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Part

2

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Laws and Regulations

Volume 141

Summary

Table of Contents
Regulations and other Acts
Draft Regulations
Index

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Table of Contents

Page

Regulations and other Acts

694-2009	Supply contracts of public bodies (Amend.)	1861A
695-2009	Construction contracts of public bodies (Amend.)	1862A
696-2009	Service contracts of public bodies (Amend.)	1863A
773-2009	Municipal tax for 9-1-1	1864A

Draft Regulations

Standards, specifications and quality criteria applicable to 9-1-1 emergency centres and to certain secondary emergency call centres	1869A
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Regulations and other Acts

Gouvernement du Québec

O.C. 694-2009, 18 June 2009

An Act respecting contracting by public bodies
(2006, c. 29)

Supply contracts of public bodies — Amendment

Regulation to amend the Regulation respecting supply contracts of public bodies

WHEREAS, under subparagraphs 1, 5 and 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the the Regulation respecting supply contracts of public bodies by Order in Council 531-2008 dated 28 May 2008;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting supply contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting supply contracts of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supply contracts of public bodies*

An Act respecting contracting by public bodies
(2006, c. 29, s. 23, 1st par., subpars. 1, 5 and 7)

1. The Regulation respecting supply contracts of public bodies is amended by inserting the following after section 29:

“DIVISION IV CONTRACT FOR THE ACQUISITION OF SOFTWARE

29.1. Despite the provisions of Division I of Chapter III, a public body referred to in subparagraphs 1 to 4 of the first paragraph of section 4 of the Act may enter into a delivery order contract by mutual agreement for the acquisition of software for cases other than those referred to in subparagraphs 1 to 4 of the first paragraph of section 13 of the Act.

The delivery order contract may be entered into with public bodies that made a joint call for tenders referred to in section 15 of the Act. In that case, the provisions provided for in section 5 relating to a joint call for tenders, and section 46 apply with the necessary modifications and considering the obligation provided for in the third paragraph of this section.

To avail itself of a delivery order contract, the public body and, if applicable, the legal person established in the public interest benefiting from the acquisition must have conducted an extensive and documented search showing that only the supplier identified in the contract may meet their requirements.

* The Regulation respecting supply contracts of public bodies, made by Order in Council 531-2008 dated 28 May 2008 (2008, G.O. 2, 2079), has not been amended since it was made.

The authorization of the minister responsible is required where the approximate monetary value of the delivery order contract is above the public tender threshold. The minister may set the conditions applicable to the contract.”.

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

9305

Gouvernement du Québec

O.C. 695-2009, 18 June 2009

An Act respecting contracting by public bodies
(2006, c. 29)

Construction contracts of public bodies — Amendments

Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction

WHEREAS, under subparagraphs 1 and 3 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction by Order in Council 532-2008 dated 28 May 2008;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS no comments have been submitted in respect of the draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction*

An Act respecting contracting by public bodies
(2006, c. 29, s. 23, 1st par., subpars. 1 and 3)

1. The Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction is amended by replacing its title by the following:

“Regulation respecting construction contracts of public bodies”.

2. Section 38 is replaced by the following:

“**38.** Except in the cases described in section 13 of the Act, where a contract involves construction work for which contractors have been qualified, the work must be performed by a qualified contractor and, where such a contract involves an expenditure equal to or above the public tender threshold, it must be awarded through a public call for tenders.”.

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

9304

* The Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction, made by Order in Council 532-2008 dated 28 May 2008 (2008, *G.O.* 2, 2086), has been amended once, by Order in Council 873-2008 dated 10 September 2008 (2008, *G.O.* 2, 4617).

Gouvernement du Québec

O.C. 696-2009, 18 June 2009

An Act respecting contracting by public bodies
(2006, c. 29)

Service contracts of public bodies

— Amendments

Regulation to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions

WHEREAS, under subparagraphs 1, 5 and 7 of the first paragraph of section 23 of the Act respecting contracting by public bodies (2006, c. 29), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting service contracts of public bodies and amending other regulatory provisions by Order in Council 533-2008 dated 28 May 2008;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions was published in Part 2 of the *Gazette officielle du Québec* of 1 May 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS no comments have been submitted in respect of the draft Regulation;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting service contracts of public bodies and amending other regulatory provisions*

An Act respecting contracting by public bodies
(2006, c. 29, s. 23, 1st par., subpars. 1, 5 and 7)

1. The Regulation respecting service contracts of public bodies and amending other regulatory provisions is amended by replacing its title by the following:

“Regulation respecting service contracts of public bodies”.

2. The following is inserted after section 32:

“**32.1.** Despite sections 10 and 32, in the case of a task order contract entered into with more than one service provider and whose object is the rental of heavy machinery with operator, the public body may, to determine the lowest bidder, take into account, in addition to the hourly rate submitted for the machine, the machine’s age and hourly transportation cost and the operator’s hourly travelling and boarding expenses.

In such a case, the performance requests are made to the service provider whose machine has obtained the lowest weighted coefficient, unless the provider cannot perform the service, in which case the other providers are solicited according to their respective rank.

For the purposes of this section,

(1) “weighted coefficient” means the quotient obtained by dividing the sum of the hourly rate submitted for the machine, the machine’s hourly transportation cost, the operator’s hourly travelling expenses and boarding expenses, where applicable, by the maximum total hourly rental rate in effect, as indicated in the booklet *Taux de location de machinerie lourde*, published by the Centre de services partagés du Québec;

* The Regulation respecting service contracts of public bodies and amending other regulatory provisions, made by Order in Council 533-2008 dated 28 May 2008 (2008, *G.O.* 2, 2099), has been amended once, by Order in Council 873-2008 dated 10 September 2008 (2008, *G.O.* 2, 4617).

(2) “hourly rate submitted for the machine” means the hourly rate indicated by the service provider or, if that rate is higher than the maximum total hourly rate or if the machine is registered after the tender opening date with a “late” notation, the maximum total hourly rate.”.

3. The following is inserted after section 42:

**“DIVISION VII
OTHER SERVICE CONTRACTS**

42.1. A service contract for the hiring of an investigator, conciliator, negotiator, mediator, arbitrator, a physician or a dentist in matters of medical assessment related to their field or a person as an expert court witness may be entered into by mutual agreement.”.

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

9306

Gouvernement du Québec

O.C. 773-2009, 23 June 2009

An Act respecting municipal taxation
(R.S.Q., c. F-2.1)

Municipal tax for 9-1-1

Regulation governing the municipal tax for 9-1-1

WHEREAS Division III.6 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1) comprising sections 244.68 to 244.74, enacted by section 82 of chapter 18 of the Statutes of 2008, provides the imposition of a municipal tax for the purpose of financing 9-1-1 emergency centres;

WHEREAS, under subparagraphs 13 to 15 of the first paragraph of section 262 of the Act respecting municipal taxation, enacted by section 86 of chapter 18 of the Statutes of 2008 and, concerning subparagraph 14, amended by section 70 of chapter 26 of the Statutes of 2009, the Government may by regulation

— define, for the purposes of section 244.68 of the Act, “telephone service” and “client”, determine, for each telephone service, the amount of the tax referred to in that section or the rules to establish the tax and determine the date from which the tax is imposed;

— determine the terms and conditions for the collection and the remittance by the telephone service provider provided for in section 244.71 of the Act, in particular

the sum the telephone service provider keeps for administrative costs, determine the provisions of the regulation the contravention of which constitutes an offence and fix the amounts of the resulting fines;

— determine the terms and conditions for the remittance by the Minister of Revenue provided for in section 244.72 of the Act, in particular the sum the Minister of Revenue keeps for administrative costs;

WHEREAS, under the second paragraph of section 262 of the Act, enacted by section 86 of chapter 18 of the Statutes of 2008, the making of a regulation under subparagraph 14 or 15 of the first paragraph of section 262 must be recommended jointly by the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Revenue;

WHEREAS, under the third paragraph of section 262 of the Act, enacted by section 86 of chapter 18 of the Statutes of 2008, a regulation concerning a matter referred to in subparagraph 13 of the first paragraph of section 262 or determining the sum the telephone service provider keeps for administrative costs may only be adopted by the Government after consultation by the Minister of Municipal Affairs, Regions and Land Occupancy with the Union des municipalités du Québec, the Fédération québécoise des municipalités locales et régionales (FQM), Ville de Montréal and various persons or bodies the Minister considers representative of telephone service providers and 9-1-1 emergency centre operators;

WHEREAS the consultation has taken place;

WHEREAS section 131 of chapter 18 of the Statutes of 2008, amended by section 105 of chapter 26 of the Statutes of 2009, provides that the first regulations made under paragraphs 13 to 15 of section 262 of the Act respecting municipal taxation are not subject to Division III of the Regulations Act (R.S.Q., c. R-18.1) and come into force, despite section 17 of that Act, on the day of their publication in the *Gazette officielle du Québec*;

WHEREAS it is expedient to make the Regulation governing the municipal tax for 9-1-1;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy and the Minister of Revenue:

THAT the Regulation governing the municipal tax for 9-1-1, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation governing the municipal tax for 9-1-1

An Act respecting municipal taxation (R.S.Q., c. F-2.1, s. 262, 1st par., subpars. 13 to 15; 2008, c. 18, s. 86, par. 2; 2009, c. 26, s. 70)

DIVISION I APPLICATION OF THE TAX

§1. Definitions

1. For the purposes of the municipal tax referred to in section 244.68 of the Act respecting municipal taxation (R.S.Q., c. F-2.1),

(1) “client” means a person who subscribes to a telephone service for a purpose other than provide again telephone services as a telecommunications service provider;

(2) “telephone service” means a telecommunications service that meets the following conditions:

(a) 9-1-1 can be dialled to reach directly or indirectly a 9-1-1 emergency centre providing services in Québec;

(b) it is provided, in the territory of a local municipality, by a telecommunications service provider.

Where a telecommunications service provider reserves one of its telephone services for its own use, it is deemed, for that service, to be a client referred to in subparagraph 1 of the first paragraph.

For the purposes of subparagraph *b* of subparagraph 2 of the first paragraph, the telecommunications service is deemed to be provided in the territory of the local municipality where the telephone number assigned to the client for using the service has a Québec area code.

§2. Amount of the tax

2. The amount of the tax is, for each telephone service, \$0.40 a month per telephone number or, in the case of a multi-line service other than a Centrex service, per outgoing access line.

§3. Date from which the tax is imposed

3. The tax must be imposed by every local municipality as of 1 December 2009.

DIVISION II TERMS AND CONDITIONS FOR THE COLLECTION AND REMITTANCE OF THE TAX BY THE PROVIDER

§1. Registration of the provider

4. Every telephone service provider is required to register and hold a registration certificate issued in accordance with sections 5 and 6.

5. The provider must, on the form prescribed by the Minister of Revenue, apply to the Minister for registration before the day on which the provider must collect the tax for the first time.

6. The Minister of Revenue may register any provider applying to be registered and, for that purpose, must assign a registration number to the provider and notify the provider in writing by way of a registration certificate of the registration number and the effective date of the registration.

The registration certificate must be kept at the principal establishment of its holder in Québec and may not be transferred.

7. The Minister of Revenue may cancel the registration of a provider if it is established to the Minister’s satisfaction that registration is not required.

Where the Minister cancels the registration of a provider, the Minister must notify the provider in writing of the cancellation and the effective date of the cancellation.

§2. Collection by the provider

8. For every month during which the provider must provide, at any time, a telephone service to a client, the provider must collect the tax at the same time that the provider receives from the client a sum for the telephone service.

Despite the foregoing, in the case of a client who, otherwise than by way of a subscription, subscribes to a telephone service by paying in advance a sum for the service, the provider must collect the tax at the time the service is provided for the first time in the month.

9. For every month during which a provider referred to in the second paragraph of section 1 reserves, at any time, one of its telephone services for its own use, the provider is deemed, for the purposes of section 8, to have provided the service at that time, received a sum for that service and collected the tax for that service.

10. As soon as the provider collects the tax for a local municipality in a month in relation to a telephone number or an outgoing access line, the provider is deemed to have met, with respect to that telephone number or outgoing access line, the collection requirement referred to in section 244.71 of the Act respecting municipal taxation towards all the local municipalities for which the provider acts as a mandatary under that section.

11. At least once a year, the provider must, by any means it considers appropriate, inform each of its clients that it is collecting the tax and the amount of the tax.

The tax must be designated under the name “municipal tax for 9-1-1” or by an abbreviation of that name.

§3. Remittance by the provider to the Minister of Revenue

12. Subject to section 13, the provider must keep an account of the tax collected and, for each reporting period under the Act respecting the Québec sales tax (R.S.Q., c. T-0.1), where the provider is required to file a return under Division IV of Chapter VIII of Title I of that Act, render an account to the Minister of Revenue of the tax the provider has collected or should have collected during the particular reporting period on the form prescribed by the Minister of Revenue, file the account with the Minister and, at the same time, remit the tax to the Minister, less \$0.04 kept by the provider for administrative costs.

The provider must render an account to the Minister of Revenue even if no sum for a telephone service was received or if no telephone service was provided during the particular reporting period.

13. A provider who is not required to be registered, and is not registered, under Title I of the Act respecting the Québec sales tax must keep an account of the tax collected and, not later than 31 March of each year or, if the provider elected, under section 14, a period other than the year, within the time period determined according to the provider’s election, render an account to the Minister of Revenue of the tax the provider has collected or should have collected during the previous year or the particular period, as the case may be, on the form prescribed by the Minister of Revenue, file the account with the Minister and, at the same time, remit the tax to the Minister, less \$0.04 kept by the provider for administrative costs.

The provider must render an account to the Minister of Revenue even if no sum for a telephone service was received or if no telephone service was provided during the previous year or the particular period, as the case may be.

14. The provider referred to in section 13 may elect to have the period in which it must render an account of the tax to the Minister of Revenue correspond with its fiscal year, fiscal quarter or fiscal month, within the meaning of section 458.1 of the Act respecting the Québec sales tax.

The provider must then render an account of the tax to the Minister on or before the last day of the third month following the end of its fiscal year, the month following the end of its fiscal quarter or the month following the end of its fiscal month, as the case may be.

The provider may make the election by sending, on or before the day on which it takes effect, a notice in writing to the Minister specifying the fiscal year, fiscal quarter or fiscal month to which the elected period must correspond.

The election takes effect on the first day of the period in respect of which it is made. The election remains in effect until the earliest of

(1) the first day on which a new election takes effect; or

(2) 1 January of the year following the day on which the provider revokes the election.

15. A provider who fully reimburses a client the sum that the client paid for a telephone service referred to in section 8 must also reimburse the tax the provider has collected for that service to the client.

In that case, the provider may deduct the tax reimbursed in determining the tax for the period referred to in section 12 or 13, as the case may be, during which the provider reimburses the client or within 4 years after the end of the period during which the provider reimbursed the client.

16. A provider who collects from a client an amount as tax in excess of the tax that the provider was required to collect must reimburse the excess amount to the client, if the client so requests, within 4 years after the day on which the amount was collected.

In that case, the provider may deduct the amount reimbursed in determining the tax for the period referred to in section 12 or 13, as the case may be, during which the provider reimburses the client or within 4 years after the day on which the amount was collected.

DIVISION III**TERMS AND CONDITIONS OF REMITTANCE OF THE PROCEEDS OF THE TAX BY THE MINISTER OF REVENUE**

17. The Minister of Revenue must, not later than the tenth working day of each month, remit to the body designated under section 244.73 of the Act respecting municipal taxation the proceeds of the tax for the preceding month, less the sum established in accordance with the Schedule that the Minister keeps for administrative costs.

The proceeds of the tax for a month are made up of the tax of which every provider has rendered an account to the Minister during the month, less the sum kept by the Minister for administrative costs and, where a provider has not rendered an account, any tax amount in respect of which the Minister sent a notice of assessment during the month. The amount of every tax reimbursement made by the Minister to a provider during the month is subtracted from the proceeds of the tax.

18. The Minister of Revenue determines, at the end of each fiscal year, bad debts attributable to the accounts receivable relating to the tax.

The sum represented by the bad debts is subtracted from the proceeds of the tax remitted by the Minister in the fourteenth month after the end of the fiscal year.

19. During each remittance, the Minister of Revenue sends to the body a document that indicates

- (1) the proceeds of the tax;
- (2) the sum subtracted by the Minister for administrative costs; and
- (3) the sum represented by the bad debts, if applicable.

**DIVISION IV
OFFENCE**

20. Every provider who contravenes section 4 or 11 is liable to a fine of not less than \$200 and not more than \$5,000.

21. Every provider who refuses or neglects to collect the tax, to keep or render an account thereof or to remit the tax to the Minister of Revenue, in accordance with the provisions of this Regulation, is liable to a fine of not less than \$25 for each day that the offence continues.

**DIVISION IV
COMING INTO FORCE**

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

**SCHEDULE
(section 17)****ADMINISTRATIVE COSTS**

1. The administrative costs are made up of the following sums:

(1) a sum of \$311,100 to be kept upon the remittance in February 2010;

(2) a sum of not more than \$965,100, financed with interest over a period of 5 years by the Information Technologies Fund, to be kept upon the first 60 remittances as of May 2010; the amount of principal kept upon each remittance is 1/60 of the financed sum to which a sum representing the monthly interests calculated at the annual rates determined by the Minister of Finance is added;

(3) a sum of \$267,800 for each fiscal year, to be kept in equal portions upon each of the 12 remittances in the fiscal year, which are made as of May; that sum is adjusted on 1 April of each year in accordance with section 2.

In April 2010, the Minister of Revenue will inform the body of the final amount of the sum referred to in subparagraph 2 of the first paragraph.

For the 2009-2010 fiscal year, the sum referred to in subparagraph 3 of the first paragraph is established in proportion to the number of months for which the tax is imposed during that year; an amount of \$44,634 will be kept upon the remittance in February 2010 and an amount of \$22,317 will be kept upon the remittance in March 2010 and the remittance in April 2010.

2. The sum referred to in subparagraph 3 of the first paragraph of section 1 is adjusted on 1 April of each year in the following manner:

(1) the part of that sum which represents the costs related to information technologies is adjusted based on the estimated portion of the reimbursements related to investments made within the Information Technologies Fund for computer systems of the Ministère du Revenu not specifically dedicated to the remittance of the tax, which portion represents the part of the department's total cash flow that the Minister allocates to the remittance of the tax;

(2) the part of that sum which represents the costs related to remuneration expenses is adjusted based on the annual rate of increase of the average wage of the entire workforce of the “Officer” and “Professional” categories in office at the Ministère du Revenu; that rate, rounded up to the third decimal, is established by comparing the average wage of the workforce at 31 December of the fiscal year that has ended to that of 31 December of the preceding fiscal year;

(3) the part of that sum which represents the costs related to other expenditures is adjusted based on the annual percentage change in the Consumer Price Index for Québec, as published by Statistics Canada; that change, rounded up to the third decimal, is established by using the average of the annual change of the 12 monthly indexes for the period ending on 31 December of the fiscal year that has ended in relation to the preceding fiscal year.

3. At the beginning of each month of March, the Minister of Revenue informs the body of the amount of interest added pursuant to subparagraph 2 of the first paragraph of section 1 and of the adjustments calculated pursuant to section 2 that are applicable for the following fiscal year.

Draft Regulations

Draft Regulation

Civil Protection Act
(R.S.Q., c. S-2.3)

Standards, specifications and quality criteria applicable to 9-1-1 emergency centres and to certain secondary emergency call centres

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 standards, specifications and quality criteria applicable to 9-1-1 emergency centres and to certain secondary emergency call centres, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation determines the standards, specifications and quality criteria that 9-1-1 emergency centres must comply with to obtain a certificate of compliance and certain standards and specifications and certain quality criteria that secondary emergency call centres, except health communication centres, must comply with.

To date, study of the matter has shown little impact on the public and enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jean-François Bouchard, Head, Service de l'analyse et des politiques, Direction générale de la sécurité civile et de la sécurité incendie, Ministère de la Sécurité publique, 2525, boulevard Laurier, 6^e étage, Québec (Québec) G1V 2L2; telephone: 418 643-9242 or fax: 418 646-6960.

Any person wishing to comment on the draft Regulation is requested to submit written comments to Jacques P. Dupuis, Minister of Public Security, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2, within the 60-day period.

JACQUES P. DUPUIS,
Minister of Public Security

Regulation respecting standards, specifications and quality criteria applicable to 9-1-1 emergency centres and to certain secondary emergency call centres

Civil Protection Act
(R.S.Q., c. S-2.3, s. 52.4; 2008, c. 18, s. 108)

CHAPTER I APPLICATION

1. This Regulation determines the standards, specifications and quality criteria applicable to 9-1-1 emergency centres. It also determines certain standards and specifications and certain quality criteria applicable to secondary emergency call centres, except health communication centres within the meaning of Act respecting pre-hospital emergency services (R.S.Q., c. S-6.2).

CHAPTER II LOCATION, IDENTIFICATION AND ACCESS TO THE 9-1-1 EMERGENCY CENTRE

2. A 9-1-1 emergency centre must not be located in an industrial zone or in another place with known disaster risks, as defined in section 2 of the Civil Protection Act (R.S.Q., c. S-2.3).

Despite the foregoing, a centre existing on (*insert the date of coming into force of this Regulation*), that is located in an industrial zone or in another place with the risks referred to in the first paragraph, must assess the risks and provide, where applicable, compensatory measures.

Where a centre, as a result of an amendment to a zoning by-law or the occurrence of a special event, is located in an industrial zone or in another place with disaster risks, the centre must assess the risks and provide, where applicable, compensatory measures.

3. A 9-1-1 emergency centre must not be identified, outside or inside the building where it is located. It must not enter its address in telephone directories or on any other medium.

4. A 9-1-1 emergency centre must provide safety and protection measures against intrusion including

(1) limiting, only to the persons authorized thereto, access to the premises used for processing emergency calls and to the facilities used for the equipment necessary for its operations; and

(2) holding a register of the times of entry and exit of suppliers and visitors who have access to the facilities and ensure that they are accompanied or under constant supervision during their visit.

Despite the foregoing, if safety is not compromised, the 9-1-1 emergency centre may allow a supplier or a visitor to have access to the premises referred to in subparagraph 1 of the first paragraph without being accompanied or under constant supervision.

CHAPTER III BUILDING AND EQUIPMENT

DIVISION I BUILDING

5. A 9-1-1 emergency centre must

(1) be situated in a building that, at the time of its installation, complies with the standards applicable to post-disaster buildings, according to the definition made applicable by Chapter I of the Construction Code, made by Order in Council 953-2000 dated 26 July 2000;

(2) ensure that the building in which it is situated complies with those standards if it undergoes major alterations;

(3) be situated in a building equipped with a fire alarm and detection system, a heat detector, a smoke detector and a carbon monoxide detector and fire extinguishing equipment; and

(4) have its own heating, ventilation and air conditioning system.

6. The premises used for processing emergency calls and those used for the equipment necessary for the operations of a 9-1-1 emergency centre must be situated above the first floor of a building.

The premises must

(1) have continuous and uninterrupted electrical power including dedicated electrical circuits, uninterruptible power supply, a generator functional at all times and an external plug for a generator; and

(2) be equipped with fire extinguishing equipment to ensure protection of the computer and electronic equipment.

The centre must test its electric power system and generator every 3 months.

DIVISION II EQUIPMENT

7. A 9-1-1 emergency centre and a secondary emergency call centre must

(1) have the telephone and computer equipment enabling to receive and process the information provided by the Public Emergency Reporting Service; and

(2) ensure that the components of their telephone and computer systems are synchronized at all times with the official time of the National Research Council of Canada.

8. A 9-1-1 emergency centre must

(1) have at least 2 separate points of access to the building for input cables;

(2) have enough telephone lines to respond to the emergency calls it receives;

(3) ensure that its telephone lines are registered, by its service provider, to the Priority Access for Dialing program (PAD) of Industry Canada;

(4) equip each work station of emergency call operators with a teletypewriter or text telephone device for the Deaf (TTY) or a device integrated into the calling card system, in order to respond to calls from the hearing impaired, and test those devices on a weekly basis;

(5) have access to a multilingual service;

(6) have a call queuing system with message waiting;

(7) allow access at all times, for each work station of emergency call operators, to geomatics tools for the search of addresses and locations, the search by spatial coordinates, spatial and cartographic analysis and for the reception, processing and transfer of geographic information related to an event; and

(8) set up tools to protect computers from outside attacks.

CHAPTER IV LEVEL OF SERVICE

DIVISION I QUALITY OF SERVICE

9. A 9-1-1 emergency centre must ensure that a minimum of 2 emergency call operators, including a person in charge of operations, are present at all times.

10. A 9-1-1 emergency centre and a secondary emergency call centre must

(1) provide emergency call services every day of the week, 24 hours a day;

(2) ensure that all emergency calls are answered in French or English, as the case may be; and

(3) respond to emergency calls within 10 seconds in at least 90% of the cases, on a monthly basis, unless special circumstances justify a longer delay.

The average time for processing wireline calls through the Public Emergency Reporting Service and forwarded by the 9-1-1 emergency centre to a secondary emergency call centre must take no more than 60 seconds.

11. A 9-1-1 emergency centre and a secondary emergency call centre to which the emergency centre transfers mainly emergency calls and geographic information relating thereto, where applicable, must enter into memoranda of understanding to determine, for each type of event, the emergency services required on a priority basis and the related operational procedures.

12. A 9-1-1 emergency centre must ensure, for every emergency call it receives, that a calling card is produced and contains, when available, the following information:

(1) the caller's contact information;

(2) the date of the call;

(3) the location of the event;

(4) the time of the incoming call at the 9-1-1 emergency centre;

(5) the nature of the call;

(6) the descriptive and geographic information used to locate the caller; and

(7) the name of the responder to whom the call was forwarded.

13. A 9-1-1 emergency centre must

(1) have a recording and conservation system of emergency calls in speaking mode and calling cards pertaining to them and keep the recordings and calling cards for at least 38 months after the date on which those calls were received;

(2) set up a procedure to ensure the quality of services rendered to the population and to the responders who were called, which provides for the verification of calling cards and the listening of recordings; and

(3) ensure the integrity of the chain of custody of the recordings and calling cards.

14. A 9-1-1 emergency centre must take the necessary measures to ensure the confidentiality of the information held by it.

15. A 9-1-1 emergency centre must set up a procedure for processing complaints. The procedure provides that the response to a complaint must be provided within 20 working days or, failing that, that the person who filed a complaint must be informed within that period of a date of response.

The centre must hold a register of complaints containing the number of and reasons for the complaints received as well as the basis of the complaints, where applicable.

16. A 9-1-1 emergency centre must hold a register of intrusions, attempts of intrusion and unauthorized computer transactions and a register of remote access to its telephone and computer systems.

DIVISION II **CONTINUITY OF OPERATIONS**

17. To ensure the continuity of its operations, a 9-1-1 emergency centre must

(1) establish and maintain up-to-date a backup plan and an emergency plan in the event of a disaster; and

(2) set up a preventive maintenance program.

18. The backup plan of a 9-1-1 emergency centre must contain

(1) the identification of a functional backup centre that is able to comply with Chapters II and III, Division I of Chapter IV and Chapter V of this Regulation;

(2) the measures to be taken in case of call overflow;

(3) the procedure relating to the transfer of telephone lines from the 9-1-1 emergency centre to its backup centre and to the resumption of operations;

(4) the backup procedure to ensure in the short-, medium- and long-term the continuity of operations to take, process, transfer and record calls;

(5) the contact information of the secondary emergency call centres and responders that could be called by the 9-1-1 emergency centre; and

(6) the instructions relating to the implementation and execution of the plan for the persons in charge and staff members.

The centre must inform all staff members of the content of the plan. It must carry out every 3 months exercises to test its application by verifying the functionality of its backup centre.

The centre must also hold a register in which the results of those verifications and dates on which they were carried out are entered.

19. The emergency plan in the event of a disaster of a 9-1-1 emergency centre must contain

(1) the procedures to follow according to the emergency situation, including an evacuation procedure and containment measures;

(2) the contact information of the emergency responders of the municipality where it is located;

(3) the instructions relating to the implementation and execution of the plan for the persons in charge and staff members;

(4) the location of portable fire extinguishers and other fire protection equipment;

(5) evacuation routes to outside meeting places; and

(6) the emergency procedure applicable to its backup centre.

The centre must inform all staff members of the content of the plan and carry out exercises, twice a year, to test its application.

20. The preventive maintenance program must provide for periodical inspections to ensure the operation of the equipment and of every system used by the 9-1-1 emergency centre, including those of its backup centre, and for the keeping of a register in which system failures and repairs carried out on the equipment and systems are entered.

The centre must, as soon as possible, inform the Minister of Public Security of any defect or disturbance disrupting its operations.

CHAPTER V HUMAN RESOURCES

DIVISION I CONDITIONS TO HOLD EMPLOYMENT

21. A 9-1-1 emergency centre must require, before hiring, that each applicant qualified for the position of emergency call operator undergo a medical examination to determine if the applicant has the required skills to hold such a position. The medical examination is to verify the candidate's visual and auditory acuity, psychological stability and stress tolerance level.

The centre may, at all times, require that an emergency call operator undergo a medical examination, if it has reasonable grounds to believe that there has been a change related to the skills required to hold that employment.

DIVISION II TRAINING

22. A 9-1-1 emergency centre must ensure that emergency call operators receive initial theoretical and practical training of not less than 100 hours.

That training includes

(1) the roles and responsibilities of emergency call operators;

(2) customer service;

(3) telephones and computers;

(4) the equipment used by the 9-1-1 emergency centre, other than telephones and computers;

(5) the processing of geographic information and basic concepts in geomatics;

(6) the drafting technique of a calling card;

(7) the confidentiality of information;

(8) the language to be used;

(9) the definition of an emergency;

(10) the operation of the 9-1-1 network;

(11) the management of difficult situations;

(12) stress management;

- (13) available resources;
- (14) operational modes; and
- (15) the statutes governing the practices and memoranda of understanding.

The centre is to ensure that the emergency call operators and the persons in charge of operations receive, at least twice a year, continuing training pertaining to their work.

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

9309

Index

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

	Page	Comments
Civil Protection Act — Standards, specifications and quality criteria applicable to 9-1-1 emergency centres and to certain secondary emergency call centres (R.S.Q., c. S-2.3)	1869A	Draft
Construction contracts of public bodies (An Act respecting contracting by public bodies, 2006, c. 29)	1862A	M
Contracting by public bodies, An Act respecting... — Construction contracts of public bodies (2006, c. 29)	1862A	M
Contracting by public bodies, An Act respecting... — Service contracts of public bodies (2006, c. 29)	1863A	M
Contracting by public bodies, An Act respecting... — Supply contracts of public bodies (2006, c. 29)	1861A	M
Municipal taxation, An Act respecting... — Municipal tax for 9-1-1 (R.S.Q., c. F-2.1)	1864A	N
Municipal tax for 9-1-1 (An Act respecting municipal taxation, R.S.Q., c. F-2.1)	1864A	N
Service contracts of public bodies (An Act respecting contracting by public bodies, 2006, c. 29)	1863A	M
Standards, specifications and quality criteria applicable to 9-1-1 emergency centres and to certain secondary emergency call centres (Civil Protection Act, R.S.Q., c. S-2.3)	1869A	Draft
Supply contracts of public bodies (An Act respecting contracting by public bodies, 2006, c. 29)	1861A	M

