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Regulations and other acts

Gouvernement du Québec

O.C. 494-2008, 21 May 2008

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

Annual reports of professional orders — Amendment

Regulation to amend the Regulation respecting the annual reports of professional orders

WHEREAS, under subparagraph *b* of subparagraph 6 of the third paragraph of section 12 of the Professional Code (R.S.Q., c. C-26), the Office des professions du Québec must determine, by regulation and after consultation with the Québec Interprofessional Council, the standards governing the preparation and content of the annual report of an order;

WHEREAS the Office has conducted the required consultations;

WHEREAS the Office made the Regulation to amend the Regulation respecting the annual reports of professional orders at its sitting of 13 December 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 was published in Part 2 of the *Gazette officielle du Québec* of 9 January 2008 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, pursuant to section 13 of the Professional Code, the Office must submit the Regulation to the Government which may approve it with or without amendment;

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 to amend the Regulation respecting the annual reports of professional orders, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the annual reports of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 12, 3rd par., subpar. 6, subpar. *b*
and s. 12.2)

1. The Regulation respecting the annual reports of professional orders is amended by replacing section 3 by the following:

“**3.** Within 45 days after the date of its annual general meeting, the order must send 50 copies of its annual report in paper form to the Office des professions du Québec, which sends to the Minister responsible for the administration of legislation respecting the professions the copies necessary for tabling the report in the National Assembly. The order must also send a copy of its annual report using an information technology medium specified by the National Assembly.

If changes must be made to the preparation or content of the annual report after it has been sent to the Office and to the Minister, the order must send to the Office without delay 50 copies of the changes in paper form on which the order’s letterhead and the period concerned must appear. The order must also send a copy of the document using an information technology medium specified by the National Assembly.”.

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

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* The Regulation respecting the annual reports of professional orders, approved by Order in Council 981-2007 dated 7 November 2007 (2007, *G.O.* 2, 2977), has not been amended since its approval.

Gouvernement du Québec

O.C. 495-2008, 21 May 2008

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

Professional activities which may be performed by a clinical perfusionist
— Amendments

Regulation amending the Regulation respecting the professional activities which may be performed by a clinical perfusionist

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 amending the Regulation respecting the professional activities which may be performed by a clinical perfusionist;

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 11 July 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 amending the Regulation respecting the professional activities which may be performed by a clinical perfusionist, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation amending the Regulation respecting the professional activities which may be performed by a clinical perfusionist*

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

1. The Regulation respecting the professional activities which may be performed by a clinical perfusionist is amended, in section 2:

(1) by replacing, in subparagraph (1), the words “clinical perfusionist diploma” by “clinical perfusionist diploma or Diplôme d’études supérieures spécialisées (D.E.S.S.) en perfusion extracorporelle,”;

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

“(3) any person certified by the Canadian Society of Clinical Perfusion and satisfying the following conditions:

a) has had 24 months’ experience in clinical perfusion during the last 4 years;

b) has received an attestation from a cardiovascular and thoracic surgeon or cardiac surgeon confirming success in a supervised training period lasting 3 months performed in a training site of the training program leading to a D.E.S.S. en perfusion extracorporelle conferred by the Université de Montréal.”.

2. Section 4 of this Regulation is amended by adding, at the end, the following paragraph:

“The person performing the training period provided in sub-paragraph *b* of paragraph (3) of section 2 may, in the presence of a clinical perfusionist, cardiovascular and thoracic surgeon or a cardiac surgeon, perform the activities contemplated in section 3 to the extent they are required for the purposes of completing this training period.”.

* The Regulation respecting the professional activities which may be performed by a clinical perfusionist was approved by Order in Council 520-2005 of June 1, 2005 (2005, *G.O.* 2, 1870). The regulation has not been amended since then.

3. Section 5 of this Regulation is amended:

(1) in the French version, by replacing “pour une période de 3 ans” by “jusqu’au 1^{er} avril 2009”;

(2) in the English version, by adding at the end “and shall remain in force until 1 April 2009.”

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

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Gouvernement du Québec

O.C. 496-2008, 21 May 2008

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

Diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders — Amendments

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders

WHEREAS, under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), after obtaining the advice of the Office des professions du Québec in accordance with subparagraph 7 of the third paragraph of section 12 of the Code, and of the order concerned being the Ordre des infirmières et infirmiers auxiliaires du Québec, the Government may, by regulation, determine the diplomas issued by the educational institutions it indicates which give access to a permit or specialist’s certificate;

WHEREAS, under subparagraph 7 of the third paragraph of section 12 of the Professional Code, the Office must, before advising the Government, consult the educational institutions and the order concerned, the Conference of Rectors and Principals of Quebec Universities in the case of a university-level diploma, the Fédération des cégeps in the case of a college-level diploma and the Minister of Education, Recreation and Sports;

WHEREAS, pursuant to that provision, the Office carried out the required consultations;

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 Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders was published in Part 2 of the *Gazette officielle du Québec* of 21 November 2007 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, on 17 January 2007, the Ordre des infirmières et infirmiers auxiliaires du Québec gave a favourable opinion in respect of the submitted text;

WHEREAS, on 18 February 2008, the Office gave an opinion favourable to the Regulation attached to this Order in Council being made by the Government;

WHEREAS it is expedient to make the Regulation;

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 diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders*

Professional Code
(R.S.Q., c. C-26, s. 184, 1st par.)

1. The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders is amended in section 3.01

* The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 670-2007 dated 14 August 2007 (2007, *G.O.* 2, 2452). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

(1) by inserting “, Recreation and Sports” after “Minister of Education”;

(2) by replacing “L’Amiante” by “Appalaches”;

(3) by inserting “, Marguerite-Bourgeois, Marie-Victorin” after “Lester B. Pearson”;

(4) by inserting “, Riverside” after “René-Lévesque”.

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

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Gouvernement du Québec

O.C. 497-2008, 21 May 2008

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

Nurses

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of nurses

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 infirmières et infirmiers du Québec made the Regulation to amend the Code of ethics of nurses;

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 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 12 December 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 nurses, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of nurses*

Professional Code
(R.S.Q., c. C-26, a. 87)

1. The Code of Ethics of Nurses is hereby amended by adding the following paragraph to the end of section 52:

“The provisions set out in this division apply to the sale, by a nurse, of a vaccine that she or he administers as part of a vaccination opération under the Public Health Act (R.S.Q., c. S-2.2) and that she or he has acquired in accordance with the Regulation respecting the terms and conditions for the sale of medications, approved by Order in Council No. 712-98 dated May 27, 1998.”

2. Section 55 of the Code is amended by adding the following sentence at the end: “In particular, she or he must indicate, in the statement of fees, the selling price of a vaccine covered under the last paragraph of section 52.”

3. Section 78 of the Code is amended by adding the following paragraph at the end:

* The sole amendments to the Code of Ethics of Nurses, approved by Order in Council No. 1513-2002 of December 18, 2002 (2003, G.O. 2, 98), were made by regulation approved by Order in Council No. 579-2005 of June 15, 2005 (2005, G.O. 2, 2961).

“3° where it concerns a vaccine covered under the last paragraph of section 52;”

4. This regulation comes into force fifteen days following its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 498-2008, 21 May 2008

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

Dentists

— Practice of the dental profession within a limited liability partnership or a joint-stock company

Regulation respecting the practice of the dental profession within a limited liability partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order may make a regulation respecting the practice of a profession within a partnership or a joint-stock company and, under paragraphs *g* and *h* of section 93 of the Code, the Bureau must then, by regulation, impose on its members the obligation to furnish and maintain security, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault or negligence in the practice of their profession and fix the conditions and procedure and, as appropriate, any fees applicable to a declaration made to the order;

WHEREAS the Bureau of the Ordre des dentistes du Québec made the Regulation respecting the practice of the dental profession within a limited liability partnership or a joint-stock company;

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 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, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the Bureau under section 90 or 91, paragraph *d*, *g* or *h* of section 93, or paragraph *j*, *n* or *o* of section 94 of the Code must be transmitted for examination to the Office, which may approve it with or without amendment, and the same applies to any regulation under paragraph *p* of section 94 of the Code if it is not the first regulation made by the Bureau under that paragraph;

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 17 January 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 the Office approved Division III of the Regulation comprising sections 9 and 10 concerning security of the partnership or company and subparagraph 1 of the first paragraph of section 4 of the Regulation concerning the fee applicable to the declaration;

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 practice of the dental profession within a limited liability partnership or a joint-stock company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil executive

Regulation respecting the practice of the dental profession within a limited liability partnership or a joint-stock company

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

DIVISION I GENERAL

1. A member of the Ordre des dentistes du Québec may, based upon the terms, conditions and restrictions set forth under this regulation, practise his profession

within a limited liability partnership or a joint-stock company within the meaning of Division VI.3 of the Professional Code (R.S.Q., c. C-26).

A member who no longer satisfies one of the conditions set out in this Regulation or in Chapter VI.3 of the Professional Code, shall immediately cease to be authorized to practise the profession within a partnership or company.

2. If a person referred to under section 1 is struck from the roll for a period in excess of one month or has been the subject of a revocation of his professional permit, such person may not, during the period of being struck from the roll or having a revoked permit, hold either directly or indirectly any share(s) in the partnership or company.

During this period, such person may not hold the position of director, officer or representative of the partnership or company.

DIVISION II CONDITIONS FOR PRACTISING

3. A member is authorized to carry on his professional activities within a partnership or company if the following conditions are respected at all times:

(1) The aggregate of voting rights attached to partnership or company shares is held:

(a) by at least one member of the Ordre;

(b) by a legal person, trust or any other enterprise whose voting rights attached to the shares of the partnership or company, or to equity shares or other entitlements are held wholly by at least one member of the Order;

(c) by both a person, a trust or other enterprise referred to under subsections *a* and *b*;

(2) In the case of a joint-stock company, the aggregate of non-voting shares is held by:

(a) by at least one member of the Order;

(b) by a relative, either by direct or indirect line of descent, of a member of the Order, who holds the shares referred under paragraph 1;

(c) by the spouse of a member of the Order, who holds the shares referred under paragraph 1;

(d) by a legal person, trust or any other enterprise whose voting rights attached to the shares of the partnership or company, or to equity shares or other entitlements are held wholly by a person referred to under subsections *a*, *b* or *c*;

(e) by both a person, a trust or other enterprise referred to under subparagraphs *a*, *b*, *c*, or *d*;

(3) Only members of the Order may be appointed to carry out management duties within the partnership or company, including, if applicable, the duty of a director, representative and officer;

(4) Share capital in the partnership or company may not be transferred without the consent of its board of directors;

(5) The conditions set out in subsections 1 to 4 hereunder are included in the articles of incorporation of the joint-stock company or stipulated in the contract creating the limited liability partnership and these documents also stipulate that this partnership or company is constituted for the purpose of carrying on professional activities.

4. A member may carry on his professional activities within a partnership or company if he provides to the Order, prior to the exercising of his activities:

(1) The declaration referred to in section 5, duly completed on the form provided by the Order, along with a \$100.00 fee;

(2) A written document from a competent authority attesting that the partnership or company has taken out coverage in accordance with Division III;

(3) In the event that he practices within a joint-stock company, a written confirmation from a competent authority attesting to the existence of the joint-stock company;

(4) Where applicable, that he has provided a certified true copy of the declaration from the competent authority attesting to the continuance of the general partnership as a limited liability partnership;

(5) A written confirmation attesting that the partnership or company is duly registered in Quebec;

(6) A written confirmation attesting that the partnership or company maintains a place of business in Quebec;

(7) An irrevocable written authorization from the partnership or company within which the member practises, allowing a person, committee, disciplinary body, or tribunal referred to in section 192 of the Professional Code to obtain from any partner or shareholder any document referred to in section 13 or a copy thereof.

The member shall, however, be exempt from satisfying the conditions set out in the first paragraph if a representative of the partnership or company with which he has become associated has already fulfilled these conditions with the Order.

5. The declaration to be provided under subparagraph 1 of the first paragraph of section 4 shall contain the following information:

(1) The name of the partnership or company as well as those used in Québec by the partnership or company in which the member practises his profession and the business number granted by the competent authority for each of these partnerships or companies;

(2) The legal form of the partnership or company;

(3) The names of the members of the Order who practise within the partnership or company;

(4) His name, place of residence and the place where he mainly practises his profession;

(5) In the case where the member practises within a limited liability partnership, the addresses of the establishments in Québec of the partnership, specifying the address of the principal establishment, the names and residential addresses of all partners, their percentage of shares as well as some indication of their managerial duties, if applicable;

(6) In the case where the member practises within a joint-stock company, the address of the company's corporate seat and its establishments in Québec, the names and residential addresses of all shareholders, their percentage of voting and non-voting shares as well as some indication of their duties as directors, representatives and officers, if applicable;

(7) A written document certifying that the holding of company or partnership shares and that the administrative rules of the partnership or company satisfy the conditions set out in this Regulation.

6. The member shall:

(1) Update and provide, before March 31 of each year, the declaration prescribed in section 5;

(2) Promptly notify the Order of any change in the coverage prescribed in division III or in the information given in the declaration prescribed in section 5 that might violate the conditions set out in section 3.

7. Where more than one member carries on professional activities within a partnership or company, one representative and a substitute shall be appointed to act on behalf of all members practising therein in order to satisfy the conditions provided in sections 4 and 6. The representative shall ensure the accuracy of the information given in the declaration other than the information provided pursuant to paragraph 4 of section 5.

The representative and the substitute shall be members of the Order and carry on their professional activities in Québec within the partnership or company.

8. The representative shall provide the information and documents that the member is required to transmit to the Order and respond to requests made by the syndic, an inspector, an investigator or any other Order representative.

The representative shall receive all forms of communications from the Order addressed to the partnership or company.

DIVISION III SECURITY AGAINST THE PROFESSIONAL FAULT OF PARTNERSHIP OR COMPANY MEMBERS

9. The member who carries on his professional activities within a partnership or company must furnish and maintain, for the partnership or company, security against the professional liability of the partnership or company that may arise from fault or negligence on the part of the member in the practice of his profession within the partnership or company, by contributing to the professional liability insurance fund of the Ordre des dentistes du Québec.

10. The security shall provide the following minimum conditions:

(1) An undertaking by the insurer to pay on behalf of the partnership or company, over and above the amount of coverage the member must take out in accordance with the Regulation respecting compulsory contribution to the professional liability insurance fund of the Ordre des dentistes du Québec, approved by order-in-council no. 1750-89 on November 15 1989 and up to the amount of the coverage, any amount that the partnership or company may be legally bound to pay to third parties on a claim made during the period of coverage and arising from the member's fault or negligence in the practice of his profession with the partnership or company;

(2) An undertaking by the insurer to take up the cause of the partnership or company and defend it in any lawsuit launched against it and to pay, in addition to the amounts covered by the liability insurance, all legal costs of lawsuits against the partnership or company, including the investigation and defence costs and interest on the amount of the coverage;

(3) An undertaking that the coverage shall be not less than \$1,000,000 per incident and shall be for all claims against the partnership or company in the course of a secured period of not more than 12 months, regardless of the number of members in the partnership or company;

(4) The coverage shall be at least \$1,000,000 per claim and for the aggregate of claims made against the partnership or company in a 12 month period of coverage;

DIVISION IV

NAME OF THE PARTNERSHIP OR COMPANY

11. The dentist who carries on his profession within a joint-stock company is authorized to include in or after its name the words “firm of professionals governed by the Professional Code” or the abbreviation “FPGPC”.

12. The name of a limited liability partnership shall comply with section 187.13 of the Professional Code and section 36 of the Dental Act (R.S.Q., c. D-3).

SECTION V

ADDITIONAL INFORMATION

13. The documents which the member has been authorized by the partnership or company to communicate or copy in accordance with subsection 7 of section 4 are as follows:

(1) If the member practises within a limited liability partnership:

- (a) the partnership agreement and amendments;
- (b) the declaration of registration and any update thereof;
- (c) the up-to-date register of partners;
- (d) the complete and up-to-date register and residential address of the partners carrying on the duties of management within the partnership;

(2) If the member practises within a joint-stock company:

(a) the up-to-date register of the company’s articles and by-laws;

(b) the declaration of registration and any update thereof;

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

(d) any shareholder agreement, voting agreement and related amendments;

(e) the up-to-date register of directors;

(f) the name of the principal officers of the company and their residential address.

14. When a general partnership is continued as a limited liability partnership or the member’s activities are pursued within a joint-stock company, the member of the Order shall, within 15 days of the continuation or the constitution of the joint-stock company, publish a notice in a newspaper having general circulation in each place where the professional has a place of business. The notice shall specify the nature and consequences of the partnership’s or company’s change in status, particularly as concerns the member’s professional liability and the liability of the partnership or company.

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

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Gouvernement du Québec

O.C. 499-2008, 21 May 2008

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

Dentists

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of dentists

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 dentistes du Québec made the Regulation to amend the Code of ethics of dentists;

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 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 17 January 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 to amend the Code of ethics of dentists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of dentists*

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

1. The Code of ethics of dentists is amended by the insertion of the following, after section 1.02:

The last amendments to the Code of ethics of dentists (R.R.Q. 1981, c. D-3, r.4) where made under the Regulation approved by Order of Council number 580-2005 on June 15, 2005 (2005, *G.O.* 2, 2963). For prior amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated March 1, 2008.

1.03. The dentist must take reasonable measures to ensure that each person, employee, shareholder or partner involved with him in the practice of his profession complies with the Dental Act (R.S.Q., c. D-3), the Professional Code (R.S.Q., c. 26) and the regulations thereunder.

A dentist who practices his profession within a limited liability partnership or joint-stock company shall ensure the foregoing entity complies with the Dental Act, the Professional Code and the regulations thereunder.

1.04. The dentist's duties and obligations under the Dental Act, the Professional Code and the regulations thereunder are in no way changed or reduced by the fact that he practices the profession within a limited liability partnership or joint-stock company."

2. The Code is amended by inserting the following, after section 3.01.08:

3.01.09. The dentist must adequately supervise his employees."

3. Section 3.02.02 of the Code is amended by the insertion of the following, after the first paragraph:

"Similarly, he must avoid false representation with respect to the competence or efficacy of the services generally provided by the individuals exercising their professional activities within that same company."

4. Section 3.05.01 of the Code is replaced by the following section:

3.05.01. The dentist shall subordinate his personal interest as well as that of the limited liability partnership or joint-stock company in which he exercises his professional activities or in which he has an interest, to that of his patient."

5. Section 3.05.05 of the Code is replaced by the following:

3.05.05. The dentist shall refrain from:

1° Unduly seeking or obtaining profit from the prescribing of apparatuses, examinations, medications or treatments;

2° Granting, in the practice of his profession, any advantage, commission or rebate to any person whomsoever;

3° Accepting, in his capacity as a dentist or by using his title of dentist, any commission, rebate or material advantage other than customary expressions of thankfulness and gifts of modest value.

3.05.06. Where a partner, shareholder, director, officer or employee of a limited liability partnership or a joint-stock company in which the dentist exercises his professional activities or has interests, is in a conflict of interest, upon becoming aware thereof, the dentist shall take appropriate measures to ensure that any information or documents pertaining to professional secrecy shall not be disclosed to such partner, shareholder, director, officer or employee.

To determine the effectiveness of such measures, the following factors shall be taken into account:

1° The size of the limited liability partnership or joint-stock company;

2° The precautionary measures taken to prevent access to the dentist's records by the person in a conflict of interest;

3° The instructions given regarding the protection of the confidential information or documents related to this conflict of interest;

4° The relative isolation of the person in the conflict of interest.

3.05.07. The dentist shall not share his fees with anyone other than a dentist or individual, trust or company named in paragraph 1 or 2 of section 3 of the Regulation respecting the practice of the dental profession within a limited liability partnership or a joint-stock company, approved by Order of Council no. 498-2008 dated 21 May 2008.

Where a dentist exercises his professional activities within a limited liability partnership or a joint-stock company, the income resulting from the professional services that he has rendered within the foregoing entity and on behalf thereof, then belongs to this limited liability partnership or joint-stock company, unless otherwise agreed upon.

3.05.08. The dentist shall not participate in any agreement whereby the nature and the extent of the professional expenditures may influence the quality of his practice.

Similarly, the dentist shall not participate in any agreement with another dental health care professional whereby the nature and the extent of the professional expenditures of the latter may influence the quality of his practice.

Any agreement concluded by a dentist or a company of which he is a partner or shareholder and that pertains to the use of a building or space in which to carry out his professional activities must be in writing and include a statement by the parties, attesting that the obligations

stemming therefrom comply with the provisions of this Code, as well as a clause authorizing the Order of dentists to have access to this agreement on request.”.

6. Section 3.06.03 of the Code is amended by the insertion, in paragraph 3, after “the dentist,” of “or carrying out their activities within the same company where the dentist practices his profession.”.

7. The Code is amended by the insertion of the following, after section 3.10.03:

3.10.04. Where the dentist uses the logo of the Order for advertising purposes, he shall ensure that such advertising is not interpreted as advertising for the Order, and that it does not bind the Order in any way.”.

8. The Code is amended by the insertion of the following subparagraphs after section 4.02.01:

“(x) exercising his professional activities within a limited liability partnership or a joint-stock company, or having interests in such an entity with a person who, to the dentist's knowledge, performs acts that compromise the dignity of the dental profession;

(y) exercising his professional activities within a limited liability partnership or a joint-stock company, or having interests in such an entity, when a partner, shareholder, director, officer, or employee of such limited liability partnership or joint-stock company has been stricken off the roll for more than three (3) months or whose permit has been revoked, except insofar as the partner, shareholder, director, officer, or employee:

i. ceases to act, in the performance of his duties, as a director or officer within the limited liability partnership or joint-stock company within ten (10) days of the date on which the mandatory striking off or revocation of permit has become effective;

ii. ceases, if applicable, to attend any meeting of shareholders and to exercise his right to vote within ten (10) days of the date on which the mandatory striking off or revocation of permit has become effective;

iii. disposes of his voting shares or turns them over to a trustee within ten (10) days of the date on which the mandatory striking off or revocation of permit has become effective.”.

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

Gouvernement du Québec

O.C. 509-2008, 21 May 2008

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

**Pension Plans Review Committee
— Rules of proof and procedure**

In the matter of the Regulation to repeal the Rules of proof and procedure of the Pension Plans Review Committee

WHEREAS, in accordance with subparagraph 13 of the first paragraph of section 244 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Régie des rentes du Québec may, by regulation, determine the procedure for any matter within its competence, the applicable time limits and the required documents;

WHEREAS the Régie des rentes du Québec made the Rules of proof and procedure of the Pension Plans Review Committee on 11 September 1995;

WHEREAS, in accordance with the fourth paragraph of section 244 of the abovementioned Act, the regulations made by the Régie des rentes du Québec are submitted to the Government for approval;

WHEREAS the Rules of proof and procedure of the Pension Plans Review Committee were approved by Order in Council 267-96 dated 28 February 1996 [*G.O.* 2 (1996) 1528];

WHEREAS it is reasonable to repeal those rules;

WHEREAS pursuant to sections 10 and 11 of the Regulations Act (S.R.Q., c. R-18.1), a draft regulation to repeal those rules was published in part 2 of the *Gazette officielle du Québec* on 13 February 2008 with a notice that it could be submitted to the Government for approval upon expiry of a period of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without modification;

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

THAT the Regulation to repeal the Rules of proof and procedure of the Pension Plans Review Committee, attached hereto, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to repeal the Rules of proof and procedure of the Pension Plans Review Committee*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st par., subpar. 13)

1. The Rules of proof and procedure of the Pension Plans Review Committee are repealed.

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

8749

Gouvernement du Québec

O.C. 510-2008, 21 May 2008

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

**Occupational health and safety
— Amendments**

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

* The Rules of proof and procedure of the Pension Plans Review Committee, approved by Order in Council 267-96 dated 28 February 1996 [*G.O.* 2 (1996) 1528], have not been amended since they were approved.

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2007 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, at its sitting of 21 February 2008, the Commission made the Regulation to amend the Regulation respecting occupational health and safety without amendment;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety*

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 19, 42 and 2nd par.)

1. The Regulation respecting occupational health and safety is amended in section 1 by inserting the following after the definition of “impact noise”:

““instructor”: a person in charge of the practical training and communication of theoretical knowledge required for the acquisition of occupational skills;”

2. Section 242 is amended by replacing “6,8” in paragraph 3 by “4,3”.

3. The following is inserted after section 254:

“**254.1.** Training of the overhead travelling crane operator: An overhead travelling crane must be operated exclusively by an operator who has received theoretical and practical training given by an instructor.

The theoretical training must cover, among other things,

(1) a description of the different types of overhead travelling cranes and hoisting accessories used in the establishment;

(2) the workplace and how it affects the operation of the overhead travelling crane;

(3) the operations involved in operating the overhead travelling crane and hoisting accessories, such as using slings and control devices, signalling using the universal system, handling and moving loads, and any other manoeuvre necessary to the operation of the overhead travelling crane;

(4) the means of communication used in the operation of the overhead travelling crane;

(5) the inspection to verify the working order and proper functioning of the overhead travelling crane and hoisting accessories prior to operation by the operator; and

(6) the rules governing the operation of the overhead travelling crane, and the establishment’s directives regarding the work environment.

Practical training within the context of the second paragraph must be given in the workplace under conditions that do not expose the operator and other workers to hazards arising from the overhead travelling crane operation training. The training must also be of sufficient duration to enable the overhead travelling crane and hoisting accessories to be operated safely.

When the operation of the overhead travelling crane and hoisting accessories requires the presence of a signaller or slinger, those persons must also be given theoretical and practical training on the duties they are to perform.”

4. Section 349 is amended

(1) by replacing paragraph 6 by the following:

“(6) be free of knots, splices, except the terminations, and defects.”;

* The Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888), was last amended by the regulation approved by Order in Council 119-2008 dated 13 February 2008 (2008, *G.O.* 2, 682). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

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

“For the purposes of subparagraph 6 of the first paragraph, “splice” means rope strands that are interwoven to make a loop at the termination of the rope.”.

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

8750

Gouvernement du Québec

O.C. 511-2008, 21 May 2008

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1)

**Office Québec/Wallonie-Bruxelles pour la jeunesse
— Implementation of the Agreement regarding the
programs**

Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec/Wallonie-Bruxelles pour la jeunesse

WHEREAS under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), a person doing work under a project of any government, whether or not the person is a worker within the meaning of the Act, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission de la santé et de la sécurité du travail and the government, agency or legal person concerned;

WHEREAS the Commission de la santé et de la sécurité du travail and the Office Québec/Wallonie-Bruxelles pour la jeunesse have entered into such an agreement to consider the persons enrolled in programs established and administered by the agency as workers;

WHEREAS under section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission may make regulations to take the necessary measures for the implementation of such an agreement;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 224 of the Act respecting occupational health and safety and,

a draft of Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 3 October 2007, with a notice that on the expiry of 45 days following that publication it could be adopted by the Commission and submitted to the Government for approval;

WHEREAS the Commission, at its sitting of 21 February 2008, adopted the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec/Wallonie-Bruxelles pour la jeunesse, with amendments;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec/Wallonie-Bruxelles pour la jeunesse, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation respecting the implementation
of the Agreement regarding the programs
of the Office Québec/Wallonie-Bruxelles
pour la jeunesse**

An Act respecting occupational health and safety
(R.S.Q., c. S-2.1, s. 170 and s. 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) applies to persons who participate in the programs of the Office Québec/Wallonie-Bruxelles pour la jeunesse to the extent and on the conditions provided for in the Agreement between the agency and the Commission de la santé et de la sécurité du travail appearing as Schedule I.

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

SCHEDULE I**AGREEMENT****BETWEEN**

The OFFICE QUÉBEC/WALLONIE-BRUXELLES POUR LA JEUNESSE, having its head office at 11, boulevard René-Lévesque Est, Montréal, represented by Alfred Pilon, Joint Executive Secretary, duly authorized,

hereinafter called “THE AGENCY”

AND

The COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL, having its head office at 524, rue Bourdages, Québec, represented by Luc Meunier, Chair of the Board of Directors and Chief Executive Officer, duly authorized,

hereinafter called “THE COMMISSION”

UNDER SECTION 16 OF THE ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

WHEREAS the Agence Québec/Wallonie-Bruxelles pour la jeunesse was established under the Agreement signed on 31 May 1984 between the Gouvernement du Québec and the Executive of the Communauté française de Belgique concerning the Agence Québec/Wallonie-Bruxelles pour la jeunesse made pursuant to the cooperation agreement of 3 November 1982;

WHEREAS section 8 of the Act to recognize bodies promoting international exchanges for young people (R.S.Q., c. O-10) provides that the Agence Québec/Wallonie-Bruxelles pour la jeunesse is a legal person and that the agreement governing the Agence and any subsequent amendment made to it shall be published in the *Gazette officielle du Québec*;

WHEREAS sections 9 and 10 of that Act provides that the Agence Québec/Wallonie-Bruxelles pour la jeunesse shall have the rights and privileges of a mandatary of the State and the provisions of Title V of Book I of the Civil Code shall apply to the Agence;

WHEREAS, on 29 March 2007, the Gouvernement du Québec and the Government of the Communauté française de Belgique entered into a new agreement relating to the Agence Québec/Wallonie-Bruxelles pour la jeunesse, and under section 1 of the Agreement, the

Agence Québec/Wallonie-Bruxelles pour la jeunesse becomes the Office Québec/Wallonie-Bruxelles pour la jeunesse;

WHEREAS the Commission de la santé et de la sécurité du travail established under section 137 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1) is a legal person under section 138 of that Act;

WHEREAS, under section 170 of that Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the mission of the agency is to offer various individual or group training programs, designed as professional springboards to enable young people aged 18 to 35 to take part in an international initiative directly related to their field of studies, their sector of professional activity and their social involvement;

WHEREAS the agency has requested that the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) apply to trainees covered by this Agreement and that it intends to assume the obligations prescribed for employers;

WHEREAS section 16 of that Act provides that a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS that provision also provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement; accordingly, the Commission shall make regulations in order to give effect to an agreement extending the benefits of the Acts or regulations administered by it;

THEREFORE, THE PARTIES HEREBY AGREE TO THE FOLLOWING:

**CHAPTER 1
ENABLING PROVISION**

enabling provision 1.1 This Agreement is entered into under section 16 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A3.001), hereinafter called “the Act”.

CHAPTER 2
PURPOSES OF THE AGREEMENT

Purpose 2.1 The purposes of this Agreement are to provide for the application of the Act to trainees of the agency and to determine the respective obligations of the Office Québec/Wallonie-Bruxelles pour la jeunesse and the Commission de la santé et de la sécurité du travail on the conditions and to the extent set forth herein.

CHAPTER 3
DEFINITIONS

For the purposes of this Agreement,

“Commission” (a) Commission means the Commission de la santé et de la sécurité du travail;

“employment” (b) employment means, as the case may be, the remunerated employment the trainee has at the time the employment injury appears, that for which the trainee is registered with the Commission or, if the trainee has no remunerated employment or is not registered with the Commission at the time the injury appears, the trainees usual employment, the employment that could have been the trainee’s usual employment considering the trainee’s training, work experience and physical and intellectual capacity before the injury appeared;

“employment injury” (c) employment injury means an injury or a disease arising out of or in the course of an industrial accident or an occupational disease, including a recurrence, relapse or aggravation;

“agency” (d) agency means the Office Québec/Wallonie-Bruxelles pour la jeunesse;

“trainee” (e) trainee means a person who is doing work under the programs administered by the agency, in particular the programs provided for in the Schedule, except a person covered by section 10 or paragraph 4 of section 11 of the Act.

CHAPTER 4
OBLIGATIONS OF THE AGENCY

Employer 4.1 The agency is deemed to be the employer of any trainee covered by this Agreement.

Restrictions Despite the foregoing, the employer-employee relationship shall be recognized as such for the purposes of indemnity, assessment and imputation of the cost of benefits payable under the Act and shall not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

General obligations 4.2 As the employer, the agency is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents having occurred in the establishments within the meaning of the Act respecting occupational health and safety where the trainees are present and the obligation to notify the Commission, using the form prescribed by the Commission, that a trainee is unable to continue the program by reason of the employment injury.

Register of accidents Despite the foregoing, the agency is required to make the register available solely to the Commission.

Information At the request of the Commission, the agency shall send a description of the program and of the tasks or activities performed by the trainee at the time the employment injury appeared.

Exceptions 4.3 Despite section 4.2, section 32 of the Act pertaining to the dismissal, suspension or transfer of a worker, the practice of discrimination or the taking of reprisals against the worker, sections 179 and 180 concerning temporary assignment and Chapter VII of the Act respecting the right to return to work, do not apply to the agency.

First aid The agency shall see to it that first aid is given to a trainee who suffers an employment injury, in accordance with sections 190 and 191 of the Act, and pay the related costs.

<i>Payment of assessment</i>	4.4	The agency undertakes to pay the assessment calculated by the Commission in accordance with the Act and its regulations and the fixed administrative costs associated with each financial record. For the purposes of this Agreement and from the coming into force of section 315.1 of the Act, the agency is also required to make periodic payments in accordance with that section.	<i>Description of programs</i>	4.8	The agency shall send to the Commission, upon the coming into force of this Agreement, a description of the programs provided for in the Schedule.
			<i>New program or amendment</i>		Every new program or every subsequent amendment to a program provided for in the Schedule shall be sent so as to determine whether to include it or retain it under this Agreement.
<i>Assessment</i>	4.5	For assessment purposes, the agency is deemed to pay wages that correspond, as the case may be, to the annual gross employment income of each trainee at the time the trainee registered in a program provided for in the Schedule, to the employment insurance benefits received by the trainee or to the minimum wage, if the trainee has no other employment income.	CHAPTER 5 OBLIGATIONS OF THE COMMISSION		
			<i>Worker status</i>	5.1	The Commission shall consider a trainee covered by this Agreement to be a worker within the meaning of the Act, except in respect of travel between Québec and the country where the training period will be carried out.
<i>Minimum</i>		The assessment is based on the wages that the agency is deemed to pay and on the length of the training period. However, the wages that the agency is deemed to pay may not in any case be less than \$2,000 per trainee.	<i>Indemnity</i>	5.2	A trainee who suffers an employment injury is entitled to an income replacement indemnity from the first day following the beginning of the trainee's inability to carry on employment by reason of the employment injury.
<i>Annual statement</i>	4.6	The agency shall send to the Commission, before 15 March, a statement setting out, in particular, the amount of gross wages, calculated on the basis of the length of the training period, paid to the trainees during the preceding calendar year. For an assessment year preceding the year in which section 315.1 of the Act comes into force, the agency shall also include in that statement an estimate of the gross wages calculated on the basis of the length of the training period of the trainees registered or likely to be registered for a training period during the current calendar year.	<i>Payment</i>		Despite section 60 of the Act, the Commission shall pay to such a trainee the income replacement indemnity to which the trainee is entitled.
			<i>Computation of the indemnity</i>	5.3	For the purpose of computing the income replacement indemnity, the trainee's gross annual employment income is, as the case may be, that which the trainee derives from the remunerated employment the trainee has at the time the employment injury appears, that which corresponds to the employment insurance benefits received, that for which the trainee is registered with the Commission or, if the trainee is unemployed or a self-employed worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) and the regular work week referred to in section 52 of the Act respecting labour standards (R.S.Q., c. N-1.1), as they read on the date on which they are to be applied when the injury appears.
<i>Register</i>	4.7	The agency shall keep a detailed register of the names and addresses of the trainees and, if the trainees are employed during their training period, the names and addresses of their respective employers.			
<i>Availability</i>		The agency shall put the register at the disposal of the Commission if the latter so requires.			

Recurrence, relapse or aggravation

In the event of a recurrence, a relapse or an aggravation, when the trainee has a remunerated employment, the gross annual income is, for the purpose of computing the income replacement indemnity, established in accordance with section 70 of the Act. However, if the trainee is unemployed at the time of the recurrence, relapse or aggravation, the gross annual income is that which the trainee derived from employment out of or in the course of which the employment injury appeared; that gross income is revalorized on 1 January of each year from the date the trainee ceased to hold the employment.

Financial records

- 5.4 At the request of the agency, the Commission shall open a special financial record for each program provided for in the Schedule.

Unit of activity

Such record shall be classified in the unit corresponding to the activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after this Agreement is signed, in a unit corresponding to those activities.

CHAPTER 6 MISCELLANEOUS

Monitoring of progress of agreement

- 6.1 Within 15 days of the coming into force of this Agreement, both the Commission and the agency shall designate a person responsible for monitoring the progress of this Agreement.

Addresses for notices

- 6.2 Every notice prescribed by this Agreement shall be sent to the Commission and agency to the following persons and at the following addresses:

(a) Le Secrétaire de la Commission
Commission de la santé et de la sécurité
du travail
1199, rue de Bleury, 14^e étage
Montréal (Québec) H3C 4E1;

(b) Le Secrétaire général de l'Office
Office Québec/Wallonie-Bruxelles pour
la jeunesse
11, boulevard René-Lévesque Est, bureau 100
Montréal (Québec) H2X 3Z6.

CHAPTER 7 COMING INTO FORCE, TERM, AMENDMENT AND CANCELLATION

Taking effect 7.1 This Agreement takes effect on the date of coming into force of the Regulation adopted by the Commission under sections 170 and 223 of the Act respecting occupational health and safety to give it effect.

Term This Agreement remains in force until 31 December 2008.

Tacit renewal 7.2 It shall subsequently be renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the end of the term, a notice in writing indicating that the party intends to terminate or make amendments to the Agreement.

Amendments 7.3 In the latter case, the notice shall contain the amendments which the party wishes to make.

Renewal The sending of such a notice shall not preclude the tacit renewal of this Agreement for a period of one year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement ends, without further notice, at the end of the period of tacit renewal.

Mutual agreement – amendments 7.4 The parties may amend this Agreement by mutual agreement at any time.

Non-compliance 7.5 If the agency fails to comply with any of its obligations, the Commission may request that the agency remedy that failure within a period set by the Commission. Should the failure not be remedied within the period set, the Commission may cancel this Agreement unilaterally upon written notice.

Date 7.6 The Agreement is then cancelled on the date the notice in writing was sent.

Mutual agreement – cancellation 7.7 The parties may cancel this Agreement by mutual agreement at any time.

<i>Financial adjustments</i>	7.8	In the event of cancellation, the Commission shall make financial adjustments on the basis of the amounts payable under this Agreement.
<i>Amount due</i>		Any amount due after the financial adjustments have been made is payable on the due date appearing on the notice of assessment.
<i>Damages</i>	7.9	In the event of cancellation, neither party shall be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

At Québec, this Friday,
fourteenth (14th) day of
December 2007.

At Québec, this eighteenth
(18th) day of
December 2007.

ALFRED PILON
*Secretary General
Office Québec/
Wallonie-Bruxelles
pour la jeunesse*

LUC MEUNIER
*Chair of the Board of
Directors and
Chief Executive Officer
Commission de la santé et
de la sécurité du travail*

SCHEDULE

List of programs

— Training programs in the workplace outside Québec:

- cursus;
- curriculum.

8751

Draft Regulations

Draft Regulation

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

Competency test in the safe practice of the sport of target shooting with firearms

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 competency test in the safe practice of the sport of target shooting with firearms, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation determines the subjects covered by the competency test.

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 competency test in the safe practice of the sport of target shooting with firearms

An Act respecting safety in sports
(R.S.Q., c. S-3.1, s. 46.42; 2007, c. 30, s. 14)

1. The competency test in the safe practice of the sport of target shooting with restricted firearms or prohibited firearms consists of a theoretical component and a practical component.

2. The theoretical component deals with relevant knowledge of Québec legislation and regulations, that is,

— in respect of legislation,

(1) the Act to protect persons with regard to activities involving firearms (2007, c. 30); and

(2) the Act respecting safety in sports; and

— in respect of regulations,

(1) the Regulation respecting the exclusion of certain premises and certain means of transportation and respecting the exemption of certain persons, made by Order in Council (*insert the number of the Order in Council making the Regulation*) dated (*insert the date on which the Regulation was made*);

(2) the Regulation respecting the register of use of shooting ranges, made by Order in Council (*insert the number of the Order in Council making the Regulation*) dated (*insert the date on which the Regulation was made*);

(3) the Regulation respecting the competency test in the safe practice of the sport of target shooting with firearms, made by Order in Council (*insert the number of the Order in Council making the Regulation*) dated (*insert the date on which the Regulation was made*); and

(4) the safety regulations of the shooting club of which a person is a member or the federation with which the club is affiliated, adopted under section 26 of the Act respecting safety in sports.

3. The practical component involves the handling of firearms to evaluate the shooter in respect of

(1) the shooter's conduct at the firing line;

(2) the shooter's respect for the safety officer's authority;

(3) the use of required equipment;

(4) the loading and unloading of firearms; and

(5) the manner in which the shooter cleans firearms.

That component also includes a firing exercise of at least 20 shots using real ammunition.

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

Draft Regulation

Educational Childcare Act
(R.S.Q., c. S-4.1.1)

Reduced contribution — 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 Reduced Contribution Regulation may be submitted to the Government to be made on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to specify the terms and conditions applicable to the payment of the reduced contribution by eligible parents. It also specifies the services that must then be provided by the childcare provider.

The draft Regulation also changes the procedure to determine the eligibility of a parent for the reduced contribution.

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

Further information may be obtained by contacting Anne-Marie Bouthillier, Agence des services à la famille, office of the Associate Deputy Minister, 425, rue Saint-Amable, Québec (Québec) G1R 4Z1; telephone: 418 643-3170; fax: 418 643-8670.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Families, 425, rue Saint-Amable, Québec (Québec) G1R 4Z1.

MICHELLE COURCHESNE,
Minister of Families

Regulation to amend the Reduced Contribution Regulation *

Educational Childcare Act
(R.S.Q., c. S-4.1.1, ss. 82 to 84, 86, 106, pars. 25 to 28, and s. 108)

1. The Reduced Contribution Regulation is amended by replacing section 5 by the following:

“**5.** The reduced contribution is set at \$7 per day. The contribution is to be paid monthly or at fixed intervals of less than one month, in approximately equal instalments.”.

2. Subparagraph 4 of the first paragraph of section 6 is replaced by the following:

“(4) subject to section 10, all the educational material used and any other good or service put at the disposal of or offered or provided by any person to the children received by the childcare provider, while the childcare is provided.”.

3. Subparagraph 2 of the first paragraph of section 7 is replaced by the following:

“(2) subject to section 10, all the educational material used and any other good or service put at the disposal of or offered or provided by any person to the children received by the childcare provider, while the childcare is provided.”.

4. Section 8 is replaced by the following:

“**8.** A childcare provider must fulfil the obligations in sections 6, 7 and 12 by taking into account the organization of the services and the days of attendance required for the child and by providing the parent with hours of childcare corresponding to the parent’s childcare needs and apportioned over all the operating hours of the provider.

However, the holder of a childcare centre permit or day care centre permit must ensure that services are provided at least from 7:00 a.m. to 6:00 p.m.”.

5. The following is added after section 8:

“**8.1.** The Minister may, upon application by a permit holder, agree with the permit holder on a schedule different from the schedule prescribed under the second paragraph of section 8. The Minister is to take the following criteria into account in assessing such an application:

- (1) the needs of the parents concerned;
- (2) the childcare services offered by other permit holders in the territory served by the applicant; and
- (3) the quality of the organization of the childcare services.

The applicant must, upon request, provide the Minister with the information and documents required to assess the application.”.

* The Reduced Contribution Regulation, made by Order in Council 583-2006 dated 20 June 2006 (2006, G.O. 2, 2185), has not been amended.

6. The first paragraph of section 9 is replaced by the following:

“9. A parent must agree with the childcare provider, in a written agreement, on the childcare services required for the child, on whether they are to be provided on a day or half-day basis, on the days of attendance required and, within the limits set in sections 6 to 8.1, on the hours of childcare that meet the parent’s childcare needs.”.

7. Section 10 is replaced by the following:

“10. No childcare provider may, directly or indirectly, require or receive costs or a contribution from a parent in addition to those set by this Regulation for any activity organized, item furnished or service offered during the hours in which the childcare referred to in sections 6, 7 and 12 is provided.

That prohibition does not apply to

(1) occasional outings organized in connection with an educational activity;

(2) outings in which the child may participate that are intended to allow children to attend sport or recreational facilities unavailable in the childcare provider’s facility and put at their disposal by a person other than the childcare provider, a person to whom the provider is related within the meaning of section 3 of the Act or one of the childcare provider’s employees, and for which the childcare provider incurs costs;

(3) personal hygiene items furnished to a child for which costs are incurred by the childcare provider; or

(4) a meal other than a meal provided pursuant to section 6.

In the above cases, the childcare provider must give the parent, with the childcare services agreement referred to in section 9,

(1) a detailed description of the outings, if they are known at the time the childcare services agreement is signed, otherwise as soon as they become known, and the amount of the related costs; and

(2) a detailed description of the personal hygiene items and meals for which the childcare provider requires costs, and the amount thereof.

If the parent accepts, the parties are to agree in a special agreement. If the parent refuses, the childcare provider must provide the child with the educational

services to which the child is entitled. However, the latter obligation does not apply to a home childcare provider who organizes occasional outings.”.

8. Section 11 is amended by replacing “the Employment-Assistance Program under the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001)” by “the Social Assistance Program or the Social Solidarity Program under the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1)”.

9. Section 12 is amended

(1) by replacing “The first paragraph of section 6 applies” in the second paragraph by “The first paragraph of section 6 and section 8 apply”;

(2) by replacing subparagraph 2 of the third paragraph by the following:

“(2) subject to section 10, all the educational material used and any other good or service put at the disposal of or offered or provided by any person to the children received by the childcare provider, while the childcare is provided.”.

10. Section 14 is amended by replacing “the Employment-Assistance Program established under the Act respecting income support, employment assistance and social solidarity” in the fourth paragraph by “the Social Assistance Program or the Social Solidarity Program under the Individual and Family Assistance Act (R.S.Q., c. A-13.1.1)”.

11. The following paragraph is added at the end of section 18:

“However, if the childcare provider is a home childcare provider, the decision takes effect on the date on which the childcare is provided, which cannot be more than 10 days prior to the date of the decision.”.

12. This Regulation comes into force on (*enter the 15th day following its publication in the Gazette officielle du Québec*).

8753

Draft Regulation

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3)

Financial assistance for education expenses — 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 financial assistance for education expenses, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is mainly to increase certain allowable expenses for the purpose of computing the amount of financial assistance for education expenses. Further amendments are proposed to provide financial support to students who, episodically, cannot pursue full-time studies due to major and permanent health problems.

Further information may be obtained by contacting Daniel Simpson, Director, Direction de la planification, des programmes et des systèmes administratifs, Aide financière aux études, Ministère de l'Éducation, du Loisir et du Sport, 1035, rue De La Chevrotière, 20^e étage, Québec (Québec) G1R 5A5; telephone: 418 643-6276.

Any person wishing to comment on the draft Regulation is requested to submit written comments to the Minister of Education, Recreation and Sports, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5, within the 45-day period.

MICHELLE COURCHESNE,
*Minister of Education,
Recreation and Sports*

Regulation to amend the Regulation respecting financial assistance for education expenses *

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3, s. 57)

1. The Regulation respecting financial assistance for education expenses is amended by replacing “\$2,660 is granted for the student and an exemption of \$2,650 is granted” in the second paragraph of section 17 by “\$2,705 is granted for the student and”.

2. Section 26 is amended by replacing “\$168” in the second paragraph by “\$170”.

3. Section 27 is amended by adding the following at the end:

“(6) cannot pursue full-time studies for more than one month due to serious episodic disorders resulting from major and permanent physical or mental health problems attested to in a medical certificate.”.

4. Section 29 is amended by replacing the amounts set out respectively in subparagraphs 1 to 6 of the third paragraph by the following:

- (1) “\$167”;
- (2) “\$167”;
- (3) “\$193”;
- (4) “\$370”;
- (5) “\$421”;
- (6) “\$193”.

5. Section 32 is amended

(1) by replacing “\$332” and “\$730” in the first paragraph by “\$337” and “\$740”;

(2) by replacing “\$128”, “\$204”, “\$526” and “\$204” in the second paragraph by “\$130”, “\$207”, “\$533” and “\$207”.

* The Regulation respecting financial assistance for education expenses, made by Order in Council 344-2004 dated 7 April 2004 (2004, *G.O.* 2, 1211), was last amended by the regulation made by Order in Council 698-2007 dated 22 August 2007 (2007, *G.O.* 2, 2395A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

6. Section 33 is amended

(1) by replacing “\$59” in the first paragraph by “\$60”;

(2) by replacing “\$169” in the second paragraph by “\$171”.

7. Section 34 is amended by replacing “\$248” and “\$1,152” in the first paragraph by “\$251” and “\$1,168”.

8. Section 35 is amended by replacing “\$85” in the second paragraph by “\$86”.

9. Section 37 is amended by replacing “\$221” in the fifth paragraph by “\$225”.

10. Section 40 is amended by replacing “\$64” and “\$512” in the first paragraph by “\$65” and “\$520”.

11. Section 46 is amended by adding the following at the end of the first paragraph:

“(5) cannot pursue full-time studies for more than one month due to serious episodic disorders resulting from major and permanent physical or mental health problems attested to in a medical certificate.”.

12. Section 50 is amended

(1) by replacing the amounts set out respectively in subparagraphs 1 to 3 of the first paragraph by the following:

- (1) “\$13,252”;
- (2) “\$13,252”;
- (3) “\$15,874”;

(2) by replacing the amounts set out respectively in subparagraphs 1 to 3 of the second paragraph by the following:

- (1) “\$3,571”;
- (2) “\$4,519”;
- (3) “\$5,472”.

13. Section 74 is amended by replacing “\$221” and “\$112” in the second paragraph by “\$225” and “\$114”.

14. Section 82 is amended

(1) by replacing “\$2,600 for the first child and by \$2,400 for each other” in the first sentence of the third paragraph by “\$2,705 for each”;

(2) by replacing “\$1,995” in the second sentence of the third paragraph by “\$2,052”.

15. Section 86 is amended

(1) by replacing the amounts set out respectively in subparagraphs 1 to 3 of the first paragraph by the following:

- (1) “\$2.03”;
- (2) “\$3.04”;
- (3) “\$102.89”;

(2) by replacing “\$10” in the second paragraph by “\$10.14”.

16. Despite the amendments made to section 50 of the Regulation respecting financial assistance for education expenses by Order in Council 698-2007 dated 22 August 2007 and despite section 12 of this Regulation, the amount allocated under subparagraph 3 of the first paragraph of section 50 of the Regulation respecting financial assistance for education expenses is as follows:

- (1) for the 2008-2009 year of allocation: \$15,574;
- (2) for the 2009-2010 year of allocation: \$15,674;
- (3) for the 2010-2011 year of allocation: \$15,774.

17. Despite the amendments made to section 86 of the Regulation respecting financial assistance for education expenses by Order in Council 698-2007 dated 22 August 2007 and despite section 15 of this Regulation, the amount allocated under subparagraph 3 of the first paragraph of section 86 of the Regulation respecting financial assistance for education expenses is as follows:

- (1) for the 2008-2009 year of allocation: \$92.90 per credit;
- (2) for the 2009-2010 year of allocation: \$96.23 per credit;
- (3) for the 2010-2011 year of allocation: \$99.56 per credit.

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

8752

Decisions

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Exercise of the duties of officer assigned to the list of electors for the by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, as replaced by the agreement entered into under section 489 of the said Act, concerning the exercise of the duties of officer assigned to the list of electors for the by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull

WHEREAS Order-in-Council number 346-2008, issued on April 9, 2008, enjoined the Chief Electoral Officer to hold by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull on May 12, 2008.

WHEREAS the Chief Electoral Officer and the leaders of the authorized parties represented at the National Assembly signed an agreement in March 2008 (hereinafter referred to as “the agreement”) in accordance with section 489 of the Election Act (R.S.Q., c. E-3.3), concerning the appointment of a single officer assigned to the list of electors at each polling station for the by-elections in the electoral divisions of Bourget and Pointe-aux-Trembles;

WHEREAS the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly signed an addendum to the agreement in April 2008, stipulating that the provisions of the agreement should also apply to the by-election held in the electoral division of Hull;

WHEREAS section 310.1 of the Election Act, as replaced by the agreement, stipulates that, in every polling station, the returning officer shall appoint one person to act as officer assigned to the list of electors, as recommended by the candidate of the authorized party that came third at the last election;

WHEREAS the number of officers assigned to the list of electors available on polling day in the electoral division of Hull is insufficient to comply with the provisions of section 310.1 of the Election Act as replaced by the agreement;

WHEREAS the number of officers assigned to the list of electors currently available on polling day in the electoral divisions of Bourget and Pointe-aux-Trembles may not be sufficient to comply with the provisions of section 310.1 of the Election Act as replaced by the agreement if any of the persons appointed to perform the duties of officer assigned to the list of electors decide to withdraw;

WHEREAS special measures may be taken by the returning officers concerned on polling day if it is not possible to place one person assigned to the list of electors at each polling station;

WHEREAS section 490 of the Election Act, as replaced by the agreement, allows the Chief Electoral Officer to adapt a provision of the Act or of the agreement if it comes to his attention that the said provision does not meet the demands of the situation subsequent to an exceptional circumstance;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented at the National Assembly of his intention to use the provisions of the said section, and has taken the necessary steps to inform the other authorized parties, candidates and electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act as replaced by the agreement, has decided to adapt section 310.1 of the Election Act as replaced by the agreement, in order to allow the returning officers in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull to ask the deputy returning officer and poll clerk to perform the duties of officer assigned to the list of electors if it is impossible to ensure the presence of an officer at a polling station.

This decision shall come into force on May 8, 2008

Québec, 8 May 2008

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

8755

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Exercise of voting rights by election officers during by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the exercise of voting rights by election officers during by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull

WHEREAS Order-in-Council number 346-2008, issued on April 9, 2008, enjoined the Chief Electoral Officer to hold by-elections in the electoral divisions of Bourget, Pointe-aux-Trembles and Hull on May 12, 2008;

WHEREAS difficulties were encountered with regard to the recruitment of the election officers required to hold the poll;

WHEREAS election officers who were recruited these last days did not exercise their right to vote during the advance poll or during voting at the office of the returning officer;

WHEREAS these election officers cannot leave their positions on polling day to exercise their right to vote in the polling subdivision in which their domicile is located;

WHEREAS provisions are required to enable these election officers to exercise their right to vote;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 340 and the Voting Regulation as follows:

1. The returning officer or his deputy shall issue an authorization to vote to the elector who is an election officer in the electoral division of his domicile, who is entered on the list of electors of this electoral division but that his name does not appear on the list of electors of one of the polling station for which he exercises his functions and who has not exercised his right to vote during the advance poll or during voting at the office of the returning officer.

2. The authorization to vote shall be issued to the election officers concerned by the officer in charge of information and order.

3. An election officer who has obtained an authorization shall present it to the deputy returning officer and declare under oath:

a) that he is indeed the person who obtained it;

b) that he did not exercise his right to vote in the advance poll or at the office of the returning officer because he intended to vote on polling day.

This decision shall come into force on May 12, 2008.

Québec, 12 May 2008

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

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

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