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Regulations and other acts

Gouvernement du Québec

O.C. 9-2009, 7 January 2009

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

Energy produced by biomass cogeneration — Amendment

Regulation to amend the Regulation respecting energy produced by biomass cogeneration

WHEREAS, under subparagraph 2.2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting energy produced by biomass cogeneration by Order in Council 916-2008 dated 24 September 2008;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the Regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting energy produced by biomass cogeneration:

– it is appropriate to extend the timeframe granted to the electric power distributor to solicit tenders, in particular to allow the electric power distributor to adequately prepare the tender documentation;

– it is appropriate to postpone the deadline to maximize the quality of bids that the electric power distributor may receive for that tender solicitation;

– the postponement of the deadline will also allow the Régie de l'énergie to exercise its power of approval in respect of such a tender solicitation in accordance with section 74.1 of the Act respecting the Régie de l'énergie;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting energy produced by biomass cogeneration, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting energy produced by biomass cogeneration*

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

1. The Regulation respecting energy produced by biomass cogeneration is amended in section 3 by replacing “not later than 90 days following the date of its publication in the *Gazette officielle du Québec*” by “before 15 April 2009”.

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

9080

* The Regulation respecting energy produced by biomass cogeneration, made by Order in Council 916-2008 dated 24 September 2008 (2008, *G.O.* 2, 4875), has not been amended since it was made.

Draft Regulations

Draft Regulation

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

Activities engaged in and described in sections 39.7 and 39.8 of the Code — 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 activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, appearing below, made by the Office des professions du Québec, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to allow, on certain conditions, the operator or a member of the personnel of a residence for the elderly to engage in the activities described in sections 39.7 and 39.8 of the Professional Code (R.S.Q., c. C-26).

According to the Office, the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Antoine Garnier, Direction des affaires juridiques, or Line Poitras, Direction de la recherche et de l'analyse, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973; e-mail: courrier@opq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
Chair of the Office des professions du Québec

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

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

- 1.** The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code is amended by inserting “nursing” in subparagraph 3 of the first paragraph of section 3 before “care”.
- 2.** Section 3.2 is amended by inserting “nursing” in paragraph 3 before “care”.
- 3.** The following is inserted after section 3.2:

“DIVISION III RESIDENCES FOR THE ELDERLY

3.3. The operator or a member of the personnel of a residence for the elderly, as defined in the second paragraph of section 346.0.1 of the Act respecting health services and social services, may engage in the activities described in sections 39.7 and 39.8 of the Professional Code, at any place they are required, on the following conditions:

- (1) an agreement on those activities has been entered into between the residence and the health and social services centre of the territory where the residence is located; and
- (2) the residence establishes and maintains a register containing
 - (a) the name of the operator or member of the personnel of the residence who is authorized to engage in the activities under this Division; and
 - (b) the name and title of the professional who is a member of the personnel of the residence or who practises in the health and social services centre of the territory

* The Regulation respecting the activities engaged in and described in sections 39.7 and 39.8 of the Professional Code, approved by Order in Council 66-2004 dated 29 January 2004 (2004, *G.O.* 2, 989), was amended by the regulations approved by Orders in Council 634-2005 dated 23 June 2005 (2005, *G.O.* 2, 2300) and 426-2008 dated 30 April 2008 (2008, *G.O.* 2, 1329).

where the residence is located and who provides instruction and clinical support to and updates the knowledge and skills of the operator or member of the personnel of the residence who is authorized to engage in the activities under this Division.

For the purposes of this Division, “professional” means a physician, a nurse, a nursing assistant or a respiratory therapist.

3.4. To engage in the activities referred to in section 3.3, the operator or member of the personnel of a residence for the elderly must fulfil the following conditions:

(1) the person learns how to perform the activities with a professional who is a member of the personnel of the residence or who practises in the health and social services centre of the territory where the residence is located;

(2) the person is supervised the first time he or she engages in those activities by a professional who is a member of the personnel of the residence or who practises in the health and social services centre of the territory where the residence is located;

(3) the person engages in the activities in accordance with the rules of nursing care in force in the health and social services centre of the territory where the residence is located; and

(4) the person has access at all times to a professional.”.

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

9070

Draft Regulation

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

Advocates

— Code of ethics
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the two regulations to amend the Code of ethics of advocates, adopted by the General Council of the Barreau du Québec at its meetings held on 21 February and 12 and 13 June 2008 and appearing below, may be submitted to the Government which may approve them, with or without amendment, on the expiry of 45 days following this publication.

The regulations amend section 3.03.04 of the Code of ethics of advocates to require an advocate to withdraw from a file when a client induces the advocate to perform illegal or fraudulent acts and section 4.03.02 of the Code to require an advocate to also answer the communications from the director of the Service de l'inspection professionnelle or the director's assistant.

The Bar advises that the regulations have no impact on enterprises, including small and medium-sized businesses.

The Order made the regulations before the coming into force of the Act to amend the Professional Code and other legislative provisions (2008, c. 11).

Further information may be obtained by contacting Claire Moffet, Service de recherche et législation, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400, extension 3163, or 1 800 361-8495, extension 3163; fax: 514 954-3463.

Any person wishing to comment on the draft regulations is requested to submit comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of advocates*

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

1. Paragraph *c* of section 3.03.04 of the Code of ethics of advocates is amended:

1° by deleting the words “illegal,” and “or fraudulent” and, after the word “unfair”, adding the word “or”;

* The last amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 59-2007 dated 30 January 2007 (2007, *G.O.* 2, 972). For previous amendments, see the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

2° by adding the following paragraph at the end: “When a client induces an advocate to perform an illegal or fraudulent act, the advocate shall, after having advised the client of the illegal or fraudulent nature of the act and of his obligation to withdraw from the file if the client persists, cease representing the client.”.

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

Regulation to amend the Code of ethics of advocates*

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

1. Section 4.03.02 of the Code of ethics of advocates is amended by adding the words “The director of the Service de l’inspection professionnelle or his assistant” after the words “member of the professional inspection committee.”.

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

9071

Draft regulation

Medical Act
(R.S.Q., c. M-9)

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

Physicians

— Professional activities that may be performed by an occupational therapist

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 certain professional activities that may be performed by an occupational therapist”, adopted by the Bureau of the Collège des médecins du Québec, may be submitted to the government, which may approve it, with or without amendment, after the expiry of 45 days following this publication.

* The last amendments to the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1) were made by the regulation approved by Order in Council 59-2007 dated 30 January 2007 (2007, *G.O.* 2, 972). For previous amendments, see the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

According to the Collège des médecins du Québec, the purpose of this Regulation is to authorize an occupational therapist to administer prescription drugs or other substances by oral or topical administration during the evaluation of the functional abilities of a person and to administer topical prescription drugs while giving treatments related to wounds.

The Collège des médecins du Québec anticipates that the amendments will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting, M^{re} Linda Bélanger in the Legal Services Division, Collège des médecins du Québec, 2170, René-Lévesque Blvd. West, Montréal (Québec) H3H 2T8; telephone no: (toll-free) 1 888 633-3246 or 514 933-4441, extension 5362, fax, no: 514 933-3276, e-mail: lbelanger@cmq.org

Any person having comments to make on the following text is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, Place D’Youville, 10th floor, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that has adopted the Regulation, namely the Collège des médecins du Québec, as well as to interested persons, ministries and organizations.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting certain professional activities that may be performed by an occupational therapist

Professional Code
(R.S.Q. c. C-26, a. 94, para. h)

1. The purpose of this regulation is to identify amongst professional activities that may be performed by physicians those which, following a prescription and in accordance with the other conditions stipulated here, may be performed by an occupational therapist.

2. An occupational therapist may administer prescription drugs or other substances by oral or topical administration during the evaluation of the functional abilities of a person or as part of training for self-care.

3. Occupational therapists may administer topical prescription drugs while giving treatments related to wounds.

4. The person who for the purposes of recognition of an equivalence of diplomas and training by the Ordre must acquire practical experience or receive training may, in the presence of an occupational therapist, perform the acts contemplated in sections 2 and 3 to the extent they are required to obtain such equivalence.

5. A student duly registered in a training program leading to a diploma allowing access to the permit issued by the Ordre may, in the presence of an occupational therapist, perform the acts contemplated in sections 2 and 3 to the extent they are required to complete such program.

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

9072

Treasury Board

Gouvernement du Québec

T.B. 207154, 15 December 2008

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

Amendments to Schedules I and III

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

Amendments to Schedules II and V

Amendments to Schedules I and III to the Act respecting the Government and Public Employees Retirement Plan and to Schedules II and V to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under the second paragraph of section 31 of the Act, employers listed in Schedule III must pay, on the dates fixed by the Government, their share of the cost of the transferred service of their employees;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII and, where the Government amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), and any such order may have effect 12 months or less before it is made;

WHEREAS the Association québécoise d'établissements de santé et de services sociaux is a body that results from the amalgamation of the Association des CLSC et des CHSLD du Québec and the Association des hôpitaux du Québec;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988, determines pursuant to subparagraph 25 of the first paragraph of section 134 of the Act the conditions

that permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 to the Act;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in Chapter I of the Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the second paragraph of section 44 of that Act, the employers listed in Schedule V must also pay, on the dates fixed by the Government, their share of the cost of the transferred service of their employees;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedules I and III to VIII, and Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan, and any such order may have effect 12 months or less before it is made;

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

WHEREAS the consultation has taken place;

WHEREAS the Association québécoise d'établissements de santé et de services sociaux meets the requirements set out in the Regulation under the Act respecting the Government and Public Employees Retirement Plan in order to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and in Schedule II to the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Association québécoise d'établissements de santé et de services sociaux must also be designated in Schedule III to the Act respecting the Government and Public Employees Retirement Plan and in Schedule V to the Act respecting the Pension Plan of Management Personnel;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules I and III to the Act respecting the Government and Public Employees Retirement Plan and to Schedules II and V to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

SERGE MARTINEAU
Clerk of the Conseil du trésor

Amendments to Schedules I and III to the Act respecting the Government and Public Employees Retirement Plan* and to Schedules II and V to the Act respecting the Pension Plan of Management Personnel**

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

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 207, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) has been amended since the last updating of the Revised Statutes of Québec to 1 January 2007 by section 204 of chapter 24 of the Statutes of 2002, by T.B. 204926 dated 8 May 2007 (2007, *G.O.* 2, 1433), by section 110 of chapter 49 of the Statutes of 2006, by T.B. 205842 dated 18 December 2007 (2008, *G.O.* 2, 149), by section 93 of chapter 43 of the Statutes of 2007, by section 41 of chapter 57 of the Statutes of 2006, by T.B. 206592 dated 17 June 2008 (2008, *G.O.* 2, 2869), by T.B. 206593 dated 17 June 2008 (2008, *G.O.* 2, 2870) and by T.B. 206748 dated 22 July 2008 (2008, *G.O.* 2, 3219).

Schedule III to the Act respecting the Government and Public Employees Retirement Plan has not been amended since the last updating of the Revised Statutes of Québec.

** Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) has been amended since the last updating of the Revised Statutes of Québec to 1 January 2007 by section 209 of chapter 24 of the Statutes of 2002, by T.B. 204926 dated 8 May 2007 (2007, *G.O.* 2, 1433), by section 124 of chapter 49 of the Statutes of 2006, by T.B. 205842 dated 18 December 2007 (2008, *G.O.* 2, 149), by section 164 of chapter 43 of the Statutes of 2007, by section 42 of chapter 57 of the Statutes of 2006, by T.B. 206592 dated 17 June 2008 (2008, *G.O.* 2, 2869), by T.B. 206593 dated 17 June 2008 (2008, *G.O.* 2, 2870) and by T.B. 206748 dated 22 July 2008 (2008, *G.O.* 2, 3219).

Schedule V to the Act respecting the Pension Plan of Management Personnel has not been amended since the last updating of the Revised Statutes of Québec.

(1) by adding “the Association québécoise d’établissements de santé et de services sociaux” in paragraph 1 in alphabetical order;

(2) by striking out the following in paragraph 1:

“the Association des CLSC et des CHSLD du Québec”;

“the Association des hôpitaux du Québec”.

2. Schedule III to the Act is amended

(1) by adding “the Association québécoise d’établissements de santé et de services sociaux” in alphabetical order;

(2) by striking out the following:

“the Association des C.L.S.C. et des C.H.S.L.D. du Québec”;

“the Association des hôpitaux du Québec”.

3. Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1) is amended

(1) by adding “the Association québécoise d’établissements de santé et de services sociaux” in paragraph 1 in alphabetical order;

(2) by striking out the following in paragraph 1:

“the Association des CLSC et des CHSLD du Québec”;

“the Association des hôpitaux du Québec”.

4. Schedule V to the Act is amended

(1) by adding “the Association québécoise d’établissements de santé et de services sociaux” in alphabetical order;

(2) by striking out the following:

“the Association des C.L.S.C. et des C.H.S.L.D. du Québec”;

“the Association des hôpitaux du Québec”.

5. The amendments in sections 1 to 4 have effect on the date on which this Decision is made.

9069

Decisions

Decision

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

Chief Electoral Officer — Application of section 206

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the application of section 206

WHEREAS order-in-council number 1058-2008, issued on November 5, 2008, enjoined the Chief Electoral Officer to hold general elections in Québec on March 26, 2007;

WHEREAS section 206 of the Election Act (R.S.Q., c. E-3.3) allows electors domiciled in a facility referred to in section 3 who would like to avail themselves of the provisions of this section, to submit to the returning officer a written application for entry on, correction of, or striking off the list of electors;

WHEREAS section 3 applies to a facility maintained by an establishment that operates a hospital centre, a residential and long-term care centre or a rehabilitation centre as defined by the Act respecting health services and social services (R.S.Q., c. S-4.2) or a hospital centre or a reception centre as defined by the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

WHEREAS a retirement home identified in the register prepared pursuant to the Act respecting health services and social services and situated in the electoral division of Chomedey, is presently under quarantine;

WHEREAS electors domiciled in this retirement home cannot present before a board of revisors their application for entry on the list of electors;

WHEREAS electors domiciled in the concerned retirement home cannot avail themselves of section 206 of the Election Act;

WHEREAS the said electors may not be able to exercise their right to vote due to the exceptional circumstance of the quarantine imposed upon the residence;

WHEREAS this exceptional circumstance requires the institution of special procedures in order to allow persons domiciled in this retirement home to present to a board of revisors an application for entry on the list of electors;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where so required by exceptional circumstances;

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 on him by section 490 of the Election Act, has decided to adapt this Act in order to allow electors domiciled in the retirement homes concerned by the present decision to avail themselves of the provisions of section 206 of the Election Act.

For the purposes of the application of the present decision, section 206 of the Election Act is adapted by inserting, after the words “avail themselves of the provisions of this section,” in the second paragraph, the words “or an elector domiciled in a retirement home identified in the register prepared pursuant to the Act respecting health services and social services (R.S.Q., c. S-4.2).”

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 27 November 2008

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

9079

Decision

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

Chief Electoral Officer

— Counting of advance poll ballots

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the counting of advance poll ballots

WHEREAS order-in-council number 1058-2008, issued on November 5, 2008, enjoined the Chief Electoral Officer to hold general elections in Québec on December 8, 2008;

WHEREAS the various advance polls were held from November 28 to December 4, 2008;

WHEREAS the number of people voting in the advance polls was very high;

WHEREAS section 361 of the Election Act (R.S.Q., c. E-3.3) states that the deputy returning officer, assisted by the poll clerk, shall count the ballots after the close of polls;

WHEREAS in many electoral divisions, the counting of advance poll ballots risks being significantly delayed due to the high number of electors who exercised 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 sections 361 to 370.2 of this Act as follows:

1. In the case of ballot boxes containing more than 300 ballots, the returning officer is authorized to begin counting ballots from the advance poll at 6:00 p.m. on polling day.

2. In the case of ballot boxes containing more than 600 ballots, the polling officer must appoint an additional deputy returning officer and poll clerk to begin counting the ballots at 6:00 p.m. on polling day.

3. The polling officer must take all necessary steps to ensure that the personnel assigned to count the ballots from the said ballot boxes are able to communicate the results of the count before the poll closes; the personnel in question and the representatives present must make an oath to this effect.

This decision shall take effect on the date of the order enjoining the Chief Electoral Officer to hold general elections in Québec.

Québec, 4 December 2008

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

9078

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 on polling day

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 on polling day

WHEREAS Order-in-Council number 1058-2008, issued on November 5, 2008, enjoined the Chief Electoral Officer to hold general elections in Québec on December 8, 2008.

WHEREAS the Chief Electoral Officer and the leaders of the authorized parties represented at the National Assembly signed an agreement in November 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 general elections on December 8, 2008;

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 certain electoral divisions is insufficient to comply with the provisions of section 310.1 of the Election Act as replaced by the agreement;

WHEREAS special measures may be taken by the returning officers 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 officer 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 December 5, 2008

Québec, 5 December 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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