name, address, stakeholder number and the information required under paragraphs 7 to 13 of section 2 in respect of that identification, within 7 days of the animal’s identification or before the animal is removed from the operation, whichever is earlier.

In the case of an animal from outside Québec arriving at the operation, the owner, custodian or importer must also send the information required under paragraphs 14 and 15 of section 2 in respect of that identification, as well as the name and address of the preceding owner or custodian or, if the latter information cannot be provided, the name and address of the carrier and the information required under paragraph 16 of section 2 in respect of that identification.

In the case of white-tailed deer in a game ranch for which a licence was issued under Division IX of the Regulation respecting animals in captivity, the owner, custodian or importer must also provide the number of the tattoo required under section 57 of that Regulation.

12. An owner or custodian of animals who, because of invalid tags, identifies an animal or causes an animal to be identified again in an operation, as well as an operator of an establishment for livestock auctions who, because of tags lost in the establishment or during transportation to the establishment, again identifies an animal no longer bearing tags or causes such an animal to be identified again must, within 7 days after the identification or before the animal is removed from the operation, whichever is earlier, send the following information to the Minister or, as the case may be, the management body:

(1) the name, address and stakeholder number of the owner, custodian or operator;

- (2) the name and address of the operation or establishment;
- (3) the numbers of the replaced tags;
- (4) the numbers of the new tags;
- (5) the date on which the animal was identified again; and
- (6) whether the animal is a bovine or an ovine or, in the case of a cervid, its species.

If tags become invalid outside the operation or, in the case of the operator, tags are lost during transportation to the operator's establishment, the following information must also be sent:

- (1) the date on which the animal is received at the operation or establishment, the name and address of the owner or custodian prior to transportation and the address and number of the site from which the animal originates;
- (2) the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer used to transport the animal, and the name and address of the carrier; and
- (3) the number of the movement permit issued pursuant to section 76 of the Health of Animals Regulations.

An operator of a slaughterhouse receiving an animal that lost its tags during transportation to the slaughterhouse must, within 7 days of the animal's arrival, send to the Minister or, as the case may be, the management body, the information referred to in subparagraphs 1, 2 and 6 of the first paragraph and in the second paragraph, with the necessary modifications.

Supporting documents that evidence the origin of the animal must be kept at the operation, establishment or slaughterhouse. They must be kept for at least 10 years in chronological order from the day they are received or drawn up and be shown to an inspector on request.

13. No person may withdraw or cause the withdrawal of an animal from an operation if the animal is not identified.

No person may withdraw or cause the withdrawal of an animal from another place if the animal is not bearing at least one tag required by section 9 or 10, unless the animal was born in that place.

No person may transport or receive, or cause to be transported or received, a bovine originating from Québec, another province or a Canadian territory, or a cervid or an ovine originating from Québec, if the animal is not bearing at least one tag required by section 9 or 10, or an unidentified ovine originating from another province or Canadian territory, unless

- (1) the animal born in Québec is moved to a first operation;
- (2) the animal is moved through the territory of Québec in a vehicle without leaving the vehicle; or
- (3) the animal loses the tag or tags during transportation.”.

12. Section 20 is amended

(1) by replacing “name and address”, “subparagraphs 3, 4, 6, 9, 10, 12 and 13 of the first paragraph of section 2” and “Divisions III or IV” in paragraph 1 by “name, address and stakeholder number”, “paragraphs 7, 10, 11 and 13 to 15 of section 2 applicable to that situation” and “section 11 or 12”, respectively;

(2) by replacing “name and address”, “subparagraphs 6 and 12 of the first paragraph of section 2” and “Divisions III or IV or section 25” in paragraph 2 by “name, address and stakeholder number”, “paragraphs 7, 10, 14 and 15 of section 2 applicable to that situation” and “section 11, 12 or 25”, respectively.

13. Section 21 is amended by replacing “sends”, “name and address” and “subparagraphs 3, 6, 12 and 14 of the first paragraph of section 2” in the first paragraph by “moves”, “name, address and stakeholder number” and “paragraphs 7, 14 and 16 of section 2 applicable to that situation”, respectively.

14. Section 22 is amended by replacing the first paragraph by the following:

“**22.** Any animal owner or custodian that moves an animal outside Québec, that moves a cervid from a place in Québec to another place in Québec, or that moves an ovine from a place in Québec to a place in Québec other than an establishment for livestock auctions or a slaughterhouse must send to the Minister or, where applicable, to the management agency, his name, address and stakeholder number, the name and address of the farm, the information referred to in subparagraphs 7, 14 and 15 of the first paragraph of section 2 that applies to the farm and the name and address of the owner or, where applicable, of the following custodian or, if he

cannot send that information, the name and address of the carrier as well as the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer used to transport the animal within 7 days after the event.”.

15. The following is inserted after section 22:

“**22.1.** The operator of an establishment for livestock auctions from which an animal is moved to any other place must send to the Minister or, as the case may be, the management body, the operator’s name, address and stakeholder number, as well as the information referred to in paragraphs 7 to 14 of section 2 applicable to that situation within 7 days after the day on which the animal is moved.

In the case of a bovine, the operator must also indicate the weight of the animal.

22.2. The owner or custodian of an animal that has disappeared must send to the Minister or, as the case may be, the management body, the owner’s or custodian’s name, address and stakeholder number, as well as the information referred to in paragraphs 7, 9, 10, 13 and 17 of section 2 applicable to that situation within 7 days after the day on which the animal’s disappearance is noticed.”.

16. Section 23 is amended by replacing “his name and address” by “the person’s name, address and stakeholder number” and “subparagraphs 4, 6, 12, 13 and 14 of the first paragraph of section 2” by “paragraphs 7, 10, 14 and 16 of section 2 applicable to that situation”.

17. Section 24 is amended

(1) by inserting “the assignor’s name, address and stakeholder number” after “management agency,”;

(2) by replacing “and the information referred to in subparagraphs 2 and 3 of the first paragraph of section 2” by “and those of the acquirer”.

18. Section 25 is replaced by the following:

“**25.** A slaughterhouse operator may receive an unidentified animal from outside Canada for immediate slaughter. In that case, the operator must send the following information to the Minister or, as the case may be, the management body, within 7 days after the animal’s arrival at the slaughterhouse:

(1) the operator’s name, address and stakeholder number;

(2) the date of the animal’s arrival at the slaughterhouse, the name and address of the owner or custodian prior to transportation and the place from which the animal originates;

(3) the registration number of the vehicle and, where applicable, the registration number of the trailer or semi-trailer used to transport the animal to the slaughterhouse, as well as the name and address of the carrier; and

(4) whether the animal is a bovine or an ovine or, in the case of a cervid, its species.”.

19. Section 26 is amended by replacing “responsible” in the first and second paragraphs of the French text by “exploitant” and by replacing “is” in the first paragraph of the English text by “was”.

20. Section 27 is amended

(1) by inserting “or operator of a rendering plant” after “collector” and “in a place other than an operation” after “dead animal”;

(2) by replacing “his name and address, those of the owner or custodian of the animal on that date” by “the collector’s or operator’s name, address and stakeholder number, the name and address of the preceding owner and custodian”.

21. Section 28 is amended by replacing “his name and address” by “his name, address and stakeholder number” and “subparagraphs 3, 4, 6 and 13 of the first paragraph of section 2” by “paragraphs 7, 10 and 18 of section 2 applicable to that situation”.

22. Section 28.1 is amended

(1) by striking out paragraph 1;

(2) by replacing “code bar” in paragraph 2 by “printed”;

(3) by replacing “managing” and “second paragraph of section 12” in paragraph 4 by “management” and “fourth paragraph of section 8”, respectively.

23. The following is inserted after section 30.1:

“**30.2.** The owner or custodian of a cervid, other than a cervid referred to in the third paragraph of section 8, born before (*insert the date of coming into force of this Regulation*) and kept in Québec must identify the animal or have it identified in accordance with section 9 or 10 not later than 31 December 2010 or before the cervid is removed from the operation, whichever is earlier.

30.3. The following animals are deemed to be identified in accordance with section 9 or 10 as long as the tags remain on the animal:

(1) a cervid to which are affixed a chip tag and a printed tag bearing the same unique identification number issued by Agri-Traçabilité Québec before (*insert the date of the day preceding the date of coming into force of this Regulation*);

(2) a cervid kept in a zoological garden or wildlife observation centre for which a licence was issued under Division IV or V of the Regulation respecting animals in captivity, made by Order in Council 1238-2002 dated 16 October 2002, to which one of the tags issued by Agri-Traçabilité Québec is affixed; and

(3) a white-tailed deer that, on (*insert the date of the day preceding the date of coming into force of this Regulation*), is kept in Québec and is identified in accordance with section 47 or 57 of the Regulation respecting animals in captivity.

30.4. Every owner or custodian of a cervid referred to in section 30.3 or a cervid that, on (*insert the date preceding the date of coming into force of this Regulation*), is kept in a zoological garden or wildlife observation centre for which a licence was issued under Division IV or V of the Regulation respecting animals in captivity and to which an “H of A” tag is affixed must send to the Minister or, as the case may be, the management body, the owner’s or custodian’s name, address and stakeholder number, as well as the information referred to in paragraphs 8 to 13 of section 2 and, if applicable, the information referred to in paragraph 7 of that section not later than (*insert the date occurring 3 months after the date of coming into force of this Regulation*).

In the case of white-tailed deer in a game ranch for which a licence was issued under Division IX of the Regulation respecting animals in captivity, the owner or custodian must also provide the number of the tattoo required under section 57 of that Regulation.”.

24. The English text of the Regulation is amended

(1) by replacing “agency” wherever it appears by “body”;

(2) by replacing “farm”, “a farm” and “on the farm” wherever they appear by “operation”, “an operation” and “at the operation”, respectively.

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

8692

Draft Regulation

An Act respecting safety in sports
(R.S.Q., c. S-3.1)

Licences to operate target shooting clubs and ranges

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 licences to operate target shooting clubs and ranges, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation sets the conditions for obtaining licences to operate target shooting clubs and ranges with restricted firearms or prohibited firearms and the fee for the issue of the licences.

Further information may be obtained by contacting Stéphanie Vachon, Assistant to the Secretary General, Ministère de la Sécurité publique, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2; telephone: 418 643-3500; fax: 418 643-0275.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Jacques P. Dupuis, Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting licences to operate target shooting clubs and ranges

An Act respecting safety in sports
(R.S.Q., c. S-3.1, s. 46.25; 2007, c. 30, s. 14)

DIVISION I TARGET SHOOTING CLUB

1. A target shooting club licence authorizes the operation of a target shooting club for the practice of the sport of target shooting or participation in target shooting competitions with restricted or prohibited firearms in the shooting ranges indicated on the licence.

2. Only a non-profit sports body constituted as a legal person may apply for a licence to operate a target shooting club.

3. The application must be made in writing and submitted to the Minister of Public Security by the person designated as responsible for the operation of the shooting club by a resolution of the board of directors of the sports body.

The application must contain

(1) the name and address of each officer of the shooting club and of the person designated as responsible for its operation;

(2) the number of each person's respective licence authorizing them to possess restricted firearms or prohibited firearms, issued under the Firearms Act (Statutes of Canada, 1995, c. 39); and

(3) the name and address of each shooting range operated by the shooting club.

In addition, the following documents must be submitted:

(1) the act constituting the sports body;

(2) the safety regulations adopted by the sports body; and

(3) the resolution designating the person as responsible for the operation of the shooting club.

4. The person responsible for the operation of the shooting club must

(1) be resident in Québec;

(2) hold a licence authorizing the person to possess restricted firearms or prohibited firearms; and

(3) have at least 5 years of experience in the practice of the sport of target shooting or in target shooting competitions with such a firearm.

DIVISION II **TARGET SHOOTING RANGE**

5. A target shooting range licence authorizes the operation of a target shooting range for the practice of the sport of target shooting or participation in target shooting competitions with restricted or prohibited fire-

arms. A licence is not required for a shooting range operated by the holder of a shooting club licence on which the shooting range is indicated in accordance with section 1.

6. The application must be made in writing and submitted to the Minister by the person responsible for the operation of the shooting range.

The application must contain

(1) the name and address of the operator of the shooting range and of the person responsible for its operation; and

(2) the number of the licences authorizing those persons to possess restricted firearms or prohibited firearms, issued under the Firearms Act.

7. The person responsible for the operation of the shooting range must

(1) be resident in Québec;

(2) hold a licence authorizing that person to possess restricted firearms or prohibited firearms; and

(3) have at least 5 years of experience in the practice of the sport of target shooting or in target shooting competitions with such a firearm.

DIVISION III **FEES**

8. Every initial application for a licence must be accompanied by the amount of \$50 to cover file opening and processing costs.

The fee for a renewal application is also \$50.

The fees are not refundable.

9. The fee for the issue of a target shooting club licence is \$20 for every shooting range operated by the club.

The fee must be paid before the licence is issued.

10. This Regulation comes into force on 1 September 2008.

8688

Draft Regulation

An Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports
(2007, c. 30)

Exclusion of certain premises and certain means of transportation and exemption of certain persons

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 exclusion of certain premises and certain means of transportation and respecting the exemption of certain persons, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation excludes certain premises and certain means of transportation from the application of section 2 of the Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports, and exempts certain persons due to the responsibilities they assume or the activities they exercise.

The draft Regulation allows certain persons to continue to provide training involving firearms on the premises of educational establishments designated as institutions by the Act. It also allows, under certain conditions, the storage of firearms in a residence that offers home childcare by the persons who live in that residence. It authorizes hunters and trappers to carry their firearms with them on certain means of public transportation if those means of public transportation are required to get to the premises where their activities are carried on and allows holders of a licence authorizing the possession of firearms to use an aircraft or a ferry boat if required to carry on any activity permitted by law. It also requires safety measures to be taken during such transportation.

Further information may be obtained by contacting Stéphanie Vachon, Assistant to the Secretary General, Ministère de la Sécurité publique, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2; telephone: 418 643-3500; fax: 418 643-0275.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Jacques P. Dupuis, Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting the exclusion of certain premises and certain means of transportation and respecting the exemption of certain persons

An Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports
(2007, c. 30, ss. 1 and 3)

DIVISION I HOME CHILDCARE

1. A residence in which home childcare is provided and in which a firearm, within the meaning of the Firearms Act (Statutes of Canada, 1995, chapter 39) and its regulations, is kept is excluded from the application of section 2 of the Act to protect persons with regard to activities involving firearms and amending the Act respecting safety in sports (2007, c. 30) in respect of the person responsible for the childcare, whether the person is recognized or not as a home childcare provider under the Educational Childcare Act (R.S.Q., c. S-4.1.1), and the persons living in the residence, provided that,

(1) in the case of the person recognized as a childcare provider, the person complies with the provisions of the regulation made under that Act; and

(2) in the case of a person who is not recognized under that Act,

(a) the person gives a written notice to the parents to whom the childcare is offered that a firearm is kept in the residence in which the childcare is provided;

(b) the person sends a copy of the notice to the Minister of Public Security, along with a copy of the registration certificate for the firearm. The copy of the notice must be signed by the parents to attest that they have been made aware of it; and

(c) the firearm is stored out of sight and reach of the children.

2. The residence where home childcare is provided is also excluded from the application of section 2 of the Act, in respect of guests who are staying in the residence temporarily, when such accommodation is necessary to allow the guests to get to the premises where the sport activities involving the use of firearms are to be carried on. The exclusion is valid only to the extent that the person responsible for the childcare ensures that the firearms are stored out of sight and reach of the children.

DIVISION II

TRAINING ACTIVITIES AND PREMISES

3. Instructors who provide training involving the handling of firearms and students who receive such training are exempt from the application of section 2 of the Act if, for the training, they use certain premises of the institutions designated in section 1 of the Act, insofar as the institutions hold a business licence issued under the Firearms Act.

4. The premises of the institutions referred to in section 3 used for the storage of firearms belonging to the institution or brought to the institution by the instructor or the enrolled students are also excluded from the application of section 2 of the Act.

5. Firearms transported to or from the training premises of an institution referred to in section 3 or transported to the storage location must be unloaded, be rendered inoperable by means of a secure locking device or by the removal of the bolt or bolt-carrier, and be placed in a securely locked opaque container designed in a manner that it cannot readily be broken open or into.

6. The institutions referred to in section 3 must issue a photo identification card to the students attesting to their enrolment in the training program and specifying their student number and the duration of the training program. They must also issue such a card to the instructor who provides the training.

The instructors and the students must carry the card on them and may move about the premises of the institution with firearms only to access and leave the training premises or to access the storage location.

7. Instructors certified by Info Sécure who provide training in the safe handling of firearms on premises reserved for that purpose at institutions designated in section 1 of the Act are exempt from the application of section 2 of the Act for the duration of the training only.

Firearms used during the training must be deactivated and real ammunition may not be used.

8. Info Sécure instructors are also exempt from the application of section 2 of the Act in respect of the use of buses, shuttles, trains, aircraft or ferry boats if those means of public transportation are required to get to the premises where training in the safe handling of firearms is provided, whether the premises are those of a designated institution or not.

Firearms transported to or from the training premises must be placed in a securely locked opaque container designed in a manner that it cannot readily be broken open or into.

DIVISION III

STORAGE LOCATIONS AND SHOOTING RANGE

9. The premises of a designated institution that holds a business licence, other than the institutions referred to in section 3, are excluded from the application of section 2 of the Act if they are used solely for the storage of firearms.

Persons authorized to access such locations are exempt from the application of that provision.

10. The premises of the shooting range at École Saint-Dominique-Savio in Chapais are excluded from the application of section 2 of the Act if they are used solely at times when the students who normally attend the school are not present.

Persons who use the shooting range are exempt from the application of that provision.

DIVISION IV

HUNTING AND TRAPPING ACTIVITIES

11. Holders of a hunting or trapping licence issued under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) and its regulations are exempt from the application of section 2 of the Act in respect of the use of buses, shuttles, trains, aircraft and ferry boats.

The exemption applies only to the extent that the licence holders must use those means of public transportation to carry on their hunting or trapping activities and is valid only in respect of non-restricted firearms used for those activities.

12. Firearms transported in that manner must be unloaded, be rendered inoperable by means of a secure locking device or by the removal of the bolt or bolt-carrier, and be placed in a securely locked opaque container designed in a manner that it cannot readily be broken open or into.

Ammunition must be placed in a separate container.

DIVISION V USE OF MEANS OF PUBLIC TRANSPORTATION

13. Holders of a licence authorizing the possession of firearms issued under the Firearms Act are exempt from the application of section 2 of the Act, in respect of the use of an aircraft or a ferry boat if those means of public transportation are required to carry on any activity permitted by law and, without restricting the generality of the foregoing, to participate in a target shooting competition or a gun show, to acquire or transfer a firearm, or to see to the repair or maintenance of a firearm.

14. Firearms transported in that manner must be unloaded, be rendered inoperable by means of a secure locking device or by the removal of the bolt or bolt-carrier, and be placed in a securely locked opaque container designed in a manner that it cannot readily be broken open or into.

Ammunition must be placed in a separate container.

DIVISION VI FINAL

15. This Regulation comes into force on 1 September 2008.

8687

Draft Regulation

An Act respecting safety in sports
(R.S.Q., c. S-3.1)

Register of use of shooting ranges

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 register of use of shooting ranges, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation lists the information, in addition to the information already listed in the Act, that must be recorded in the register of use kept by target shooting clubs and ranges.

Further information may be obtained by contacting Stéphanie Vachon, Assistant to the Secretary General, Ministère de la Sécurité publique, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2; telephone: 418 643-3500; fax: 418 643-0275.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Jacques P. Dupuis, Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting the register of use of shooting ranges

An Act respecting safety in sports
(R.S.Q., c. S-3.1, s. 46.28; 2007, c. 30, s. 14)

1. In addition to the information required by section 46.28 of the Act respecting safety in sports (R.S.Q., c. S-3.1), the register of use of shooting ranges contains

(1) in the case of shooting ranges operated by holders of a shooting club licence, the legibly written names of the members of the shooting club and of the users of the shooting range, their signature, their member number and, as applicable, the serial number of the firearm to be used or the number appearing on the registration certificate issued under the Firearms Act (Statutes of Canada, 1995, c. 39), as well as identification of the shooting range at which target shooting is to be practised;

(2) in the case of holders of a shooting range licence, the legibly written names of the users of the shooting range, their signature, the club of which they are members and their member number and, as applicable, the serial number of the firearm to be used or the number appearing on the registration certificate issued under the Firearms Act.

If a user is the guest of a club member, the name of the member and the name of the club of which he or she is a member must be mentioned in the register.

2. This Regulation comes into force on 1 September 2008.

8689

Treasury Board

Gouvernement du Québec

T.B. 206341, 29 avril 2008

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule II.1

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 16.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the pensionable salary of an employee who is released with pay for union activities is the salary paid to the employee by the employer and the salary, if any, paid to the employee by a body designated in Schedule II.1, and the body concerned must pay its employer's contributory amount and deduct the contributions from the pensionable salary it pays to such an employee;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedule II.1 of the Act and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 of the Act;

WHEREAS, in accordance with section 40 of the Public Administration Act (R.S.Q., c. A-6.01), amended by section 72 of chapter 49 of the Statutes of 2006, the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers referred to in paragraphs 1 to 6 of section 40;

WHEREAS that consultation has taken place;

WHEREAS the Alliance interprofessionnelle de Montréal (AIM) meets the requirements set out in the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, is hereby made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Amendment to Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan *

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting “the Alliance interprofessionnelle de Montréal (AIM)” in alphabetical order.

2. The amendment in section 1 has effect from 1 July 2007.

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* Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the last updating of the Revised Statutes of Québec to 1 January 2007 by T.B. No. 204926 dated 8 May 2007 (2007, G.O. 2, 1433), by section 110 of chapter 49 of the Statutes of 2006 and by T.B. No. 205842 dated 18 December 2007 (2008, G.O. 2, 149).

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

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