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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 15 JANUARY 2009

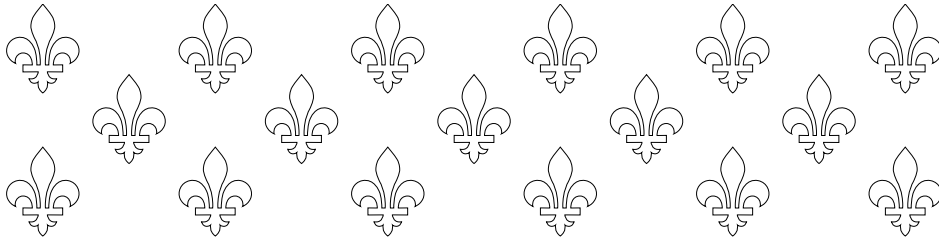
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 15 January 2009

This day, at four minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 1 An Act to amend the Supplemental Pension Plans Act and other legislative provisions in order to reduce the effects of the financial crisis on plans covered by the Act

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 1

(2009, chapter 1)

**An Act to amend the Supplemental
Pension Plans Act and other legislative
provisions in order to reduce the effects
of the financial crisis on plans covered by
the Act**

Introduced 14 January 2009

Passed in principle 14 January 2009

Passed 15 January 2009

Assented to 15 January 2009

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This Act proposes various measures to reduce the effects of the financial crisis on supplemental pension plans.

To that end, the Act amends the Supplemental Pension Plans Act to make it possible for certain members and beneficiaries of a pension plan, whose benefits can only be paid in part following the termination of their plan or the withdrawal of a participating employer, to apply for the payment of their benefits through a pension paid by the Régie des rentes du Québec out of the assets of the plan. The Act defines the conditions to which this measure is subject and determines the powers and obligations of the Régie and the Government with a view to the implementation of the measure.

The Act also provides that the new standards of practice for determining pension commuted values, established by the Canadian Institute of Actuaries and in force from the spring of 2009, may be applied for the purposes of the actuarial valuation of the pension plans as of 31 December 2008. It also provides that the report on the actuarial valuation of a pension plan transmitted to the Régie must be accompanied by a summary drawn up on the form provided by the Régie.

Lastly, the Act provides that certain regulations of the Régie and the Government could be given retroactive effect and sets the limits of the retroactivity.

LEGISLATION AMENDED BY THIS ACT:

- Supplemental Pension Plans Act (R.S.Q., chapter R-15.1);
- Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, chapter 42).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting supplemental pension plans (Order in Council 1158-90, 1990, G.O. 2, 2318).

Bill 1

AN ACT TO AMEND THE SUPPLEMENTAL PENSION PLANS ACT AND OTHER LEGISLATIVE PROVISIONS IN ORDER TO REDUCE THE EFFECTS OF THE FINANCIAL CRISIS ON PLANS COVERED BY THE ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1) is amended by inserting “may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1). The regulation, if it is made” after “under the second paragraph” in the third paragraph.

2. The Act is amended by inserting the following after section 230:

“§4.0.1. — *Payment options in the event of insufficient assets*

“230.0.0.1. This subdivision applies to pension plans to which Chapter X applies if

(1) the pension plan is amended to allow for the withdrawal of a participating employer by reason of the bankruptcy or insolvency of the employer or is terminated by reason of the bankruptcy of the employer;

(2) the date of withdrawal of the employer or the date of termination of the plan is subsequent to 30 December 2008 but prior to 1 January 2012; and

(3) on the date of withdrawal of the employer or termination of the plan, the assets do not permit payment in full of the benefits of the members and beneficiaries affected by the withdrawal or termination.

“230.0.0.2. A member or beneficiary affected by the withdrawal of an employer or the termination of a plan who, on the date of the withdrawal or termination, would have been entitled to a pension had the member or beneficiary applied and whose benefits are reduced by reason of insufficient assets may choose one of the following methods for the payment of benefits:

(1) a transfer referred to in section 98; or

(2) a pension paid out of the assets administered by the Régie under section 230.0.0.4.

“230.0.0.3. A member or beneficiary affected by the withdrawal of an employer or the termination of a plan, to whom a pension is being paid on the date of withdrawal or termination and whose benefits are reduced by reason of insufficient assets, may request that his or her pension be guaranteed by an insurer or choose one of the following methods for the payment of benefits:

(1) a replacement pension purchased under section 92; or

(2) a pension paid out of the assets administered by the Régie under section 230.0.0.4.

“230.0.0.4. The Régie shall exercise the powers of the pension committee with respect to the members and beneficiaries of a pension plan who chose the method of payment stipulated under paragraph 2 of section 230.0.0.2 or paragraph 2 of section 230.0.0.3 and over the assets of the plan that correspond to the part of the benefits of the members and beneficiaries payable under section 218. The pension committee, or the person or body to which such powers have been delegated or granted, becomes, to the same extent, disqualified from exercising such powers.

In the exercise of such powers, the Régie shall have the same obligations and liability as the pension committee.

“230.0.0.5. Despite any other provision, with regard to the assets of a pension plan administered by the Régie, only the members referred to in section 230.0.0.4 are considered members of the plan.

“230.0.0.6. Unless the Régie elects to assume them, the expenses relating to the administration of the plan by the Régie are borne by the part of the pension fund it administers.

“230.0.0.7. The Régie may, in accordance with the terms and conditions prescribed by regulation of the Government, amend the pension plan to improve the benefits of the members and beneficiaries referred to in section 230.0.0.4.

“230.0.0.8. Section 243 does not apply to a decision made by the Régie in the capacity of a trustee or while exercising the powers conferred on it by this subdivision.

“230.0.0.9. The Régie must have an insurer guarantee the pension it pays to the members and beneficiaries referred to in section 230.0.0.4 not later than the end of the fifth fiscal year of the pension plan that follows the fiscal year during which the Régie began exercising the powers of the pension committee with respect to those members and beneficiaries. It may

also, before the expiry of that time limit, have an insurer guarantee any pension it pays, in particular when the amount of the pension is set at an amount equal to or greater than the amount the member or beneficiary was or would have been entitled to before the withdrawal of the employer or the termination of the plan.

The second, third and fourth paragraphs of section 237 then apply, with the necessary modifications.

The amount of the pension guaranteed by an insurer under the first paragraph must be equal to or greater than the amount of the pension that would have been paid if the plan's assets had been increased, on the date of termination, by an amount equal to the difference between the contributions required under this Act and those required under a regulation made under section 2 in order to reduce the effects of the financial crisis.

“230.0.0.10. If the assets of the plan administered by the Régie are insufficient to pay the pensions as required, to have them guaranteed by an insurer or to pay the expenses relating to the administration, the Government shall pay the required sums to the Régie out of the consolidated revenue fund.

“230.0.0.11. The Government may make any regulation required for the purposes of this subdivision. It may, in particular,

(1) set the rules applicable to the determination of the value of the benefits accrued to the members and beneficiaries and to the distribution of the assets and liabilities of a pension plan to determine which part of the pension fund of the plan must be administered by the Régie; and

(2) prescribe the terms and conditions that make it possible to improve the benefits of the members and beneficiaries referred to in section 230.0.0.4.”

3. Section 244 of the Act, amended by section 40 of chapter 42 of the statutes of 2006 and section 22 of chapter 21 of the statutes of 2008, is again amended by inserting the following paragraph after the third paragraph:

“To the extent that it relates to the application, with or without amendment, of a standard of practice of the Canadian Institute of Actuaries, a regulation under this section is not subject to the requirements of sections 8 and 17 of the Regulations Act (chapter R-18.1) as regards publication and the date of coming into force and may, if it so provides, have retroactive effect to a date that is prior to the date of its coming into force but not prior to the date the standard is approved by the Actuarial Standards Board of the Canadian Institute of Actuaries.”

4. Section 11 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, chapter 42), amended by section 33 of chapter 21 of the statutes of 2008, is again amended by adding the following paragraph at the end of the section 119 it enacts:

“All reports on an actuarial valuation transmitted to the Régie must be accompanied by a summary drawn up on the form provided by the Régie, along with the attestations and documents mentioned in the form.”

5. Section 67.4 of the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 (1990, G.O. 2, 2318), is replaced by the following:

“67.4. The assumptions referred to in the first paragraph of section 61 of the Act are those described in sections 3830 and 3840 of the standards of practice of the Canadian Institute of Actuaries, taking into account the amendments approved by the Actuarial Standards Board of the Institute on 8 December 2008, it being understood that a sex-specific mortality table must be used.

These assumptions apply taking into account the rules set out in paragraphs 3820.09 to 3820.11 of section 3820 of the standards of practice.”

6. Section 67.4 of the regulation, enacted by section 5 of this Act, may, even before 1 April 2009, be applied for the purposes of the valuation of the obligations arising from the plan in the course of an actuarial valuation of the plan undertaken after 30 December 2008, if the employer — or, in the case of a multi-employer pension plan, even where it is not considered as such under section 11 of the Supplemental Pension Plans Act, the participating employers jointly, — sends the pension committee a writing instructing it to that effect.

7. The first regulation made by the Government under section 230.0.0.11 of the Supplemental Pension Plans Act enacted by section 2 of this Act is not subject to the publication requirement set out in section 8 of the Regulations Act (R.S.Q., chapter R-18.1).

Despite section 17 of that Act, such a regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, or on any later date set in the regulation. However, once it is published and if it so provides, it may apply from any date not prior to 31 December 2008.

8. This Act comes into force on 15 January 2009, except section 4, which comes into force on 1 January 2010 and section 5, which comes into force on 1 April 2009. However, sections 2 and 6 have effect from 31 December 2008.

Coming into force of Acts

Gouvernement du Québec

O.C. 92-2009, 11 February 2009

An Act to amend the Education Act and other legislative provisions (2008, c. 29)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Education Act and other legislative provisions (2008, c. 29)

WHEREAS the Act to amend the Education Act and other legislative provisions (2008, c. 29) was assented to on 29 October 2008;

WHEREAS, under section 56 of the Act, the provisions of the Act come into force on the date or dates to be set by the Government, except sections 27 and 55, which come into force on 1 July 2008;

WHEREAS it is expedient to set 11 February 2009 as the date of coming into force of sections 26, 30 and 35 of the Act to amend the Education Act and other legislative provisions, and 1 July 2009 as the date of coming into force of sections 1 to 8, 19, 20, 22 to 25, 28, 29, 31 to 33 and 54 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT sections 26, 30 and 35 of the Act to amend the Education Act and other legislative provisions come into force on 11 February 2009 and that sections 1 to 8, 19, 20, 22 to 25, 28, 29, 31 to 33 and 54 of the Act come into force on 1 July 2009.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9117

Regulations and other acts

Gouvernement du Québec

O.C. 82-2009, 11 February 2009

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

Landfilling and incineration of residual materials

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

WHEREAS, under paragraph 5 of section 70 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may, by regulation, determine the conditions or prohibitions applicable to the establishment, operation and closure of any residual materials elimination facility;

WHEREAS, 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, a draft of the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 6 August 2008, with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials*

Environment Quality Act
(R.S.Q., c. Q-2, s. 70, par. 5; 1999, c. 75, s. 48)

1. The Regulation respecting the landfilling and incineration of residual materials is amended by adding the following at the end of the third paragraph of section 161:

“The siting standards do not apply to disposal areas if their siting complies with the provisions of this Regulation that apply to containment and the collection of leachate in engineered landfills.”.

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

9116

Gouvernement du Québec

O.C. 97-2009, 11 February 2009

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

Amount of the contribution of each member of a professional order for the 2009-2010 fiscal year of the Office des professions du Québec

WHEREAS, under the first paragraph of section 196.2 of the Professional Code (R.S.Q., c. C-26), amended by section 143 of chapter 11 of the Statutes of 2008, the expenditures incurred by the Office des professions du Québec in a fiscal year are payable by the members of the professional orders;

* The Regulation respecting the landfilling and incineration of residual materials, made by Order in Council 451-2005 dated 11 May 2005 (2005, *G.O.* 2, 1182), was last amended by the regulation made by Order in Council 441-2008 dated 7 May 2008 (2008, *G.O.* 2, 1331). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

WHEREAS, under the second paragraph of that section, for each fiscal year of the Office, the members of the orders are required to pay a contribution determined by the Government;

WHEREAS, under the third paragraph of that section, each fiscal year, the surplus of the Office for the preceding fiscal year is to be added to, or its deficit for the preceding fiscal year is to be deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year. The resulting amount is then divided by the number of members in all the orders on 31 March of the calendar year in progress. The quotient is the amount of the annual contribution of each member;

WHEREAS, under the first paragraph of section 196.8 of the Code, amended by section 148 of chapter 11 of the Statutes of 2008, every person or group and every department or other government body is to pay the charge determined by regulation of the Government after consultation with the Office and the Inter-professional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions;

WHEREAS, under the second paragraph of that section, the charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2 of the Code;

WHEREAS, under subparagraph 4 of the first paragraph of section 19.1 of the Code, amended by section 4 of chapter 11 of the Statutes of 2008, the Minister submitted the amount of the contribution of each member of an order to be fixed for the 2009-2010 fiscal year to the Québec Interprofessional Council for advice;

WHEREAS it is expedient to fix the amount of the contribution payable by each member of an order;

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

THAT \$26.70 be fixed as the amount of the contribution of each member of a professional order for the 2009-2010 fiscal year of the Office des professions du Québec.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9120

Gouvernement du Québec

O.C. 103-2009, 11 February 2009

An Act respecting health services and social services
(R.S.Q., c. S-4.2)

Minister of Health and Social Services — Information that institutions must provide

Regulation respecting the information that institutions must provide to the Minister of Health and Social Services

WHEREAS, under paragraph 26 of section 505 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, prescribe the personal and non-personal information that an institution must provide to the Minister concerning the needs for and utilization of services;

WHEREAS, under section 433 of the Act, the Minister may, in performing his duties under section 431, require an institution to furnish to him, at the time and in the form he determines, the information, whether personal or not, prescribed by regulation under paragraph 26 of section 505 concerning needs for and utilization of services;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services was published in Part 2 of the *Gazette officielle du Québec* of 1 October 2008 with a notice that it could be submitted to the Government to be made 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 Health and Social Services:

THAT the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the information that institutions must provide to the Minister of Health and Social Services

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 26)

1. In this Regulation,

(1) “individual user” means any person who benefits from interventions on an individual basis;

(2) “group user” means a group of persons in a similar situation that benefits from interventions of a preventive, therapeutic, educational, supportive or other nature during a specific period of time;

(3) “community user” means a population group covered by a project or sharing common objectives and that benefits from community interventions.

2. An institution operating a local community service centre must provide the Minister with the information in Schedule I in respect of an individual user, a group user or a community user that receives services from such a centre.

3. A public institution or a private institution under agreement operating a residential and long-term care centre must provide the Minister with the information in Schedule II in respect of a user enrolled or admitted to receive the services offered in such a centre, unless the user occupies a bed classified as a mental health bed according to the institution’s permit.

4. An institution operating an emergency department must provide the Minister with the information in Schedule III in respect of a user enrolled to receive emergency services, unless the user visits the emergency department for a diagnostic test or to receive outpatient services.

5. An institution operating a hospital centre must provide the Minister with the information in Schedule IV in respect of a user admitted to receive general or specialized care, including psychiatric care, according to the class of the hospital centre operated by the institution, and in respect of a user enrolled for day surgery provided for in the financial management manual published by the Minister under section 477 of the Act respecting health services and social services (R.S.Q., c. S-4.2).

6. An institution referred to in sections 2 to 5 must also provide the Minister with the following information:

(1) concerning the identity of an individual user:

(a) name;

(b) health insurance number;

(c) sex;

(d) date of birth;

(e) residence postal code;

(2) the file number of any type of user; and

(3) the date on which each particular is first provided and the date on which it is updated.

In the case of a user admitted to the facility of an institution referred to in section 3 or enrolled for the services of that institution, the postal code required under subparagraph *e* of subparagraph 1 of the first paragraph is the code of the place where the user is residing or staying when a care and service program begins.

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

SCHEDULE I

1. An institution referred to in section 2 of the Regulation must provide the following information in respect of any type of user of the services of a local community service centre:

(1) concerning each request for services:

(a) sequential number;

(b) date of receipt;

(c) origin;

(d) object;

(e) the centre or sub-centre of activities concerned;

(f) the decision rendered after examination of the request and the date of the decision;

(2) indication of the type of user;

(3) concerning each sporadic intervention or activity:

(a) sequential number;

(b) the centre or sub-centre of activities concerned;

- (c) date;
- (d) type;
- (e) the reasons therefor;
- (f) any act performed by the provider;
- (g) follow-up;
- (h) the master program to which it is related;
- (i) mode;
- (j) the place of the intervention or activity;
- (k) in the case of an intervention, the duration;
- (l) the language used during the intervention or activity;
- (m) the provider's class of employment and link with the institution;
- (n) the number of providers participating in the intervention or activity;
- (o) if the intervention or activity is performed in a school environment, the education level;
- (p) if the intervention or activity is intended for a group user, the number of participants.

2. In addition to the information required under section 1, an institution referred to in section 2 of the Regulation must provide the following information:

- (1) concerning an individual user:
 - (a) the reason for which the user's health insurance number cannot be provided, where applicable;
 - (b) the date from which the user has been waiting for lodging, where applicable;
 - (c) the code of the municipality where the user's residence is located;
- (2) concerning the specific services rendered to an individual user in perinatal care:
 - (a) the sequential number of the service;
 - (b) the service for which the user is enrolled;
 - (c) the dates on which enrolment for the service begins and ends;

(d) the reason for interrupting enrolment for the service;

(e) the gestational age at the time of enrolment, where applicable;

(f) the immediate social environment of the user;

(g) the financial situation of the user at the time of enrolment, whether below or above the low income after-tax cut-off defined by Statistics Canada;

(h) the level of schooling of the user at the time of enrolment;

(i) whether the user is a Native;

(j) whether the user is an immigrant who has lived in Canada for 5 years or less;

(k) the prenatal or postnatal gravida, para and aborta, according to the time of enrolment;

(l) the date of delivery;

(m) the duration of the pregnancy at the time of delivery;

(n) the number of live births and stillbirths at the time of delivery;

(o) the infant's weight in grams at birth;

(p) the method of feeding of the infant at various stages of the infant's development;

(3) concerning the immunization services rendered to an individual user:

(a) the sequential number of the vaccination;

(b) the date of administration of the vaccine;

(c) the type of vaccine organism;

(d) in the case of the influenza vaccine, the reason for vaccination;

(e) the number of the immunizing agent;

(4) the category and target population of the group user;

(5) the category, target population and main activities of the community user.

3. Every transmission of the information required under sections 1 and 2 must be accompanied by the following:

- (1) the code of the health region from which the information originates;
- (2) the permit number of the institution providing the information;
- (3) the date of transmission;
- (4) the number assigned to the transmission;
- (5) the dates on which the period concerned begins and ends.

SCHEDULE II

1. Where a care and service program is implemented for a user, an institution referred to in section 3 of the Regulation must provide the following information:

- (1) concerning the user:
 - (a) civil status;
 - (b) ethnic or cultural group;
 - (c) language of communication used in daily activities;
 - (d) religion;
 - (e) the method of management of the user's property;
 - (f) the date and place of death, where applicable;
- (2) concerning the services rendered to a user who benefits from a care and service program:
 - (a) the date on which the program is determined;
 - (b) the date on which the program begins for the user following registration of the user's presence;
 - (c) the program applied to the user;
 - (d) the master program to which the user's program is linked;
 - (e) if the user is registered for the "day centre" or "day hospital" programs:
 - i. the days of the week and, for each day, the time of day during which interventions are planned as part of the program;

- ii. the method of transportation used each day by the user to benefit from the program, whether or not the transportation is provided by the institution;

- (f) the type of resource providing the program;
- (g) if the program is interrupted:
 - i. the date of and reason for the interruption;
 - ii. if the interruption lasts more than one day, the date on which the user resumes the program;
- (h) the date on which the program is terminated and the reason for termination;

(3) concerning the departure point and destination of a user who benefits from a care and service program:

- (a) the place and code of the municipality where the user is residing or staying at the beginning and end of the program;

- (b) the postal code of the place where the user is residing or staying at the end of the program;

- (c) any other program in which the user participated before the beginning of the program;

- (d) the person or organization that made the application leading to the determination of the program;

- (e) the program and the person or organization to which the user is referred at the end of the program;

(4) concerning each diagnosis made in respect of a user during the period of participation in a care and service program:

- (a) the date of any assessment;

- (b) the diagnosis according to the International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, expanded by the Canadian Institute for Health Information (ICD-10-CA);

- (c) the type of diagnosis;

- (d) the date of the diagnosis;

(5) concerning any prescribed medication administered to a user in an institution referred to in section 3 of the Regulation during the period of participation in a care and service program:

(a) the date on which the medication is first administered;

(b) the identification number of the prescribed medication identified in the list of medications-institutions, except for medications collectively prescribed;

(c) the date on which the medication ends;

(6) concerning any accident or incident suffered by a user during the period of participation in a care and service program:

(a) the date, place and time of the accident or incident that caused the trauma or adverse effect suffered by the user;

(b) the cause of the accident or incident and a description thereof;

(c) the circumstances preceding the accident or incident and a description of the facts:

i. the type of situation preceding the accident or incident;

ii. the mental state of the user before the accident or incident;

iii. the mobility of the user before the accident or incident;

iv. the level of supervision needed by the user before the accident or incident;

v. the factors which might have contributed to the accident or incident;

vi. the physical environment before the accident or incident which might have had an influence on its occurrence;

vii. the configuration of the bed at the time of the accident or incident;

(d) the repercussions of the event on the user which make it possible to determine whether it is an accident or incident;

(e) the opinion of the provider on a possible claim by the user following the accident or incident;

(7) concerning any control measure applied to a user:

(a) the type of control measure applied;

(b) the date on which the control measure begins;

(c) the reason for the control measure;

(d) the category of professional who decided to use the control measure;

(e) the total number of hours per day during which the user is subject to the control measure;

(f) the date on which the control measure ends;

(8) concerning any transmission of information to the Minister:

(a) the code of the transmitting facility;

(b) the permit number of the institution providing services to the user;

(c) the number of the facility on the permit of the institution providing services to the user;

(d) the date of transmission;

(e) the number assigned to the transmission;

(f) the dates on which the period concerned begins and ends.

SCHEDULE III

1. An institution referred to in section 4 of the Regulation must provide the following information:

(1) concerning the user:

(a) the code of the municipality where the user's residence is located;

(b) the reason why the user's health insurance number cannot be provided, if applicable;

(c) the date, hour, minute and second of the user's death, if applicable;

(d) whether a coroner intervened following the user's death;

(e) whether an autopsy was requested following the user's death;

(2) concerning any period of care to the user at the emergency department:

(a) the number identifying the period;

(b) the date, hour, minute and second of the beginning of the period;

(c) how the user arrived at the emergency department;

(d) the user's age at the time of the period;

(e) the major category of the diagnosis;

(f) the reason for the user's visit to the emergency department;

(g) the diagnosis;

(h) whether there is a family physician and a referring physician;

(i) the number of the form to declare transportation by ambulance, if applicable;

(j) the date, hour, minute and second of the end of the first triage;

(k) the priority code assigned at the first triage;

(l) the user's autonomy after the first triage;

(m) the date, hour, minute and second of the first taking in charge, if applicable;

(n) the date, hour, minute and second of the first application for admission, cancelled or not, if applicable;

(o) the clinical service of the last application for admission, cancelled or not, if applicable;

(p) the date, hour, minute and second when the user left the emergency department;

(q) the user's destination when leaving the emergency department;

(r) the reason for the user's transfer to another facility, if applicable, and, if the user is transferred because of an unavailable service, the priority assigned to the user's transfer;

(s) if the user comes from another facility, the number of that facility on the institution's permit;

(t) if the user is transferred to another facility, the number of the receiving facility on the institution's permit;

(3) concerning any consultation by the user during a period of care at the emergency department:

(a) the date, hour, minute and second when the consultation is prescribed;

(b) the date, hour, minute and second of the consultation;

(c) the medical specialty concerned;

(d) the state of realization of the consultation;

(e) the number of the consultation;

(4) concerning the occupation of a stretcher by the user during the period of care:

(a) the date, hour, minute and second of the beginning of the first period of occupation;

(b) the date, hour, minute and second of the end of the last period of occupation;

(c) the category of the first period of occupation;

(5) concerning any transmission of information to the Minister:

(a) the number of the data extraction;

(b) the date, hour, minute and second of the data extraction;

(c) the number on the institution's permit of the facility to which the emergency department is linked.

SCHEDULE IV

1. An institution referred to in section 5 of the Regulation must provide the following information:

(1) concerning the user:

(a) whether the user is a newborn;

(b) the code of the municipality where the user's residence is located;

(c) the place of birth;

(d) the code corresponding to the user's occupation;

(e) the user's civil status;

(f) if the user died, the immediate cause of death according to ICD-10-CA, the type of death and whether there was an autopsy or an investigation by a coroner;

(2) concerning the accident that led to the user's hospitalization, if applicable:

(a) the date of the accident;

(b) the code corresponding to the external cause of the accident according to ICD-10-CA;

(c) the code corresponding to the place of the accident according to ICD-10-CA;

(3) concerning the origin, admission and destination of the user:

(a) the code of the facility of origin;

(b) the type of origin;

(c) the date and time of admission;

(d) the type of admission;

(e) the diagnosis at admission according to ICD-10-CA;

(f) the type of care provided;

(g) if the user is transferred directly from the emergency department of the institution to a short-term care unit or day surgery in the same institution, the date of registration for the emergency department;

(h) the person responsible for paying the hospital stay;

(i) the date and time of leaving the facility where the care was provided;

(j) the number of days of temporary leave;

(k) the number of hospitalization days;

(l) the code of the facility that is the destination;

(m) the type of destination;

(4) the diagnosis according to ICD-10-CA;

(5) concerning any stay of the user in a service where care was provided, and any diagnosis made there:

(a) the code of the service;

(b) the type of stay;

(c) the residency status and specialty of the attending physician;

(d) the diagnosis of the affection justifying the user to stay in the service according to ICD-10-CA and the characteristic of the diagnosis;

(e) the duration of the stay in the service;

(6) concerning any affection other than those referred to in paragraph 2 or 5 diagnosed or treated during the user's hospitalization:

(a) the main diagnosis according to ICD-10-CA;

(b) the service in which the affection was diagnosed or treated and the characteristic of the diagnosis;

(7) concerning any medical consultation by the user during hospitalization:

(a) the service from which the request for consultation originates;

(b) the field of the consultation;

(c) the specialty of the medical consultant;

(8) the total number of consultations by the user;

(9) concerning any intervention on the user during hospitalization:

(a) the service for which the user is enrolled;

(b) the date and place of the intervention;

(c) the intervention code according to the Canadian Classification of Health Interventions (CCI);

(d) the status attribute of the intervention according to the CCI;

(e) the location attribute of the intervention according to the CCI;

(f) the extent attribute of the intervention according to the CCI;

(g) the number of times an intervention was performed;

(h) the residency status and specialty of the physician who performed an intervention or administered an anesthesia;

(i) the anaesthesia technique used;

(10) concerning any stay of the user in an intensive care unit:

- (a) the code of the intensive care unit;
- (b) the duration of the stay;

(11) concerning a user who received services following a birth or stillbirth:

(a) the number of stillbirths following the pregnancy concerned, if applicable;

(b) the number of stillbirths that led to an autopsy following the pregnancy concerned, if applicable;

(c) the weight in grams of a product of conception of more than 100 grams in the case of a live birth or of more than 500 grams in the case of a stillbirth;

(d) the duration of the pregnancy;

(12) concerning any transmission of information to the Minister:

(a) the financial period concerned;

(b) the type of transaction;

(c) the date of transmission;

(d) the admission number;

(e) the number of the facility on the institution's permit where care was provided.

An institution referred to in section 5 of the Regulation must also provide the information in subparagraph *c* of subparagraph 11 of the first paragraph for any user born in a facility of the institution or who was admitted there within 28 days of birth.

The institution must also provide the information in subparagraph *d* of subparagraph 11 of the first paragraph for any user born in a facility of the institution, including the number of the mother's medical record.

2. In addition to the information required under section 1, an institution referred to in section 5 of the Regulation that makes a tumour diagnosis must provide the following information:

(1) concerning the user: the name of the mother at birth and the name of the father;

(2) concerning any diagnosed tumour of the user: its topography according to ICD-10-CA, its morphology according to the International Classification of Diseases: oncology, 1st Edition (ICD-O-3) and how the tumour was diagnosed.

9118

Gouvernement du Québec

O.C. 104-2009, 11 February 2009

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Cost of work for public institutions and private institutions under agreement to be authorized by agencies

— Amendment

Regulation to amend the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies

WHEREAS, under paragraph 3 of section 505 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, determine the applicable amounts for the purposes of the authorization required from the agency for the work mentioned in paragraph 3 of section 263 of the Act;

WHEREAS the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies specifies, in section 1, the amount below which the agency must previously authorize the institutions' capital projects;

WHEREAS it is advisable to amend the amount;

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 cost of work for public institutions and private institutions under agreement to be authorized by agencies was published in Part 2 of the *Gazette officielle du Québec* of 22 October 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 3)

1. The Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies is amended in section 1 by replacing “\$2,000,000” at the end of the first paragraph by “\$5,000,000”.

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

9119

Gouvernement du Québec

O.C. 142-2009, 18 February 2009

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

Commission de la construction du Québec — Certain exemptions from the requirement of holding a competency certificate or an exemption — Amendments

Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec

WHEREAS, under the second paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20), the Government may, in order to give effect to an intergovernmental agreement in respect of workforce mobility or the mutual recognition of qualifications, skills or work experience in trades and occupations in the construction industry, make regulations to exempt certain persons, on the conditions it determines, from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec;

WHEREAS, under the second paragraph of that section, such regulations may, in particular, provide for adjustments to the provisions of the Act and its regulations and special management rules;

WHEREAS, by Order in Council 951-2008 dated 1 October 2008, the Government approved the Agreement Between the Government of New Brunswick and the Gouvernement du Québec on Labour Mobility and the Recognition of Qualifications, Skills and Work Experience in the Construction Industry;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, attached to this Order in Council, to give effect to the Agreement;

WHEREAS, under the second paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry, such a regulation is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

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

THAT the Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

* The Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies, made by Order in Council 60-2003 dated 22 January 2003 (2003, *G.O.* 2, 629), has not been amended since it was made.

Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the commission de la construction du Québec*

An Act respecting labour relations, vocational training and workforce management in the construction industry
(R.S.Q., c. R-20, s. 123, 2nd par.)

1. The Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec is amended by inserting the following after section 2.2:

“**2.3.** A person domiciled in New Brunswick who is covered by the Agreement Between the Government of New Brunswick and the Gouvernement du Québec on Labour Mobility and the Recognition of Qualification, Skills and Work Experience in the Construction Industry, signed on 3 October 2008, and who meets, in accordance with the provisions of that agreement, the applicable requirements in respect of occupational health and safety training is exempt from the requirement of holding the certificates or exemptions issued by the Commission de la construction du Québec and referred to in subparagraphs 1 and 2 on the conditions prescribed therein:

(1) a journeyman competency certificate, an apprentice competency certificate or an exemption from either certificate: the person holds a valid, recognized attestation authorizing him or her to carry on, in New Brunswick, a trade which, under or pursuant to that agreement, is paired with one of the trades listed in Schedule A to the Regulation respecting the vocational training of workforce in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, as amended, or with a specialty under one of those trades;

(2) an occupation competency certificate or an exemption from that certificate: the person demonstrates with supporting documents that he or she has worked 750 hours or more in the construction industry.

* The Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, made by Order in Council 4-97 dated 7 January 1997 (1997, *G.O.* 2, 185), was last amended by the regulation made by Order in Council 677-2006 dated 28 June 2006 (2006, *G.O.* 2, 1920A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

For the purposes of carrying on construction work as an employee, the exemption provided for in the first paragraph applies only on the condition that the person in question also holds a card issued by the Commission under section 36 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20).

2.4. For the purposes of subparagraph 1 of the first paragraph of section 2.3, a Certificate of Qualification, a Diploma of Apprenticeship or an Apprentice Identification Card issued under a statute of the Province of New Brunswick is a recognized attestation; a Certificate of Qualification or a Diploma of Apprenticeship to which the mention “Red Seal” was affixed in accordance with an interprovincial agreement on the reciprocal recognition of vocational qualification (Red Seal) is also a recognized attestation.”

2. Section 3 is amended

(1) by replacing “or in Newfoundland or in the Newfoundland part of Labrador” by “, in Newfoundland or in the Newfoundland part of Labrador, or in New Brunswick”;

(2) by replacing “or in subparagraphs 1 and 2 of section 2.1” by “, in subparagraphs 1 and 2 of the first paragraph of section 2.1 or in subparagraphs 1 and 2 of the first paragraph of section 2.3”.

3. Section 4 is amended by replacing “section 1 or 2.1” by “section 1, 2.1 or 2.3”.

4. Section 5 is amended by replacing “section 1 or 2.1” by “section 1, 2.1 or 2.3”.

5. Section 6 is amended

(1) by replacing the first and second paragraphs by the following:

“**6.** For the purposes of applying the relevant provisions of the Regulation respecting the vocational training of workforce in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, as amended, to a person who is exempt under section 1, 2.1 or 2.3 of this Regulation, a person holding a Certificate of Qualification, a Certificate of Apprenticeship, a Trade Activity Card, a Specialized Construction Work Card or a Diploma of Apprenticeship is deemed to be a journeyman and a person holding a Provisional Certificate of Qualification or an Apprentice Identification Card is deemed to be an apprentice.”;

(2) by striking out “or second” in the third paragraph.

6. This Regulation comes into force on 2 March 2009.

9122

Gouvernement du Québec

O.C. 143-2009, 18 February 2009

Building Act
(R.S.Q., c. B-1.1)

**Regulation respecting the application
— Amendments**

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, exempt from the application, in whole or in part, of the Act, categories of contractors;

WHEREAS, under the second paragraph of section 182 of the Act, a regulation made under subparagraph 1 of the first paragraph of that section to give effect to an intergovernmental agreement in respect of mobility or the recognition of the qualifications, skills or work experience of building contractors may provide for adjustments to the provisions of the Act and its regulations, including regulations adopted by the Régie du bâtiment du Québec, and for special management rules applicable to the categories of persons and contractors covered by the regulation;

WHEREAS, under the second paragraph of section 192 of the Act, the contents of such a regulation may vary to facilitate the recognition of the qualifications, skills or work experience of the building contractors covered by an intergovernmental agreement in respect of mobility or the recognition of such qualifications, skills or work experience;

WHEREAS, by Order in Council 951-2008 dated 1 October 2008, the Government approved the Agreement Between the Government of New Brunswick and the Gouvernement du Québec on Labour Mobility and the Recognition of Qualifications, Skills and Work Experience in the Construction Industry;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, to give effect to the Agreement;

WHEREAS, under the second paragraph of section 182 of the Building Act, a regulation made to give effect to an intergovernmental agreement is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

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

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the application of the
building act***

Building Act
(R.S.Q., c. B-1.1, s. 4.1, s. 182, 1st par., subpar. 1, and 2nd par., and s. 192, 2nd par.)

1. The Regulation respecting the application of the Building Act is amended by inserting the following after section 3.1:

“**3.1.0.1.** Subject to the second and third paragraphs, a contractor domiciled in New Brunswick is exempt from the application of subparagraph 1 of the first paragraph of section 58 of the Act and from the provisions pertaining to the examination of skills in the Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council 314-2008 dated 2 April 2008, where the contractor establishes that he or she has been registered for at least 5 years with the New Brunswick Workplace Health, Safety and Compensation Commission, by means of written confirmation issued by the Commission.

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100), was last amended by the regulation made by Order in Council 315-2008 dated 2 April 2008 (2008, G.O. 2, 1141). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

For the issue of a licence in subclass “15.5 Contractor - plumbing” or “16. Contractor - electrical” in Schedule II to that Regulation, the contractor must also have been the holder, for at least 5 years, of a Plumbing Contractor’s Licence or an Electrical Contractors Licence Group 3, as the case may be, issued by the New Brunswick Department of Public Safety.

For the issue of a licence in subclass “15.1 Contractor - warm air heating systems”, “15.2 Contractor - natural gas burners”, “15.3 Contractor - oil burners” or “15.4 Contractor - hot water and steam heating systems” in Schedule II to that Regulation, the contractor must, for at least 5 years, have carried out or caused to be carried out construction work included in the licence subclass under which the contractor intends to carry out construction work or have it carried out in Québec.

The exemption referred to in this section is valid only for the licence classes or subclasses corresponding to the fields for which the contractor is registered and for as long as he or she meets any condition required by this section for the exemption.”.

2. Section 3.1.1 is amended

(1) by replacing “whose tender is rejected” in the first paragraph by “or New Brunswick whose tender is rejected”;

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

“This section applies, in respect of a contractor domiciled in Ontario, only if the particular terms and conditions that it provides for are also included in an agreement between the Government of Ontario and the Gouvernement du Québec in respect of mobility or the recognition of qualifications, skills or work experience of building contractors or, in respect of a contractor domiciled in New Brunswick, only if the government of that province is a party to an agreement on such matters with the Gouvernement du Québec.”.

3. This Regulation comes into force on 2 March 2009.

9121

M.O., 2009

Order number 2009-01 of the Minister of Transport dated 9 February 2009 amending the Order of the Minister of Transport dated May 22, 1990 respecting the approval of weigh scales*

Highway Safety Code
(R.S.Q., c. C-24.2)

THE MINISTER OF TRANSPORT

CONSIDERING section 467 of the Highway Safety Code (R.S.Q. c. C-24.2), according to which the axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner determined by the Minister;

ORDERS AS FOLLOWS:

1. The following wheel-load scales are approved:

| Make | Model | Serial No. |
|--------|--------|------------|
| Haenni | WL-101 | 31678 |
| Haenni | WL-101 | 31679 |
| Haenni | WL-101 | 31680 |
| Haenni | WL-101 | 31681 |
| Haenni | WL-101 | 31682 |
| Haenni | WL-101 | 31683 |
| Haenni | WL-101 | 31684 |
| Haenni | WL-101 | 31685 |
| Haenni | WL-101 | 31686 |
| Haenni | WL-101 | 31687 |
| Haenni | WL-101 | 31688 |
| Haenni | WL-101 | 31689 |
| Haenni | WL-101 | 31690 |
| Haenni | WL-101 | 31691 |
| Haenni | WL-101 | 31692 |
| Haenni | WL-101 | 31693 |
| Haenni | WL-101 | 31694 |
| Haenni | WL-101 | 31695 |
| Haenni | WL-101 | 31696 |
| Haenni | WL-101 | 31697 |

* The most recent amendments to the Order of the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales, made by M.O. 90-05-22 dated 22 May 1990 (1990, *G.O.* 2, 1423), were made by M.O. 2008-05 dated 10 July 2008 (2008, *G.O.* 2, 3049) For earlier amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to 1 September 2008.

2. Schedule V of the Order of the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales is amended by inserting the following wheel-load scales after the Haenni make wheel-load scale, model WL-101, serial no. 31174:

| Make | Model | Serial No. |
|-------------|--------------|-------------------|
| Haenni | WL-101 | 31678 |
| Haenni | WL-101 | 31679 |
| Haenni | WL-101 | 31680 |
| Haenni | WL-101 | 31681 |
| Haenni | WL-101 | 31682 |
| Haenni | WL-101 | 31683 |
| Haenni | WL-101 | 31684 |
| Haenni | WL-101 | 31685 |
| Haenni | WL-101 | 31686 |
| Haenni | WL-101 | 31687 |
| Haenni | WL-101 | 31688 |
| Haenni | WL-101 | 31689 |
| Haenni | WL-101 | 31690 |
| Haenni | WL-101 | 31691 |
| Haenni | WL-101 | 31692 |
| Haenni | WL-101 | 31693 |
| Haenni | WL-101 | 31694 |
| Haenni | WL-101 | 31695 |
| Haenni | WL-101 | 31696 |
| Haenni | WL-101 | 31697 |

3. The order of the Minister comes into force on the date of its signature.

JULIE BOULET,
Minister of Transport

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

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