

Gazette
officielle

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Québec

Part

2

No. 37

10 September 2008

Laws and Regulations

Volume 140

Summary

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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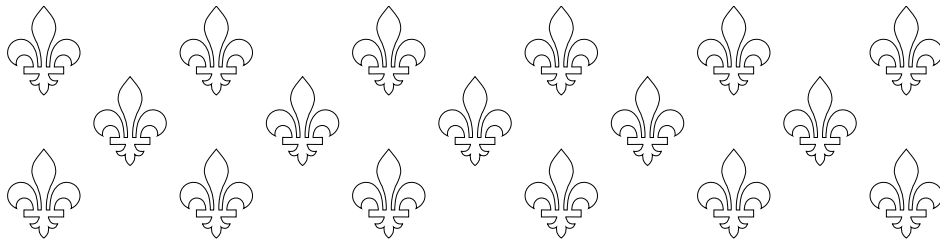
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 214

(Private)

**An Act respecting the Régie
intermunicipale des infrastructures
portuaires de Trois-Pistoles et Les
Escoumins**

Introduced 7 May 2008

Passed in principle 18 June 2008

Passed 18 June 2008

Assented to 20 June 2008

**Québec Official Publisher
2008**

Bill 214

(Private)

AN ACT RESPECTING THE RÉGIE INTERMUNICIPALE DES INFRASTRUCTURES PORTUAIRES DE TROIS-PISTOLES ET LES ESCOUMINS

AS it is necessary that the Régie intermunicipale des infrastructures portuaires de Trois-Pistoles et Les Escoumins be granted certain powers;

AS it is expedient to authorize the Régie to hold a majority interest in a legal person engaged in marine transport for the purpose of providing ferry service between the wharves of Trois-Pistoles and Les Escoumins;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the Régie intermunicipale des infrastructures portuaires de Trois-Pistoles et Les Escoumins may participate as a majority shareholder in a legal person engaged in marine transport for the purpose of providing ferry service between the wharves of Trois-Pistoles and Les Escoumins.

Sections 29.3 and 573 to 573.3.4 of the Cities and Towns Act (R.S.Q., chapter C-19) apply, with the necessary modifications, to the legal person described in the first paragraph if the Régie is its majority shareholder. The legal person is then considered a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).

2. This Act comes into force on 20 June 2008.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 215
(Private)

An Act respecting Ville de Sherbrooke

Introduced 7 May 2008
Passed in principle 18 June 2008
Passed 18 June 2008
Assented to 20 June 2008

Québec Official Publisher
2008

Bill 215

(Private)

AN ACT RESPECTING VILLE DE SHERBROOKE

AS it is expedient to grant Ville de Sherbrooke certain powers relating to the Centre récréotouristique Montjoye;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Order in Council 850-2001 dated 4 July 2001 concerning Ville de Sherbrooke, amended by Orders in Council 1475-2001 dated 12 December 2001, 509-2002 dated 1 May 2002 and 1078-2002 dated 18 September 2002 and by chapters 37, 68 and 77 of the statutes of 2002, chapter 19 of the statutes of 2003, chapters 20 and 56 of the statutes of 2004, chapter 28 of the statutes of 2005 and chapter 60 of the statutes of 2006, is again amended by inserting the following section after section 56:

“56.1. The city may own the Centre récréotouristique Montjoye situated in Canton de Hatley and operate the Centre as if it were situated on the city’s territory.”

2. This Act comes into force on 20 June 2008.

Regulations and other acts

Gouvernement du Québec

O.C. 805-2008, 27 August 2008

An Act respecting the Régie des alcools, des courses et des jeux
(R.S.Q., c. R-6.1)

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

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

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

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

WHEREAS, in its plenary session of 18 June 2008, the board decided, in the public interest, to suspend the issue of video lottery machine site operator's licences for all of the territory of Québec for a period of one year, beginning on the date on which the suspension measure becomes effective, and to exempt from the application of that measure certain licence applications;

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

WHEREAS it is expedient to approve the suspension measure;

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

THAT the suspension measure concerning the issue of video lottery machine site operator's licences, taken by the Régie des alcools, des courses et des jeux in its plenary session of 18 June 2008, and attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Decision – Number 1 (2008-2009)

Suspension of the issue of video lottery machine site operator's licences for the 2008-2009 period

WHEREAS the board is the body responsible for issuing video lottery machine licences;

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

WHEREAS, since 15 March 2002, the board suspended the issue of video lottery machine site operator's licences according to various texts applicable to the relevant periods, and the last measure taken for one year expires on 11 September 2008;

WHEREAS the government departments and bodies concerned by games of chance and money worked together to implement various measures to reduce gaming problems among video lottery machine players;

WHEREAS it is necessary and in the public interest for the board to once again suspend the issue of video lottery machine site operator's licences so as to prevent an increase in gaming availability and to enable the implementation of government action on pathological gambling;

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

THEREFORE, the board, meeting in plenary session on 18 June 2008, decided to suspend the issue of video lottery machine site operator's licences for all of the territory of Québec for a period of one year, beginning on the date on which this suspension measure becomes effective.

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

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

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

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

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

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

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

Québec/Montréal, 18 June 2008

FRANÇOIS CÔTÉ,
Secretary of the board

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Gouvernement du Québec

O.C. 828-2008, 27 August 2008

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

Services automobiles – Québec — Levy Regulation of the Comité conjoint — Amendments

REGULATION to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec

WHEREAS, in accordance with subparagraph *i* of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government approved the Levy Regulation of the Joint Committee on automotive services of the Québec region by Order in Council 51-96 dated 16 January 1996;

WHEREAS, under section 18 of the Act respecting collective agreement decrees, the committee determines the name under which it is to be designated;

WHEREAS, to replace the name of the Comité conjoint sur les services automobiles de la région de Québec by Comité paritaire de l'industrie des services automobiles de la région de Québec, the board of directors of the Comité conjoint sur les services automobiles de la région de Québec adopted the Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec at its regular meeting held on 28 August 2007;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R18.1), the Regulation to amend various regulations of the Comité conjoint sur les services automobiles de la région de Québec was published in Part 2 of the *Gazette officielle du Québec* of 28 November 2007 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec, attached hereto, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec *

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 22, 2nd par., subpar. i)

1. The Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec is amended by replacing “conjoint sur les” in the title by “paritaire de l’industrie des”.
2. Section 2 is amended by replacing “Joint Committee on automotive services of the Québec region” by “Comité paritaire de l’industrie des services automobiles de la région de Québec”.
3. Sections 3 and 4 are amended by replacing “Joint Committee” by “Comité”.
4. Section 5 is amended by replacing “Joint Committee” in each paragraph by “Comité”.
5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8926

Gouvernement du Québec

O.C. 850-2008, 3 September 2008

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

Reduced contribution — Amendments

Regulation to amend the Reduced Contribution
Regulation

WHEREAS the Government made the Reduced Contribution Regulation by Order in Council 583-2006 dated 20 June 2006;

WHEREAS it is expedient to amend the Regulation;

WHEREAS sections 82 to 84 and 86 and paragraphs 25 to 28 of section 106 of the Educational Childcare Act (R.S.Q., c. S-4.1.1) authorize the Government to set, for the services it determines, the contribution to be paid by a parent for the services in consideration of the payment of the contribution, determine the terms and conditions for payment of the reduced contribution, and the age class or group, the type and duration of childcare services to which the parental contribution set by the Government applies;

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 4 June 2008 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Reduced Contribution Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Reduced Contribution Regulation *

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

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. Section 6 is amended by replacing subparagraph 4 of the first paragraph by the following:

* The Regulation to amend the Levy Regulation of the Joint Committee on automotive services of the Québec region, approved by Order in Council 51-96 dated 16 January 1996 (1996, *G.O.* 2, 998) was amended once by the regulation approved by Order in Council 501-2002 dated 24 April 2002 (2002, *G.O.* 2, 2322).

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

“(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. Section 7 is amended by replacing subparagraph 2 of the first 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.”.

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, on 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; and

(2) the childcare services offered by other permit holders in the territory served by the applicant.

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

6. Section 9 is amended by replacing the first paragraph 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 in which the child may participate and for which costs are incurred by the childcare provider;

(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 costs are incurred by the childcare provider;

(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 of those costs.

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 1 November 2008.

8932

Gouvernement du Québec

O.C. 860-2008, 3 September 2008

An Act respecting parental insurance
(R.S.Q., c. A-29.011)

**Premium rates under the parental insurance plan
— Amendment**

Regulation to amend the Regulation respecting premium rates under the parental insurance plan

WHEREAS section 6 of the Act respecting parental insurance (R.S.Q., c. A-29.011) provides that the Conseil de gestion de l'assurance parentale may, by regulation, set the premium rates under the parental insurance plan applicable to an employee or a person referred to in section 51 of the Act respecting parental insurance, to an employer and to a self-employed worker;

WHEREAS section 88 of the Act provides that the regulations of the Conseil de gestion require the approval of the Government, which may approve them with or without amendment;

WHEREAS the Regulation respecting premium rates under the parental insurance plan was made by Order in Council 985-2005 dated 19 October 2005 and last amended by Order in Council 783-2007 dated 12 September 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 to amend the Regulation respecting premium rates under the parental insurance plan, made by the Conseil de gestion, was published in the *Gazette officielle du Québec* of 18 June 2008, with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting premium rates under the parental insurance plan, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting premium rates under
the parental insurance plan ***

An Act respecting parental insurance
(R.S.Q., c. A-29.011, s. 6)

1. The Regulation respecting premium rates under the parental insurance plan is amended by replacing section 1 by the following:

“**1.** The premium rate applicable to an employee and to a person referred to in section 51 of the Act is 0.484%.

* The Regulation respecting premium rates under the parental insurance plan, made by Order in Council 985-2005 dated 19 October 2005 (2005, *G.O.* 2, 4742), was last amended by the regulation made by Order in Council 783-2007 dated 12 September 2007 (2007, *G.O.* 2, 2529A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

The premium rate applicable to a self-employed worker is 0.860%.

The premium rate applicable to an employer is 0.677%.”.

2. This Regulation comes into force on 1 January 2009.

8931

Gouvernement du Québec

O.C. 861-2008, 3 September 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, in accordance with 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, under 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 2 July 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;

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 to this Order in Council, 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 and 9, s. 132, pars. 1, 3, 4, 6, 7 and 10, 134, par. 1, and s. 136)

1. The Individual and Family Assistance Regulation is amended in section 12 by adding “or a tutor appointed by the court under section 70.1 of the Youth Protection Act (R.S.Q., c. P-34.1), enacted by section 36 of chapter 34 of the Statutes of 2006” after “foster family”.

2. Section 19 is amended by replacing “or a foster family” in subparagraph 2 of the second paragraph by “, a foster family or a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006, unless the child was a dependant of the tutor in the month preceding the month of the tutor’s appointment,”.

3. Section 42 is amended by adding the following at the end of the first paragraph: “The foregoing also applies to a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006, in respect of the child under tutorship.”.

4. Section 50 is amended by replacing “or parental” in the first paragraph by “, parental or compassionate care”.

5. The following is added after section 63:

“**63.1.** A temporarily limited capacity allowance is added to the basic benefit if an independent adult or an adult member of a family has charge of a child for whom he or she was appointed tutor by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006.”.

6. Section 72 is amended by replacing what follows “foster family” in the second paragraph by “, sheltered by an institution operating a rehabilitation centre or taken in charge by a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006.”.

* 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 regulations made by Orders in Council 1064-2007 dated 28 November 2007 (2007, *G.O.* 2, 3688), 456-2008 dated 7 May 2008 (2008, *G.O.* 2, 1333) and 573-2008 dated 3 June 2008 (2008, *G.O.* 2, 2123). For previous amendments, refer to the *Tableau des modifications et Index Sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

7. Section 73 is amended by replacing what follows “foster family” in the second paragraph by “, sheltered by an institution operating a rehabilitation centre or taken in charge by a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006.”.

8. Section 111 is amended

(1) by inserting the following after paragraph 3:

“(3.1) sums received by a tutor appointed by the court under section 70.1 of the Youth Protection Act, enacted by section 36 of chapter 34 of the Statutes of 2006, to take in charge a child;”;

(2) by striking out all that follows “tax credits” in paragraph 12;

(3) by adding the following paragraphs at the end:

“(29) lifetime payments made for the benefit of an adult from a registered disability savings plan, up to a maximum of \$300 per month for an independent adult or a family composed of only one adult and \$340 per month for a family composed of two adults; and

(30) lifetime payments made for the benefit of a dependent child from a registered disability savings plan.”.

9. Section 114 is amended by replacing “or parental” in the second paragraph by “, parental or compassionate care”.

10. The following paragraphs are added at the end of section 135:

“(12) the Indian Residential Schools Settlement Agreement concluded between the Attorney General of Canada and the other parties concerned, effective as of 19 September 2007; or

(13) the Pre-1986/Post-1990 Hepatitis C Settlement Agreement concluded between the Attorney General of Canada and the other parties concerned.”.

11. The following paragraph is added at the end of section 136:

“(8) the agreement concluded between the Commission des droits de la personne et des droits de la jeunesse and the Douglas Mental Health University Institute, on 21 June 2007, in respect of the former residents of Pavillon des Pins.”.

12. The following paragraph is added at the end of section 138:

“(13) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an independent adult or a family member who may dispose of them in the short term, according to the terms and conditions applicable to that plan.”.

13. The following paragraph is added at the end of section 146:

“(9) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an independent adult or a family member who may not dispose of them in the short term, according to the terms and conditions applicable to that plan.”.

14. Section 162 is amended by replacing “or parental” by “, parental or compassionate care”.

15. Section 181 is amended by adding the following paragraph:

“A person is not required to repay an amount granted under a last resort financial assistance program if the value of the right realized is composed of amounts referred to in sections 135 and 136 and intended to compensate, in whole or in part, for loss of income or loss of support.”.

16. This Regulation comes into force on 1 October 2008, except paragraph 3 of section 8 and sections 12 and 13, which come into force on 1 December 2008.

8930

Draft Regulations

Draft Regulation

Labour Code
(R.S.Q., c. C-27)

Remuneration of arbitrators — 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 remuneration of arbitrators, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is to increase the hourly rate of arbitrators' fees to \$140 and the amount of the travel allowance to \$90.

Further information may be obtained by contacting Patrick Bourassa by telephone at 418 528-9738 or by fax at 418 644-6969.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period mentioned in the first paragraph to the undersigned, Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

DAVID WHISSELL,
Minister of Labour

Regulation to amend the Regulation respecting the remuneration of arbitrators*

Labour Code
(R.S.Q., c. C-27, s. 103)

1. The Regulation respecting the remuneration of arbitrators is amended by replacing “\$120” in the first paragraph of section 2 by “\$140”.

* The Regulation respecting the remuneration of arbitrators, made by Order in Council 851-2002 dated 26 June 2002 (2002, *G.O.* 2, 3809), was last amended by the regulation made by Order in Council 505-2004 dated 26 May 2004 (2004, *G.O.* 2, 1728). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 March 2008.

2. Section 7 is amended by replacing “\$80” in the second paragraph by “\$90”.

3. The hourly rates provided for in sections 1 and 2 of this Regulation apply to grievances and disputes submitted to arbitration as of (*insert the date of coming into force of this Regulation*).

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

8928

Draft Regulation

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

Land Protection and Rehabilitation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Land Protection and Rehabilitation Regulation, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to first ensure greater protection of the rights of third parties in cases of land contamination, by improving the publicity of such cases: the limit values in excess of which registration in the land register of a notice of contamination will become mandatory will henceforth be in all cases those in Schedule I.

The purpose of the draft Regulation is also to clarify which limit values will be applicable where a municipal zoning by-law allows, for the same territory, several categories of use: they will be those in Schedule II, with exceptions. By rendering the limit values of Schedule II applicable to lands used strictly for institutional, commercial or industrial purposes, it will be possible to rehabilitate several contaminated lands at a lower cost without compromising the protection of users. The values of Schedule I will remain applicable for lands where buildings used in whole or in part for residential purposes or sensitive institutional facilities such as day care centres and hospital centres are built.

Lastly, since the cost to register a notice of contamination in the land register is relatively low in relation to the costs of the rehabilitation measures that will be avoided with the proposed regulatory amendments, the benefits expected from the amendments will be greater than the generated costs.

Further information on the draft Regulation to amend the Land Protection and Rehabilitation Regulation may be obtained by contacting Robert Bertrand or Rock Bégin, Service des lieux contaminés, Direction des politiques en milieu terrestre, Ministère du Développement durable, de l'Environnement et des Parcs, Édifice Marie-Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 4823 (R. Bertrand), extension 4921 (R. Bégin); fax: 418 644-3386 or e-mail robert.bertrand@mddep.gouv.qc.ca or rock.begin@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Robert Bertrand or Rock Bégin at the above address.

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

Regulation to amend the Land Protection and Rehabilitation Regulation *

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.69, pars. 1 and 2)

1. Section 1 of the Land Protection and Rehabilitation Regulation is amended

(1) by replacing “for the purposes of the same sections” in the part preceding subparagraph 1 of the second paragraph by “for the purposes of sections 31.43, 31.45, 31.49, 31.51, 31.52, 31.54, 31.55 and 31.57”;

(2) by replacing subparagraph 1 of the second paragraph by the following:

“(1) lands on which, under a municipal zoning by-law, industrial, commercial or institutional uses are authorized, except the following lands for which the limit values prescribed in Schedule I remain applicable:

(a) lands where residential or partly residential buildings are built; and

(b) lands where elementary-level and secondary-level educational institutions, childcare centres, day care centres, hospital centres, residential and long-term care centres, rehabilitation centres, child and youth protection centres, or correctional facilities are built;”.

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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Notice

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

Non-structural metalwork industry — Montréal — Amendments

Notice is hereby given in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application from the contracting parties to amend the Decree respecting the non-structural metalwork industry in the Montreal region (R.R.Q., 1981, c. D-2, r.35) and that in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation of the Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region, the text of which appears below, may be made by the Government upon the expiry of the 45 days following this publication.

The purpose of this draft regulation is to delete one of the contracting parties (Fédération de la métallurgie inc. (CSN)) from the Decree. It also aims to amend the provisions concerning the payment of the contribution to the social security plan and the pension fund during paid general holidays. This draft regulation also aims to put back the date on which the employer must make his contributions to the different funds, in order to comply with actual practice. Finally, this draft regulation aims to update the contribution permitting maintenance of the social security plan when an employee is absent or works outside the jurisdiction of the Decree.

The consultation period shall serve to clarify the impacts of the amendments proposed. According to the 2007 annual report of the Comité conjoint des matériaux de construction, this Decree covers 184 employers, 1 102 employees and 16 artisans.

* The Land Protection and Rehabilitation Regulation, made by Order in Council 216-2003 dated 26 February 2003 (2003, G.O. 2, 1153), has not been amended since it was made.

Further information may be obtained by contacting:

Mr. Patrick Bourassa
Direction des politiques du travail
Ministère du Travail, 200, chemin Sainte-Foy, 5^e étage
Québec (Québec) G1R 5S1

Telephone: 418 528-9738
Fax: 418 644-6969
E-mail: patrick.bourassa@travail.gouv.qc.ca

Any interested person having comments to make on this subject is asked to submit them in writing, before the expiry of the 45 days, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JULIE GOSSELIN,
Deputy Minister of Labour

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region*

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

- 1.** The Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region is amended by deleting in the first WHEREAS preceding DIVISION 1.00, the name “United steelworkers; Fédération de la métallurgie inc. (CSN);”.
- 2.** Section 13.04 of the Decree is amended by deleting in paragraphs *a* and *b* of the second paragraph, “for the years 2007 to 2009.”.
- 3.** The Decree is amended by replacing the words “worked by his employees” by the word “paid” everywhere these words are found in sections 14.01, 14.02 and 14.06.
- 4.** Section 14.03 of the Decree is amended by replacing “10th” by the word “fifteenth”.

* The last amendments to the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., c. D-2, r.35) were made by the regulation made under Order in Council No. 1179-2007, dated 19 December 2007 (2008, *G.O.* 2, 38). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to 1 March 2008.

5. Section 14.05 of the Decree is amended by replacing, in paragraph *b*, “a sum equal to \$0.52 for each hour of the standard workweek provided for in Division 3.00”, by “equal to the contribution provided for in sections 14.01 and 14.02”.

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

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Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20)

Restrictions to contractor licences for the purposes of obtaining a public contract — 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 restrictions to contractor licences for the purposes of obtaining a public contract, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is to ensure that the Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract is consistent with the Building Act and the new Regulation respecting the professional qualification of contractors and owner-builders that came into force on 25 June 2008. While maintaining the classification system and the requirement to hold a licence, the new legislative and regulatory provisions introduce a licence with no term limit and replace, consequently, the concept of renewal of a licence by the concept of maintenance of a licence. The change makes it necessary to specify the term and taking of effect of a restriction to a licence and the period during which a person remains covered by such a restriction, to keep the current effects of the Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract for both maintaining and issuing a licence.

Further information may be obtained by contacting André Ménard, President and Chief Executive Officer, Commission de la construction du Québec, 3530, Jean-Talon Ouest, Montréal (Québec) H3R 2G3; telephone: 514 341-7740, extension 6296; fax: 514 341-3302.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

DAVID WHISELL,
Minister of Labour

Regulation to amend the Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract*

An Act respecting labour relations, vocational training and workforce management in the construction industry
(R.S.Q., c. R-20, s. 123, 1st par., subpars. 8.2 and 8.3 and 3rd par.; 2005, c. 22, s. 52)

1. Section 1 of the Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract is amended by replacing “renewed” in the part preceding paragraph 1 by “maintained in force”.

2. Section 3 is replaced by the following:

“**3.** A licence contains a restriction for the purposes of obtaining a public contract if

(1) it is issued during a one-year period beginning on the day on which the applicant for such a licence becomes subject to section 1; and

(2) it is maintained in force on the day following the yearly deadline for payment of the fees and charges payable under section 53 of the Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council 314-2008 dated 2 April 2008, to maintain the licence already held by a person who becomes subject to section 1.

The restriction takes effect from the date of issue or maintenance of the licence, as the case may be. The restriction remains in effect for 2 years if it results from the application of paragraph 1 or 2 of section 1, or for 1 year in the other cases referred to in that section.

For the purposes of the first paragraph, a person becomes subject to

(1) paragraph 1 or 2 of section 1

(a) on the day following the day on which the person is the subject of a work suspension order enforceable under section 7.8 of the Act respecting labour relations, vocational training and workforce management in the construction industry; or

(b) on the day following the day on which the person has paid a claim under subparagraph c.2 of the first paragraph of section 81 of the Act or has been condemned by a final judgment to pay such a claim;

(2) paragraph 3 or 4 of section 1, 45 days after the date on which the person was last found guilty of the offences provided for in those paragraphs.”

3. Section 4 is revoked.

4. 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 restrictions to contractor licences for the purposes of obtaining a public contract was made by Order in Council 1196-98 dated 16 September 1998 (1998, *G.O.* 2, 3952) and has not been amended since.

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

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