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**Summary**

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 125-2010, 24 February 2010

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5)

#### Sûreté du Québec

#### — Partition and assignment of benefits accrued under the Régime de retraite

Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec

WHEREAS, under the first paragraph of section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5), notwithstanding any provision of any Act, regulation or order inconsistent therewith, the Government may, by order, render the special measures provided in Chapter VII.1 of Title I of the Act respecting Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and in the regulations thereunder applicable, in whole or in part and adapted as required to the Régime de retraite pour les membres de la Sûreté du Québec for the purposes of partition and assignment of benefits between spouses;

WHEREAS, under the second paragraph of that section, the Government may also, by the same order, prescribe special provisions for the establishment and assessment of benefits accrued under the Régime de retraite pour les membres de la Sûreté du Québec and for the reduction of the sums payable under such plan by reason of payment of the sums awarded to the spouse;

WHEREAS, in accordance with section 52 of the Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, the Government made the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, by Order in Council 1489-2002 dated 18 December 2002;

WHEREAS several amendments need to be made to the Regulation following the approval of the new Régime de retraite des membres de la Sûreté du Québec by Order in Council 151-2008 dated 27 February 2008, particularly as regards the introduction of provisions respecting ancillary benefits optional under the pension plan;

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 partition and assignment of benefits under the Régime de retraite des membres de la Sûreté du Québec was published in Part 2 of the *Gazette officielle du Québec* of 21 October 2009, with a notice that it could be made by the Government on the expiry of 45 days following that publication and that any person could submit comments before the expiry of that period;

WHEREAS no comments were received on 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 respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5, s. 52)

#### DIVISION I STATEMENT OF THE MEMBER'S OR FORMER MEMBER'S BENEFITS

1. Any application to the Commission administrative des régimes de retraite et d'assurances to obtain a statement of the member's or former member's benefits, referred to in section 122.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), must contain the following information and be accompanied by the following documents:

(1) the name, address, social insurance number and date of birth of the member or former member and of his or her spouse;

(2) a marriage certificate and, where applicable, the date on which the spouses resumed living together or a civil union certificate;

(3) a written confirmation from a certified mediator to the effect that he or she has obtained a mandate of family mediation or written confirmation from a notary that the civil union spouses have initiated a joint procedure for the dissolution of their union or, as the case may be, a joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment ruling on such an application; and

(4) the information that must be provided by the employer in its annual report, in accordance with the provisions of the Régime de retraite des membres de la Sûreté du Québec, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.

Any application made under this section is also valid for the ancillary benefits provided for in Chapter V of the Régime de retraite des membres de la Sûreté du Québec that are administered by the Association des policières et policiers provinciaux du Québec and for the other pension plans administered by the Commission or for which the Commission is responsible for paying benefits.

**2.** Within 90 days of the date of receipt of a duly completed application, the Commission must provide the member or former member and his or her spouse with a statement containing the following information:

(1) the date on which the member or former member became a member of the Régime de retraite des membres de la Sûreté du Québec and, where applicable, the date on which he or she ceased to be a member thereof;

(2) the benefits accrued to the member or former member, from the time he or she became a member of the plan to the date of assessment provided for in the second paragraph of section 122.2 of the Act respecting the Government and Public Employees Retirement Plan, as well as the value of those benefits without taking into account any reduction referred to in Division IV resulting from a prior partition or assignment of benefits;

(3) the benefits accrued for the period of the marriage or civil union, as well as their value;

(4) where applicable, the value of the reduction of accrued benefits referred to in Division IV as a result of any prior partition or assignment of benefits and that would be applicable at the date of the assessment; and

(5) the terms and conditions for payment of the sums awarded to the spouse in accordance with Division III.

The statement of benefits and values must be established at the date of assessment on the basis of information known to the Commission on the date the statement is issued by the Commission.

## **DIVISION II** ESTABLISHMENT AND ASSESSMENT OF ACCRUED BENEFITS

### **SUBDIVISION I** ESTABLISHMENT OF BENEFITS

**3.** The benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, including benefits accrued in the form of pension credit by members who took part in the Régime de retraite des employés de la Ville de Gatineau and who were integrated into the Sûreté du Québec on 1 January 1999, must be established in accordance with the provisions of the Régime de retraite des membres de la Sûreté du Québec, taking into account the following provisions:

(1) where the plan provides for the option between a refund of contributions and a deferred retirement pension and where that option has not been exercised at the date of assessment, the benefits accrued are those whose value is the higher between such a refund and a deferred retirement pension payable from age 60;

(2) where the plan provides that the member would be entitled to a deferred retirement pension if he or she ceased to hold employment while having at least 10 years of service for eligibility purposes and having reached age 45 but without having 20 years of service for eligibility purposes or having reached age 60, his or her benefits are deemed to correspond to a deferred retirement pension payable from age 60; and

(3) where the plan provides that the member would be entitled to a retirement pension if he or she ceased to hold employment while having at least 20 years of service for eligibility purposes but without having reached age 60, his or her benefits are deemed to correspond to a deferred retirement pension payable from age 60.

The benefits accrued for the period of the marriage or civil union must be established in accordance with the first paragraph on the basis of the years or parts of a year of service credited during that period, on the assumption that the member or former member acquired for that period benefits of the same type as those accrued to him or her from the beginning of membership to the date of assessment.

For the purposes of establishing and assessing the accrued benefits, those benefits must correspond to the benefits acquired under the plan at the date of assessment on the basis of the years or parts of a year of service credited at that date. For those purposes, the member is deemed to have ceased to be covered by the plan at the date of assessment.

**4.** The years or parts of a year of service redeemed, other than those redeemed, if any, on the occasion of a transfer of service mentioned in sections 6, 7 and 8, are credited proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage or civil union to the extent that they were paid during that period.

**5.** In the case of autoroute police officers, where the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec is less than the number of years or parts of a year of service recognized under the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan and where a fraction of the number of those years is comprised in the period of the marriage or civil union, the number of years or parts of a year of service credited and comprised in the period of the marriage or civil union is equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec with respect to years served as an autoroute police officer;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union; and

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

**6.** In the case of a former municipal police officer who participates in the Régime de retraite des membres de la Sûreté du Québec following the abolition of the municipal police force that was employing the officer immediately before the date of his or her integration into the Sûreté du Québec, where the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec is less than the number of years of service or parts thereof recognized for eligibility purposes in the abolished police force and where a fraction of the number of years is included in the period of the marriage or civil union, the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec and that are included in the period of the marriage or civil union is equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{E}{F} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited to the Régime de retraite des membres de la Sûreté du Québec with respect to years recognized for eligibility purposes in the abolished police force;

“E” represents the number of days elapsed for eligibility purposes in the abolished police force for the period of the marriage or civil union; and

“F” represents the total number of days elapsed for eligibility purposes in the abolished police force.

For the purposes of this section, the initial pension plan is a supplemental pension plan with fixed contributions within the meaning of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), in which the former municipal police officer was participating immediately before the date of his or her integration into the Sûreté du Québec and from which the moneys are directly transferred into the Régime de retraite des membres de la Sûreté du Québec.

**7.** Where the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec, in accordance with a transfer agreement approved by the Government in accordance with section 92 of that pension plan, is less than the number of years of service or parts thereof recognized under the initial pension plan and where a fraction of the number of those years is comprised in the period of the marriage or civil union, the number of years or parts of a year of service credited in accordance with the transfer agreement and comprised in the period of the marriage or civil union is equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer agreement;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union; and

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

However, if the number of years of service or parts thereof recognized under the initial pension plan for the period of the marriage or civil union is unknown by the Commission, the number of years or parts of a year of service credited in accordance with the transfer agreement and included in the period of the marriage or civil union must be equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{E}{F} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer agreement;

“E” represents the number of calendar days elapsed under the initial pension plan for the period of the marriage or civil union; and

“F” represents the number of calendar days elapsed while participating in the initial pension plan.

**8.** If the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec, in accordance with the transfer of service acquired under another pension plan administered by the Commission, is less than the number of years of service or parts thereof recognized under the initial pension plan and where a fraction of the number of those years is comprised in the period of the marriage or civil union, the number of years of service or parts thereof credited in accordance with the transfer provisions and included in the period of the marriage or civil union must be equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer provisions;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union; and

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

## SUBDIVISION II ASSESSMENT OF BENEFITS

**9.** Where the accrued benefits consist in a refund of contributions, the value of those benefits corresponds to the contributions paid with interest calculated in accordance with the Act respecting the Government and Public Employees Retirement Plan and at the rates in Schedule VI to that Act until 31 May 2009 and at the rates in Schedule II to the Régime de retraite des membres de la Sûreté du Québec as of 1 June 2009. The interest is accrued to the date of assessment, as though the refund was made at that date. The same applies in respect of the value of the benefits accrued for the period of the marriage or civil union.

**10.** The actuarial value of the benefits must be established according to the following actuarial method and assumptions:

(1) actuarial method:

the actuarial method is the “distribution of benefits” method;

(2) actuarial assumptions:

those provided for in Schedule I to the Régime de retraite des membres de la Sûreté du Québec, which are in force on the date of receipt of the application for a statement of benefits, in respect of the mortality rate, the spouse’s age, the rate of interest, the rate of increase in the Pension Plan Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the proportion of members having a spouse.

**11.** Where the accrued benefits correspond to a retirement pension, a deferred retirement pension or a pension credit, the value of those benefits is equal to amount “D” in the following formula:

$$d_1 + d_2 + d_3 + d_4 = D, \text{ in which}$$



“d<sub>1</sub>” represents the actuarial value of the portion of any retirement pension that, from the date on which it is paid, is indexed in accordance with the rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan;

“d<sub>2</sub>” represents the actuarial value of the portion of any retirement pension that, from the date on which it is paid, is indexed by the amount by which that rate exceeds 3%;

“d<sub>3</sub>” represents the actuarial value of the part of any retirement pension which, from the date on which it is paid, is indexed at the highest rate between

(a) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; or

(b) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%; and

“d<sub>4</sub>” represents the actuarial value of each pension credit that, from the date on which it is paid, is indexed at 75% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan.

The value of the benefits accrued for the period of the marriage or civil union must be established in accordance with the first paragraph.

**12.** Where the accrued benefits consist in a benefit that is being paid at the date of assessment or that would be if the former member had made an application to that effect, the value of those benefits must be obtained by calculating the actuarial value of such a benefit.

The value of the benefits accrued for the period of the marriage or civil union must be established in accordance with the first paragraph.

### DIVISION III

#### PAYMENT OF THE SUMS AWARDED TO THE SPOUSE AS A RESULT OF THE PARTITION OR ASSIGNMENT OF BENEFITS

**13.** In this Division, the expressions “life income fund”, “locked-in retirement account” and “annuity contract” have the meaning given to them by the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 dated 8 August 1990, as amended.

**14.** An application for payment of the sums awarded to the spouse must be preceded by an application for assessment made in accordance with Division I and

must contain the name and address of the member or former member and of his or her spouse, their social insurance number and their date of birth.

The application is also valid for all pension plans for which the Commission has provided a statement.

**15.** An application for payment of the sums awarded to the spouse must be accompanied by the following documents:

(1) the judgment ruling on separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance;

(2) where applicable, any other judgment relating to the partition or assignment of the member’s or former member’s benefits or the joint declaration of dissolution of the civil union and the notarized transaction contract;

(3) where applicable, the agreement entered into between the spouses regarding the terms for payment out of the benefits accrued under the Régime de retraite des membres de la Sûreté du Québec; and

(4) the certificate of non-appeal or, as the case may be, the divorce certificate.

**16.** Upon receipt of a duly completed application for payment, the Commission must send the member or former member a statement showing the sums awarded to the spouse as well as the amount of the reduction calculated pursuant to Divisions IV and V. The Commission must also send the spouse a statement showing the sums awarded to him or her.

The spouse must, within 60 days of the date on which the statement addressed to him or her was mailed, provide the Commission with the name and address of the financial institution, as well as an identification of the annuity contract, locked-in retirement account or life income fund or, where applicable, the registered retirement savings plan or registered retirement income fund into which the sums awarded to him or her must be transferred.

Unless the spouse was paid otherwise, the Commission must, within 120 days following the expiry of the period provided for in the second paragraph, transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund or, where applicable, into a registered retirement savings plan or registered retirement income fund with a financial institution chosen by the spouse, provided that the steps necessary for the transfer of those sums were taken beforehand.

Should the spouse fail to indicate his or her choice and to take the necessary steps within the prescribed period, the Commission must transfer those sums into a locked-in retirement account or, where applicable, into a registered retirement savings plan in the spouse's name with the financial institution with which the Commission reached an agreement to that effect.

Where the spouse proceeds by way of compulsory execution, the judgment authorizing a seizure by garnishment must serve as an application for payment and this section applies.

**17.** The Commission must transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund where those sums come from an entitlement to a retirement pension, a deferred retirement pension or a pension credit.

However, the Commission must transfer those sums into a registered retirement savings plan or registered retirement income fund where those sums come from an entitlement to a refund of contributions or, upon application by the spouse, must transfer those sums into an annuity contract, locked-in retirement account or life income fund.

Despite the foregoing, those sums must be paid to the spouse's successors in case of the spouse's death.

**18.** The sums awarded to the spouse must be apportioned among each of the values calculated pursuant to the first paragraph of section 11, proportionately to the value of those sums divided by the total value of the benefits accrued under the plan at the date of assessment.

**19.** Interest compounded annually and accrued from the date of assessment to the date of payment must be added to the sums awarded to the spouse at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan, in force on the date of receipt of the application for a statement of benefits.

#### **DIVISION IV** **REDUCTION OF ACCRUED BENEFITS**

**20.** If the amount paid to the spouse comes from an entitlement to a refund of contributions, to a deferred retirement pension or a pension credit, the member's or former member's benefits must be established in accordance with the plan and must be recalculated as follows:

(1) where the member or former member is entitled to a refund of contributions, to a payment of actuarial value or is entitled to transfer an amount under a transfer agreement approved by the Government, the amount, established in accordance with the plan, of the refund,

payment or transfer must be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually. The applicable rate of interest is determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until 31 May 2009 and in accordance with Schedule II to the Régime de retraite des membres de la Sûreté du Québec as of 1 June 2009. Those sums are accrued from the date of assessment to the date of receipt of the application for refund, payment or transfer, with interest compounded annually at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the date of receipt of the application and calculated from the day following that date until the date of the refund;

(2) where the member or former member is entitled to a deferred retirement pension, to a retirement pension or to a pension credit, his or her pension or credit must be reduced from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**21.** If the amount paid to the spouse comes from an entitlement to a retirement pension, to a pension credit or to any benefit that would otherwise be paid at the date of assessment, that pension or credit must be reduced, from the date on which it becomes payable or from the date of payment, by the amount of pension or credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**22.** Each part of any retirement pension corresponding to each of the indexing formulas applicable to it and each pension credit must be respectively reduced by the amount of any pension corresponding to each of the indexing formulas applicable to it and by the amount of each pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

**23.** For the purposes of sections 20 and 22, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment must be established at that date according to the actuarial method and assumptions provided for in section 10. That amount is presumed applicable on the date of the member's or former member's 60th birthday.

If the date on which the annual retirement pension becomes payable occurs before the date on which the amount of pension obtained pursuant to the first paragraph is presumed applicable or if the retirement pension is being paid on the date of payment and the latter date occurs before the date on which that amount of pension

is presumed applicable, that amount of pension must be reduced by 0.50% per month, calculated for each month between the date on which it begins to apply and the date on which it is presumed applicable, without exceeding 65%. The foregoing also applies to the amount of pension credit.

If the retired member retired before the date of payment and if that date occurs after the date on which the amount of pension obtained pursuant to the first paragraph is presumed applicable, that amount of pension must be increased by 0.50% per month, calculated for each month between the date on which it is presumed applicable and the date on which it begins to apply if the retired member retired before the date on which that amount of pension is presumed to apply, or for each month between the date on which the retired member retired and the date on which that amount of pension begins to apply, if the retired member retired on the date on which that amount of pension is presumed applicable or thereafter.

**24.** For the purposes of sections 21 and 22, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment must be established at that date in accordance with the actuarial method and assumptions provided for in section 10. That amount of pension is presumed applicable on the date of assessment.

The amount of pension obtained pursuant to the first paragraph must be indexed in the same manner as the annual retirement pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply. The foregoing also applies to the amount of pension credit.

The amount of pension obtained pursuant to the first and second paragraphs must be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the annual retirement pension was being paid on the date of assessment or would have been if the former member had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the retired member retired between the date of assessment and the date of payment. The foregoing also applies to the amount of pension credit.

**25.** Where a retirement pension reduced in accordance with this Division is not paid pursuant to the provisions of the Regulation respecting transitional measures necessary for the application of the Act concerning the organization of police services (Order in Council 495-2003 dated 31 March 2003) and the retired member is entitled to

receive a retirement pension recalculated pursuant to those provisions, that recalculated retirement pension is reduced, from the date on which it becomes payable, by the amount of pension that was used to reduce the retirement pension. That amount of pension is indexed in the same manner as the retirement pension would have been indexed if its payment had not stopped from 1 January following the date on which that amount began to apply to 1 January of the year in which the recalculated retirement pension becomes payable.

**26.** Any refund of contributions to be made following a death must be reduced by the sums awarded to the spouse with interest compounded annually at the rate determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until 31 May 2009 and in accordance with Schedule II to the Régime de retraite des membres de la Sûreté du Québec as of 1 June 2009. Those sums are accrued from the date of assessment to the date of death, except for the period during which a retirement pension is paid, and increased by interest compounded annually at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the member's date of death and calculated from the date following that date until the date on which the refund is made.

#### **DIVISION V** **SPECIAL PROVISIONS CONCERNING** **ANCILLARY BENEFITS**

**27.** For the purposes of section 2, the Association des policières et policiers provinciaux du Québec provides the Commission with the following information within 30 days of the date of receipt of a request from the Commission:

(1) the value of the benefits accrued by the member or former member in respect of ancillary benefits from the time when he or she became a member of the plan to the date of assessment provided for in the second paragraph of section 122.2 of the Act respecting the Government and Public Employees Retirement Plan; and

(2) the value of the benefits accrued for the period of the marriage or civil union.

**28.** The value of the benefits accrued as ancillary benefits correspond,

(1) where the retirement pension is not being paid at the date of assessment, to the sum of the optional contributions paid into funds offered to members by the Association des policières et policiers provinciaux du Québec and accrued with interest until the date of assessment, less the related administrative expenses and the sums awarded to the spouse as a result of any partition or assignments of prior benefits;

(2) where the retirement pension is being paid at the date of assessment, to the actuarial value of those benefits established on the basis of assumptions that will produce commuted values comprised between those that would have been obtained if the assumptions based on the financing of the plan of the last available assessment produced in accordance with section 101 of the Régime de retraite des membres de la Sûreté du Québec had been used and those that would have been obtained on the basis of equivalence of actuarial values of benefits, in accordance with section 3800 of the Practice-Specific Standards for Pension Plans, Canadian Institute of Actuaries, Document 206036, April 2006, revised May 1, 2006, as amended.

The value of the benefits accrued for the period of the marriage or civil union is equal to the amount represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the value of the benefits accrued as ancillary benefits established in accordance with the first paragraph;

“C” represents the optional contributions paid with interest for the period of the marriage or civil union; and

“D” represents the optional contributions paid with interest for the period of the member’s membership in the plan until the date of assessment.

For the purpose of paying the sums awarded to the spouse as a result of the partition or assignment of the benefits accrued as ancillary benefits referred to in Chapter V of the plan, sections 16, 18 and 19 of this Regulation apply, with the necessary modifications. The Association des policières et policiers provinciaux du Québec, its service provider or, as the case may be, the insurer transfers the sums awarded to the spouse and derived from ancillary benefits into the same annuity contract, locked-in retirement account or life income fund or, where applicable, the registered retirement savings plan or registered retirement income fund where the sums awarded to the spouse and derived from the other benefits of the plan must be transferred pursuant to section 17.

**29.** If the amount paid to the spouse is derived from the value of accrued benefits established pursuant to subparagraph 1 of the first paragraph of section 28, the benefits of the member or former member are reduced as follows:

(1) where the retirement pension is not being paid at the time of payment, the sums accrued in the funds offered to members by the Association des policières et policiers provinciaux du Québec are reduced, at the date of payment, by the sums awarded to the spouse at the date of assessment in relation to those optional contributions;

(2) where the retirement pension is being paid at the time of payment, the ancillary benefits paid to the retired member are reduced, as of the date of payment, by the pension amount that would be obtained from the sums awarded to the spouse at that date in relation to those optional contributions.

**30.** If the amount paid to the spouse is derived from the value of accrued benefits established pursuant to subparagraph 2 of the first paragraph of section 28, those benefits are reduced, as of the date of payment, from the pension amount that would be obtained from the sums awarded to the spouse at the date of assessment in relation to those ancillary benefits.

**31.** The pension amount that would be obtained from the sums awarded to the spouse is established by the Association des policières et policiers provinciaux du Québec according to actuarial assumptions that comply with the provisions of subparagraph 2 of the first paragraph of section 28.

For the purposes of paragraph 2 of section 29, that amount is established at the date of payment.

For the purposes of section 30, that amount is presumed to be application at the date of assessment and it is adjusted in accordance with the second and third paragraphs of section 24, with the necessary modifications.

**32.** Where the ancillary benefit is paid by an insurer, the insurer determines, at the date of payment, the pension amount that would be obtained from the sums awarded to the spouse.

## DIVISION VI MISCELLANEOUS

**33.** This Regulation replaces the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, made by Order in Council 1489-2002 dated 18 December 2002. However, the first paragraph of the operative part of Order in Council 756-91 dated 5 June 1991 respecting the partition and assignment of benefits accrued under the Régime de retraite pour les membres de la Sûreté du Québec, whose effect was to render the provisions of Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan, with the necessary modifications, applicable to the

Régime de retraite pour les membres de la Sûreté du Québec and which was not replaced by the latter Regulation, remains in force. Order in Council 756-91 dated 5 June 1991 remains applicable to applications for a statement of benefits received by the Commission before 23 January 2003, following the introduction of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, provided that there has been no discontinuance of suit.

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

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Gouvernement du Québec

## O.C. 126-2010, 24 February 2010

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

### Compensations in lieu of taxes — Amendments

Regulation to amend the Regulation respecting compensations in lieu of taxes

WHEREAS, under subparagraph *b.1* of subparagraph 2 of the first paragraph of section 262 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the Government may by regulation prescribe the rules for establishing, in respect of every local municipality and for each fiscal year, a weighted aggregate taxation rate that, when greater than the aggregate taxation rate of the municipality established for the same fiscal year under Division III of Chapter XVIII.1, is used under the third paragraph of section 256 for the purpose of calculating the amount payable to the municipality under section 254 for the fiscal year in respect of the immovables referred to in the second, third and fourth paragraphs of section 255;

WHEREAS the Government made the Regulation respecting compensations in lieu of taxes by Order in Council 1086-92 dated 22 July 1992;

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 compensations in lieu of taxes was published in Part 2 of the *Gazette officielle du Québec* of 2 December 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been received;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting compensations in lieu of taxes, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting compensations in lieu of taxes\*

An Act respecting municipal taxation  
(R.S.Q., c. F-2.1, s. 262, 1st par., subpar. 2 and s. 263.1)

**1.** The Regulation respecting compensations in lieu of taxes is amended by replacing Division 2 by the following:

### “DIVISION 2 WEIGHTED AGGREGATE TAXATION RATE

**3.** The provisions of this Division provide rules for the establishment of a municipality’s weighted aggregate taxation rate for the purposes of the comparison provided for in the third paragraph of section 256 of the Act with the effective aggregate taxation rate, as the case may be, established under Subdivisions 4 and 5 of Division III of Chapter XVIII.1 of the Act.

In the case of a central municipality within the meaning of section 15 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., c. E-20.001), the provisions must be applied so as to establish an urban agglomeration weighted aggregate taxation rate and a regular weighted aggregate taxation rate in order to take into account the distinction made by sections 100 to 102 of that Act.

**4.** A municipality’s weighted aggregate taxation rate is established, after the deposit of the municipality’s property assessment roll, for all the fiscal years to which the roll applies.

\* The Regulation respecting compensations in lieu of taxes, made by Order in Council 1086-92 dated 22 July 1992 (1992, *G.O.* 2, 4058), was last amended by the regulation made by Order in Council 1170-2001 dated 3 October 2001 (2001, *G.O.* 2, 5723). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

That roll is called “current roll” and the first property assessment roll preceding the newly deposited roll is called “preceding roll”.

5. The weighted aggregate taxation rate of a local municipality is the quotient obtained by dividing, by the divisor applicable for the fiscal years to which the current roll applies, the municipality’s weighted aggregate taxation rate that was established for the last fiscal year to which the preceding roll applied.

Subject to sections 5.3 and 5.4, the divisor applicable for the fiscal years to which the current roll applies is the product obtained by multiplying the quotient obtained in accordance with section 5.1 by the increase factor obtained in accordance with section 5.2.

For the purposes of the first paragraph, where the expenditures incurred by a central municipality in the exercise of an urban agglomeration power, for a fiscal year, are financed by aliquot shares paid by the related municipalities of the urban agglomeration, the local municipality’s weighted agglomeration taxation rate that was established for the last fiscal year to which the preceding roll applies corresponds to the total of the urban agglomeration’s weighted aggregate taxation rate and the municipality’s, as a related municipality, that were established for that fiscal year.

5.1. The quotient referred to in the second paragraph of section 5 is the quotient obtained by dividing

(1) the total established according to the current roll, as it exists on the day of the roll’s deposit, by adding the products obtained by multiplying the non-taxable values of the immovables referred to in any of the last three paragraphs of section 255 of the Act by the percentage mentioned in that paragraph; by

(2) the total established according to the preceding roll, as it exists on the day before the current roll’s deposit, by making the addition provided for in subparagraph 1.

For the purposes of subparagraph 2 of the first paragraph, the values used are those that, if a summary of the current roll reflecting its state on the day of its deposit was accompanied by the summary of the preceding roll reflecting its state on the day before, would appear in lines 605 to 615 under the heading “VALEURS” in the section “INVENTAIRE PAR DISPOSITION FISCALE” of the form provided for in the regulation made under paragraph 1 of section 263 of the Act and is related to such a summary.

The assessor who has deposited the current roll gives the quotient obtained under this section to the municipality, upon request.

5.2. The increase factor referred to in the second paragraph of section 5 is equivalent to the highest between 1 and the quotient obtained as follows:

(1) multiply the divisor total established in accordance with subparagraph 2 of the first paragraph of section 5.1 by the effective aggregate taxation rate established for the last fiscal year to which the preceding roll applied;

(2) multiply the total to be divided established in accordance with subparagraph 1 of the first paragraph of section 5.1 by the effective aggregate taxation rate established, without taking into account the application of Division IV.3 of Chapter XVIII and section 261.5.10 of the Act, for the first fiscal year to which the current roll applies;

(3) subtract the product obtained in paragraph 1 by the product obtained in paragraph 2;

(4) multiply the divisor total established in accordance with subparagraph 2 of the first paragraph of section 5.1 by the weighted aggregate taxation rate established for the last fiscal year to which the preceding roll applied;

(5) subtract the difference obtained in paragraph 3 from the product obtained in paragraph 4;

(6) divide the product obtained in paragraph 4 by the difference obtained in paragraph 5.

5.3. If the municipality avails itself of the power provided for in section 253.27 of the Act in respect of its current roll, the operations provided for in the second and third paragraphs are performed to adjust the divisor applicable under the second paragraph of section 5 for the purposes of establishing the weighted aggregate taxation rate for either of the first two fiscal years to which the current roll applies. The operations vary depending on whether the product calculated under that paragraph is greater than 1 or not.

The first operation consists, in the first case, in subtracting 1 from the product and, in the second case, in subtracting the product from 1.

The second operation consists, in the first case, in adding to 1 and, in the second case, in subtracting from 1, the number corresponding to one third or two thirds, depending on whether the fiscal year for which the weighted aggregate taxation rate is the first or the second to which the current roll applies, of the difference resulting from the subtraction provided for in the second paragraph.

Where the current roll in respect of which the municipality avails itself of the power provided for in section 253.27 of the Act does apply only to two fiscal years, an adjusted divisor is calculated only for the first fiscal year. To that end, for the purposes of the third paragraph, half the difference resulting from the subtraction provided for in the second paragraph is taken into account instead of one third or two thirds.

**5.4.** The weighted aggregate taxation rate is established on the basis of data available to the Minister when the Minister is required, under Division V, to make a payment or to demand refund of the amount collected in excess.

If, at that time, all the data necessary for establishing the weighted aggregate taxation rate are not available, that rate is deemed to be equal to the aggregate taxation rate to which it is compared under the third paragraph of section 256 of the Act.”.

**2.** Section 9 is amended by replacing “its provisional aggregate taxation rate established in accordance with section 10” in the first paragraph by “the rate applicable under section 10”.

**3.** Section 10 is replaced by the following:

“**10.** To calculate the amount of the payment provided for in section 9, the highest of the following rates is used:

(1) the municipality’s projected aggregate taxation rate established for the fiscal year for which the compensation is payable;

(2) the municipality’s weighted aggregate taxation rate established for that fiscal year.

Despite the foregoing, if that fiscal year is the first fiscal year to which the current roll applies, the multiplier used in the operations provided for in paragraphs 1 and 2 of section 5.2 is, in the first case, the projected aggregate taxation rate established for the last fiscal year to which the preceding roll applied and, in the second case, the projected aggregate taxation rate established, without taking into account the application of Division IV.3 of Chapter XVIII and section 261.5.10 of the Act, for the first fiscal year to which the current roll applies.”.

**4.** Section 12 is amended by replacing the first paragraph by the following:

“**12.** Within 90 days following receipt by the Minister of the municipality’s financial report for the fiscal year for which the compensation is payable, the Minister pays

the municipality the balance of the amount to which it is entitled based on the highest of its rates between the effective and the weighted aggregate taxation rates established for that fiscal year.”.

**5.** Section 16 is amended by replacing the second paragraph by the following:

“Despite the foregoing, the aggregate taxation rate used to calculate the amount of the compensation referred to in Subdivision 1 and established for a fiscal year, whether it is the effective, projected or weighted rate, is not affected by an alteration to the roll that is made after the date on which the roll is taken into consideration in establishing the rate.”.

**6.** Section 27 is replaced by the following:

“**27.** Where the amount of the compensation payable or of any payment, additional compensation, amount collected in excess or interest related to the compensation is a decimal number, the decimal part of the number is struck out and, where the first decimal would have been a figure greater than 4, the whole number is increased by 1.”.

**7.** Division 6, including sections 28 to 30, is revoked.

**8.** The following is inserted after section 32:

“**32.1.** Subject to the second paragraph, Division 2 applies for the purposes of establishing a weighted aggregate taxation rate for each of the fiscal years to which a property assessment roll applies if its coming into force coincides with the beginning of any fiscal year from 2009 to 2013.

In the case of a municipality of which no property assessment roll came into force in 2006, 2007 or 2008, the rules applicable to establish the weighted aggregate taxation rate, for each of the fiscal years to which a property assessment roll that came into force in 2009 applies, are the rules referred to in paragraph 1 of section 32.2.

**32.2.** For the fiscal years to which a property assessment roll that came into force in 2006, 2007 or 2008 applies, the rules to establish the weighted aggregate taxation rate of the municipality are,

(1) subject to paragraph 2, the rules provided for in sections 130 to 132, as amended by section 13 of chapter 33 of the Statutes of 2007, 133 to 135 and 137 of chapter 31 of the Statutes of 2006, account being taken of any modification made to section 134 of that chapter by section 144 and the schedule to chapter 60 of the Statutes of 2006;

(2) if the Minister set that rate under section 136 of chapter 31 of the Statutes of 2006, the rules used by Minister for that purpose.

**32.3.** If the modifications provided for in the schedule to chapter 60 of the Statutes of 2006 apply to a municipality, under section 144 of that chapter, for a fiscal year for which the weighted aggregate taxation rate of the municipality must be established by applying section 5.3, that section is modified

(1) by replacing “two” in the first paragraph by “three”;

(2) by replacing “third or two thirds, depending on whether the fiscal year for which the weighted aggregate taxation rate is the first or the second” in the third paragraph by “quarter, half or three quarters, depending on whether the fiscal year for which the weighted aggregate taxation rate is established is the first, the second or the third”;

(3) by striking out the fourth paragraph.

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

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## M.O., 2010

### Order number 2010-02 of the Minister of Transport dated 24 February, 2010 to amend the Order of the Minister of Transport dated 22 May 1990

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

CONCERNING the approval of weigh scales\*

THE MINISTER OF TRANSPORT,

CONSIDERING section 467 of the Highway Safety Code (R.S.Q., c. C-24.2), under 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;

\* 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), was most recently amended by M.O. 2009-01 dated 9 February 2009 (2009, *G.O.* 2, 205). For earlier amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2009, updated to 1 November 2009.

ORDERS AS FOLLOWS:

**1.** The following wheel-load scales are approved:

| Make   | Model  | Serial No. |
|--------|--------|------------|
| Haenni | WL-101 | 32191      |
| Haenni | WL-101 | 32192      |
| Haenni | WL-101 | 32193      |
| Haenni | WL-101 | 32194      |
| Haenni | WL-101 | 32195      |
| Haenni | WL-101 | 32196      |
| Haenni | WL-101 | 32197      |
| Haenni | WL-101 | 32198      |

**2.** Schedule V to 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 wheel-load scale, model WL-101, serial no. 31697:

| Make   | Model  | Serial No. |
|--------|--------|------------|
| Haenni | WL-101 | 32191      |
| Haenni | WL-101 | 32192      |
| Haenni | WL-101 | 32193      |
| Haenni | WL-101 | 32194      |
| Haenni | WL-101 | 32195      |
| Haenni | WL-101 | 32196      |
| Haenni | WL-101 | 32197      |
| Haenni | WL-101 | 32198      |

**3.** This Order takes effect on the date of its signing.

JULIE BOULET,  
*Minister of Transport*

9711

## Notice

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-8.3)

### Exigible fees

Decision dated 15 February 2010 of the Commission des partenaires du marché du travail concerning the Regulation respecting fees exigible under section 5 of the Act to promote workforce skills development and recognition

CONSIDERING the fourth paragraph of section 5 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-8.3), which provides that the Commission des partenaires du marché du travail prescribes by



regulation the fees for the issue of a certificate certifying that a proposed initiative, action or activity is eligible as a training expenditure;

CONSIDERING the publication, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of the draft Regulation respecting fees exhibible under section 5 of the Act to promote workforce skills and recognition in Part 2 of the *Gazette officielle du Québec* of 2 December 2009, with a notice that it could be made by the Commission des partenaires du marché du travail, with or without amendment, on the expiry of 45 days following that publication;

CONSIDERING that no comments were made following the publication of the draft Regulation and that it is expedient to make it without amendment;

The Commission des partenaires du marché du travail makes the Regulation respecting fees exigible under section 5 of the Act to promote workforce skills development and recognition, appearing below.

FRANÇOISE BERTRAND,            RENÉ ROY,  
*Acting co-chairman*            *Acting co-chairman*

## **Regulation respecting fees exigible under section 5 of the Act to promote workforce skills development and recognition**

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-8.3, s. 5, 4th par.)

**1.** The fees for the issue by the Minister of Employment and Social Solidarity of the certificate provided for in section 5 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-8.3), certifying that a proposed initiative, action or activity is eligible as a training expenditure, are \$195.

Despite the foregoing, the fees are \$97 for the issue of a certificate relating to a colloquium, convention or seminar organized by

(1) a recognized educational institution within the meaning of section 7 of the Act to promote workforce skills development and recognition;

(2) a training body, including a non-profit organization, or a training service or instructor accredited by the Minister; or

(3) a professional order governed by the Professional Code (R.S.Q., c. C-26).

**2.** The fees prescribed by this Regulation are adjusted on 1 April of each year based on the cumulative rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the 12-month period ending on 31 December of the preceding year.

The adjusted fees are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister is to inform the public of the adjustment under this section through Part 1 of the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.

**3.** This Regulation replaces the Regulation respecting fees exigible under section 5 of the Act to promote workforce skills development and recognition, made by decision of the Société québécoise de développement de la main-d'oeuvre on 22 February 1996.

**4.** This Regulation comes into force on 1 April 2010.

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## Draft Regulations

### Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

#### Animals in captivity — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation to amend the Regulation respecting animals in captivity, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purposes of the draft Regulation are

- to prohibit the release of wild turkeys in areas 9 and 10;
- to add certain breeding birds to the animals that may be killed on a ranch farm;
- to specify the content of the tattoo used to identify white-tailed deer;
- to create two new licences to keep animals for commercial purposes, namely the animal trainer's licence and the by-product collector's licence, and to determine the obligations of the holders of those licences;
- to create the non-resident's circus licence, which will allow the public display of the same species as a zoological garden and to determine the obligations of holders of that new licence.

To date, study of the matter has shown no negative impact on enterprises, including small and medium-sized businesses. The proposed amendments will be advantageous to animal trainers and persons who collect by-products.

Further information may be obtained by contacting Serge Bergeron, Ministère des Ressources naturelles et de la Faune, Direction des territoires fauniques et de la réglementation, 880, chemin Sainte-Foy, 2<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7393, fax: 418 646-5179; e-mail: serge.bergeron2@mrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

|   |   |
|---|---|
| NATHALIE NORMANDEAU,<br><i>Minister of Natural<br/>Resources and Wildlife</i> | SERGE SIMARD,<br><i>Minister for Natural<br/>Resources and Wildlife</i> |
|---|---|

### Regulation to amend the Regulation respecting animals in captivity\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 42, 43 and 162, pars. 7 and 22)

**1.** The Regulation respecting animals in captivity is amended by inserting the following after the heading of Division II “GENERAL OBLIGATIONS”:

“**2.1.** Only holders of a zoological garden licence, a wildlife observation centre licence, a licence to keep animals for exhibition purposes or a non-resident's circus licence may display the animals they keep in captivity to the public for remuneration.”

**2.** Section 3 is amended in the part preceding paragraph 1 by inserting “, except an amphibian listed in Schedule I, kept in the fishing area and for fishing purposes,” after “animal in captivity”.

**3.** Section 8 is amended by replacing “personal or breeding purposes” by “personal, breeding or commercial purposes”.

**4.** Section 9 is amended

(1) by inserting “and maintain” after “erect” and “and the fence must be stretched tight near the ground so that no cervidae may pass under it “ after “minimum height of 2.4 metres” in the first paragraph;

(2) by adding “; in addition, the gates of the perimeter fence must remain closed, even in the absence of animals” at the end of the second paragraph.

\* The Regulation respecting animals in captivity was made by Order in Council 1238-2002 dated 16 October 2002 (2002, G.O. 2, 5623) and has not been amended since.

**5.** Section 10 is amended

(1) by inserting “and maintain” in the part preceding subparagraph 1 of the first paragraph after “erect”;

(2) by adding “; in addition, the gates of the perimeter fence must remain closed, even in the absence of animals” at the end of the second paragraph.

**6.** Section 12 is amended by replacing “and 8” in the second paragraph by “, 8, 9 and 10”.

**7.** Section 13 is amended

(1) by inserting “for fur trade” after “for breeding purposes”;

(2) by adding the following paragraph:

“The keeper referred to in the first paragraph must allow a wildlife protection officer or a person accompanying the officer to take samples from the animals kept in captivity or from the premises where they are kept.”.

**8.** Section 16 is amended by inserting “listed in Schedule II” after “exotic species”.

**9.** Section 17 is amended by replacing “an aviculture permit” by “a permit”.

**10.** Section 18 is amended

(1) by adding “; the veterinary surgeon or licence holder must take all necessary means to avoid the domestication of the animals” at the end of the first paragraph;

(2) by adding “; the wildlife protection officer may kill the animal or entrust it to any person entitled to keep it” at the end of the second paragraph.

**11.** Section 19 is amended

(1) by inserting “in the case of a licence holder or veterinary surgeon,” at the beginning of paragraph 1;

(2) by inserting “in the case of a licence holder,” at the beginning of paragraph 2;

(3) by adding the following paragraph:

“(3) in the case of a veterinary surgeon, maintain a register and enter therein, for each animal received, its species, origin, the date of receipt, the date on which it

was set free and the location, or the date on which it was put to death; the veterinary surgeon must also show that register upon request from a wildlife protection officer.”.

**12.** Section 23 is amended by adding the following paragraph:

“(8) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the zoological garden where it was kept.”.

**13.** Section 29 is amended

(1) by inserting “, at least 30 hours a week,” in paragraph 5 after “employ”;

(2) by adding the following paragraph:

“(9) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the wildlife observation centre where it was kept.”.

**14.** Section 36 is amended

(1) by adding “; the licence holder must take all necessary means to avoid the domestication of the animal” at the end of the first paragraph;

(2) by adding “; the wildlife protection officer may kill the animal or entrust it to any person entitled to keep it” at the end of the second paragraph.

**15.** Section 46 is amended by replacing “no more than five white-tailed deer that must bear the tag” in paragraph 3 by “at least 1 and no more than 5 white-tailed deer that must bear a tag, visible to the naked eye at least 16 metres from the animal.”.

**16.** Section 47 is amended

(1) by adding “; the fence must be stretched tight near the ground so that no cervidae may pass under it” at the end of paragraph 1;

(2) by inserting “and the fence must be stretched tight near the ground so that no cervidae may pass under it” in paragraph 2 after “minimum height of 2.4 metres”;

(3) by replacing “, received or given away” in subparagraph *b* of paragraph 7 by “and received”;

(4) by inserting “at least one and” in paragraph 8 after “each year.”.

**17.** Section 49 is amended by adding “or by authorizing any person to hunt it in accordance with the law” at the end.

**18.** The heading of subdivision 1 of Division IX is replaced by the following:

“Game ranches for various species”.

**19.** Section 50 is amended

(1) by replacing “for exotic species” by “for various species”;

(2) by replacing “the exotic species” by “the various species”.

**20.** Sections 51, 52, 53 and 54 are amended by replacing the words “game ranch licence for exotic species” wherever they appear by “game ranch licence for various species”.

**21.** Section 51 is amended by striking out “exotic” in paragraph 2.

**22.** Section 53 is amended

(1) by inserting “and the fence must be stretched tight near the ground so that no cervidae or buffalo may pass under it” in paragraph 1 after “minimum height of 2.4 metres”;

(2) by adding “and keep the barriers of the perimeter fence closed, even in the absence of animals” at the end of paragraph 3;

(3) by inserting “other than a bird, except a wild turkey in the areas referred to in section 12,” in paragraph 5 after “animal”;

(4) by replacing “exotic species “ in paragraph 6 by “animals”.

**23.** Section 54 is amended by replacing “or a boar” in the first paragraph by “, a boar or a bird listed in Schedule V”.

**24.** Section 56 is amended

(1) by striking out “by the tattoo indicating the breeder code provided by the Minister of Agriculture, Fisheries and Food and by the tag used commercially to mark swine and sheep” in subparagraph 3 of the first paragraph;

(2) by adding the following paragraph:

“For the purposes of subparagraph 3 of the first paragraph of this section, identification is

(1) a tag used commercially to mark swine and sheep, visible to the naked eye at least 16 metres from the animal;

(2) a tattoo indicating the letters identifying the breeder, a unique sequential number and the letter corresponding to the year, provided by the Minister of Agriculture, Fisheries and Food or, as the case may be, the identification tattoo affixed to a white-tailed deer from outside Québec and approved by the body having jurisdiction in the deer’s place of origin.”.

**25.** Section 57 is amended

(1) by replacing paragraph 1 by the following:

“(1) keep a minimum of 25 white-tailed deer which must be identified, while they are alive, in accordance with the third paragraph of section 56; in the case of newborn deer, it must be identified before being moved to other premises, not later than 31 December following the date of birth;”;

(2) by inserting “and the fence must be stretched tight near the ground so that no cervidae may pass under it” in paragraph 2 after “minimum height of 2.4 metres”;

(3) by replacing “notify” in paragraph 5 by “give advance notice to”;

(4) by replacing “indicating” in the part preceding subparagraph *a* of paragraph 8 by “containing the following information for the preceding year.”;

(5) by inserting the following after subparagraph *c* of paragraph 8:

“(c.1) the number of deer purchased or sold during the year;”;

(6) by adding “the date of death or, as the case may be,” at the beginning of subparagraph *I* of paragraph 9;

(7) by adding the following paragraph:

“A copy of the register referred to in subparagraph 9 of the first paragraph may stand in lieu of the report referred to in subparagraph 8 of that paragraph if it contains the same information.”.

**26.** Section 58 is amended by adding “; to that end, the licence holder may sell or give away a live deer to a person entitled to keep it, or kill it” at the end.

**27.** The heading of Division X is replaced by the following:

“KEEPING OF ANIMALS IN CAPTIVITY FOR COMMERCIAL PURPOSES”.

**28.** Section 63 is replaced by the following:

“**63.** The holder of an animal broker’s licence, an animal trainer’s licence or a by-product collector’s licence may keep animals in captivity for commercial purposes other than public display.

An animal broker’s licence authorizes the keeping in captivity of animals of native or exotic species for purposes of brokerage, purchase or sale.

An animal trainer’s licence authorizes the keeping in captivity of animals of native or exotic species that are trained for promotion purposes or for the filming of commercials or movies.

A by-product collector’s licence authorizes the keeping in captivity of the species listed in Schedule II or other native species for the purposes of taking certain by-products on live animals.”.

**29.** Section 64 is amended

(1) by replacing “an animal broker’s licence” in the part preceding paragraph 1 by “one of the licences provided for in section 63”;

(2) by inserting the following after paragraph 2:

“(2.1) specify for what purposes the applicant intends to keep the animals;”;

(3) by adding the following paragraph:

“(4) submit a business plan accepted by a financial institution and pertaining to the applicant’s proposed activities.”.

**30.** Section 65 is amended

(1) by replacing “An animal broker’s licence” in the part preceding paragraph 1 by “Every licence provided for in section 63”;

(2) by adding the following paragraph:

“(4) in the case of the holder of an animal trainer’s licence or a by-product collector’s licence, includes a certificate from a chartered accountant establishing that the income derived from the use of the animals kept in captivity for the purposes stipulated in the licence has been \$10,000 or more during the preceding year.”.

**31.** Section 66 is replaced by the following:

“**66.** The holder of an animal broker’s licence may not keep an animal for more than one year.”.

**32.** Section 67 is amended

(1) by replacing “an animal broker’s licence” in the part preceding paragraph 1 by “a licence provided for in section 63”;

(2) by replacing paragraph 1 by the following:

“(1) maintain a register of commercial transactions and enter therein, for each animal,

(a) its scientific name;

(b) the nature and, in the case of the holder of an animal trainer’s licence, duration of the activity;

(c) the name and address of the parties involved in each transaction and each transaction date; and

(d) the number of animals that were born or died;”;

(3) by inserting the following after paragraph 1:

“(1.1) if the licence holder holds a by-product collector’s licence and keeps white-tailed deer or moose, identify them in accordance with section 56;”;

(4) by replacing paragraph 3 by the following:

“(3) submit to the Minister, on or before 31 January of each year, a copy of the register referred to in paragraph 1 or a report containing the same information;”;

(5) by adding “except in the case of animals kept by the holder of a by-product collector’s licence,” at the beginning of paragraph 4;

(6) by replacing “broker’s” in subparagraph *a* of paragraph 4 by “animal owner’s”;

(7) by replacing “broker’s licence number” in subparagraph *b* of paragraph 4 by “number of the related licence to keep animals”;

(8) by adding “in the case of the holder of an animal broker’s licence,” at the beginning of subparagraph *d* of paragraph 4;

(9) by adding “in the case of the holder of an animal broker’s licence,” at the beginning of subparagraph *e* of paragraph 4;

(10) by adding the following paragraphs:

“(6) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the enclosure or cage where it was kept;

(7) in the case of the holder of a by-product collector’s licence who keeps cervidae, boars or peccaries in captivity, maintain an enclosure in compliance with paragraphs 1, 2 and 3 of section 53.”.

**33.** Section 68 is amended

(1) by replacing “an animal broker’s licence” by “a licence provided for in section 63”;

(2) by adding “, or kill the animal” at the end.

**34.** Section 69 is amended

(1) by striking out “resident’s”;

(2) by replacing “or animals indicated on the licence for provisional custody referred to in section 87” by “, animals indicated on the licence for provisional custody referred to in section 87 or animals referred to in Schedule VI for the holder of a hawker’s licence”;

(3) by adding the following paragraph:

“The licence provided for in the first paragraph is not required from a producer within the meaning of the Farm Producers Act (R.S.Q., c. P-28) if the producer complies with the provisions of Division II, section 9 or 10, as the case may be, and paragraphs 2, 4, 5, and 6 of section 74. The producer must also keep an annual register indicating the number of animals exhibited per species, the exhibition period, the number of animals that have escaped, where applicable, and the educational activities offered to visitors.”.

**35.** Section 70 is struck out.

**36.** Section 71 is amended

(1) by striking out “resident’s” in the part of the first paragraph preceding subparagraph 1;

(2) by striking out subparagraph 1 of the first paragraph;

(3) by adding the following at the end of the first paragraph:

“(6) in the case of a non-resident, indicate the date of arrival in Québec of the animal species kept in captivity for exhibition purposes and their scheduled date of exhibition;

(7) in the case of a non-resident, hold civil liability insurance in the minimum amount of \$2,000,000.”;

(4) by adding the following at the end of the second paragraph:

“(4) a copy of the civil liability insurance contract referred to in subparagraph 7 of the first paragraph, where applicable.”.

**37.** Section 72 is struck out.

**38.** Section 73 is amended by striking out “resident’s” in the part preceding paragraph 1.

**39.** Section 74 is amended

(1) by striking out “resident’s or non-resident’s” in the part of the first paragraph preceding paragraph 1;

(2) by adding “and comply with the standards provided for in sections 9 and 10, as the case may be” at the end of subparagraph 1 of the first paragraph;

(3) by replacing subparagraph 3 of the first paragraph by the following:

“(3) make sure that the civil liability insurance contract referred to in subparagraph 7 of the first paragraph of section 71 remains in force throughout the term of the licence;”;

(4) by adding “or from its cage” at the end of subparagraph 4 of the first paragraph;

(5) by striking out the part of the second paragraph preceding subparagraph 1;

(6) by replacing the numbering of subparagraphs “(1)” and “(2)” of the second paragraph by “(6)” and “(7)”.

**40.** The following is inserted after Division XI:

**“DIVISION XLI  
CIRCUS**

**74.1.** A non-resident’s circus licence authorizes the keeping in captivity of animals of native or exotic species, for exhibition or entertainment purposes, for remuneration, in Québec.

**74.2.** To obtain a non-resident’s circus licence, a person must apply in writing to the Minister and

(1) be a non-resident;

(2) provide his or her name and address; in the case of a legal person, its firm name and the address of its head office; in the case of a partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person's name and address and the address of the main place of business;

(3) specify the animal species that will be kept in captivity;

(4) specify the location where the animals will be kept in captivity and the location where they will be exhibited;

(5) indicate the date of arrival of the animals kept in captivity in Québec and their date of departure and the date of their exhibition;

(6) specify the name of the insurance company, the amount of civil liability coverage, which must be at least \$2,000,000 and sufficient to cover the risks involved in exhibiting animals kept in captivity, and the number of the insurance policy; and

(7) explain how the buildings, cages, enclosures and shelters of the animals will be designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.

**74.3.** The application must be accompanied by

(1) a land-use plan for the site, to a scale that makes it possible to locate at least the infrastructures for receiving the public and for providing access to the public, and the buildings, cages, enclosures, shelters, and drinking water outlets for the animals;

(2) a report by a veterinary surgeon drawn up not more than 3 months before the application for a licence, attesting that the animals kept in captivity are in good health and are receiving the care required by their health condition;

(3) a copy of the civil liability insurance contract referred to in paragraph 6 of section 74.2; and

(4) a document in writing issued by the municipality attesting that such exhibition at such location complies with municipal by-laws.

**74.4.** The holder of a non-resident's circus licence must

(1) lay out and maintain every shelter, cage or enclosure in accordance with the plan referred to in paragraph 1 of section 74.3;

(2) keep the animals in buildings, cages, enclosures or shelters designed or built to prevent any animal attack and any transmission of fatal infectious diseases to an animal or a human;

(3) have the care of the animals supervised by a veterinary surgeon;

(4) make sure that the civil liability insurance contract referred to in paragraph 6 of section 74.2 stays in force throughout the term of the licence;

(5) notify without delay a wildlife protection officer upon discovering that an animal has escaped from the enclosure or cage;

(6) allow a wildlife protection officer or a person accompanying the officer to take samples from the animals kept in captivity or from the premises on which they are kept."

**41.** Section 75 is amended by adding “, for the purposes of learning falconry” at the end.

**42.** The following is inserted after section 75:

“**75.1.** The holder of an apprentice hawkler's licence may transfer the bird of prey he or she keeps in captivity to a person entitled to keep it, or kill it.”.

**43.** Section 76 is amended

(1) by striking out paragraph 1;

(2) by replacing paragraph 5 by the following:

“(5) not have held such a licence more than once.”.

**44.** Section 77 is amended by replacing “is renewable” in the part preceding paragraph 1 by “may be renewed only once”.

**45.** Section 80 is amended

(1) by striking out “resident or non-resident”;

(2) by adding “, for falconry purposes” at the end.

**46.** Section 81 is amended

(1) by striking out “resident” in the part preceding paragraph 1;

(2) by striking out paragraph 1;

(3) by adding the following paragraph:



“(6) indicate the ring number of each bird the applicant intends to keep in captivity.”.

**47.** Section 82 is struck out.

**48.** Section 84 is amended

(1) by striking out “resident” in the part preceding paragraph 1;

(2) by inserting “birth or” in paragraph 1 after “days of its”.

**49.** Section 85 is amended by striking out “resident or non-resident”.

**50.** The following is inserted after section 85:

“**85.1.** The holder of a hawkers licence may transfer a bird of prey he or she keeps in captivity to a person entitled to keep it, or kill it.”.

**51.** Section 86 is replaced by the following:

“**86.** Every person who contravenes any provision of sections 2.1 to 20, 23 to 26, 29 to 32, 35 to 37, 41 to 45, 47 to 50, 53, 54, 55, 57 to 63, 66 to 70, 74, 74.1, 74.4, 75, 78 to 80, 84, 85 and 87 commits an offence.”.

**52.** Schedule V is replaced by the following:

#### “SCHEDULE V

(s. 50)

#### SPECIES THAT MAY BE KEPT BY A GAME RANCH FOR VARIOUS SPECIES

##### A- Mammals Class

Buffalo  
Cervidae mentioned in Schedule II  
Peccaries  
Boars

##### B- Birds Class

Wild turkey  
Quail  
Northern bobwhite  
Pheasant  
Francolin  
Rock partridge  
Chukar  
Red-legged partridge  
Guinea fowl”

#### TRANSITIONAL

**53.** Every holder of a game ranch licence for exotic species becomes, as of the date of coming into force of this Regulation, a holder of a game ranch licence for various species.

**54.** Every holder of a resident or non-resident hawkers licence becomes, as of the date of coming into force of this Regulation, a holder of a hawkers licence.

**55.** Every holder of a non-resident’s licence to keep animals for exhibition purposes becomes, as of the date of coming into force of this Regulation, the holder of a non-resident’s circus licence for the term indicated on the non-resident’s licence to keep animals for exhibition purposes.

#### FINAL

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

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#### Draft Regulation

Education Act  
(R.S.Q., c. I-13.3)

#### Teaching licences — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation to amend the Regulation respecting teaching licences, appearing below, may be made by the Minister of Education, Recreation and Sports on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to make the Regulation respecting teaching licences comply with the provisions of Chapter 7 of the Agreement on Internal Trade, which provides that, in matters of labour mobility and generally speaking, the citizens of each Canadian province or territory who are qualified for a trade or profession in that province or territory are also qualified to practise the trade or profession in all provinces and territories.

The draft Regulation will also allow the issue on a continuous basis of certain provisional teaching licences in general education which currently may not be issued later than 30 September 2012.

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

Further information may be obtained by contacting Julie Bouffard, Direction de la formation et de la titularisation du personnel scolaire, 1035, rue De La Chevrotière, 28<sup>e</sup> étage, Québec (Québec) G1R 5A5; telephone: 418 646-6581, extension 3006.

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

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

## Regulation to amend the Regulation respecting teaching licences\*

Education Act  
(R.S.Q., c. I-13.3, s. 456)

**1.** The Regulation respecting teaching licences is amended in section 1 by inserting “in general education” after “provisional teaching authorizations”.

**2.** The following is added after section 1:

“**1.1.** A provisional teaching authorization in general education and a provisional teaching authorization for vocational training do not enable their holder to benefit from the application of an interprovincial or international agreement on labour mobility to which Québec is a party.

**1.2.** To be recognized for the purposes of this Regulation, training must successfully have been completed in an institution that is a member of the Association of Universities and Colleges of Canada or an equivalent association outside Canada.”.

**3.** Section 2 is amended

(1) by inserting “or renewed” after “No teaching licence may be issued” in the part preceding subparagraph 1 of the second paragraph;

(2) by striking out the last two paragraphs.

\* The Regulation respecting teaching licences, made by Order of the Minister of Education, Recreation and Sports on 6 June 2006 (2006, *G.O.* 2, 1738), was amended once by Order of the Minister of Education, Recreation and Sports on 6 May 2009 (2009, *G.O.* 2, 1701).

**4.** The following is added in Subdivision I of Division I of Chapter II, under the heading “Provisional teaching authorizations”:

“**2.01.** A provisional teaching authorization in general education may be issued to a person who has

(1) a bachelor’s degree or equivalent training, excluding the university teacher training programs listed in Schedule I or Schedule II, comprising at least 45 credits in discipline training in mathematics, French studies, English studies, Hispanic studies, physical education, drama, visual arts, music, dance or in no more than 2 of the other subjects of the Basic school regulation for preschool, elementary and secondary education made by Order in Council 651-2000 dated 1 June 2000 and has earned at least 6 credits in education in a university bachelor’s or master’s degree program in teacher training, recognized since September 2001, listed in Schedule II, related to the person’s discipline training and in which the person is enrolled; or

(2) a bachelor’s degree in psychology, psychoeducation or remedial education and has earned at least 6 credits in education in a university bachelor’s or master’s degree program in teaching, school adjustment profile, recognized since September 2001 and listed in Schedule II.

In addition, the person referred to in the first paragraph must have a promise of employment from an employer within the meaning of section 14 certifying that, within the school year in progress, the person is to be given a position as a teacher in general education directly related to the bachelor’s degree or training referred to in the first paragraph, for which a teaching licence is required and that the position may be filled only by the holder of a teaching permit or a teaching diploma.

**2.02.** A non-renewable provisional teaching authorization in general education may be issued to a person who

(1) completes the fourth year of a bachelor’s degree in teacher training listed in Schedule II;

(2) has a promise of employment from an employer within the meaning of section 14 certifying that, within the school year in progress, the person is to be given a position as a teacher in general education directly related to the bachelor’s degree referred to in paragraph 1, for which a teaching licence is required and that the position may be filled only by the holder of a teaching permit or a teaching diploma;

(3) has been given permission from the university in which the bachelor's degree referred to in paragraph 1 is being completed authorizing the person to hold employment referred to in paragraph 2 while completing the degree.”.

**5.** Section 2.1 is amended

(1) by replacing “, valid for 2 years,” in the first paragraph by “in general education”;

(2) by striking out the last paragraph.

**6.** Section 3 is amended

(1) by replacing “Québec by the competent authority of the province, territory or” in paragraph 2 by “Canada by the competent authority of the”;

(2) by adding “subject to conditions” in paragraph 3 after “teaching licence”;

(3) by striking out “and has obtained a bachelor's degree” at the end of paragraph 3.

**7.** Section 4 is amended by adding at the end of the first sentence after the figure “III” “or an equivalent program in Canada, outside Québec, leading to a teaching licence subject to conditions”.

**8.** Section 6 is amended by replacing paragraphs 3 and 4 by the following:

“(3) holds a teaching licence not subject to conditions, obtained in Canada, outside Québec; or

(4) has obtained a teaching permit after having met the requirements of paragraph 3 of section 3 and

(a) has successfully completed a probationary period, if the permit provides that the issue of a diploma is conditional on the successful completion of a probationary period;

(b) has met the requirements of subparagraphs a and b of paragraph 2 of this section, if the permit provides that the issue of a diploma is conditional on the successful completion of additional training.”.

**9.** Section 7 is replaced by the following:

“7. A teaching diploma may be issued

(1) to the holder of a teaching permit issued pursuant to section 4 who

(a) has successfully completed a probationary period, if the permit provides that the issue of a diploma is conditional on the successful completion of a probationary period;

(b) meets the requirements of subparagraphs a and b of paragraph 2 of section 6, if the permit provides that the issue of a diploma is conditional on the successful completion of additional training;

(2) to a person who has successfully completed a training program listed in Schedule III and the probationary period;

(3) to a person who has successfully completed the Kativik-McGill University teacher training program; or

(4) to the holder of a teaching licence not subject to conditions, issued in Canada, outside Quebec, who has successfully completed a teacher training program equivalent to those listed in Schedule III.

The holder of a teaching diploma issued pursuant to subparagraph 1, 2 or 4 may teach only in an institution of the Cree School Board or Kativik School Board.

The holder of a diploma issued pursuant to subparagraph 3 may teach only in an institution of the Kativik School Board.”.

**10.** Section 8 is amended by adding after “licence is required” at the end of paragraph 2 “and that the position may be filled only by the holder of a teaching permit, a teaching authorization for vocational training or a teaching diploma”.

**11.** Section 10 is amended by replacing “42” by “45”.

**12.** Section 11 is amended by replacing “Québec by the competent authority of the province, territory or” by “Canada by the competent authority of the”

**13.** The following is added after section 11:

“11.1. A teaching permit may be issued to the holder of a teaching licence subject to conditions, issued in Canada, outside Québec, by the competent authority of the province or territory in which the holder received training in education.”.

**14.** The following paragraphs are added at the end of section 13:

“(3) has obtained a teaching permit after meeting the requirements of section 11.1 and has successfully completed

(a) a probationary period, if the permit provides that the issue of a teaching diploma is conditional on the successful completion of a probationary period; and

(b) a course on the school system of Québec offered as part of a recognized teacher training program listed in Schedule V or an equivalent course given by Télé-université du Québec, if the permit provides that the issue of a diploma is conditional on the successful completion of an equivalent course on the school system of the province or territory concerned; or

(4) holds a teaching licence not subject to conditions, issued in Canada, outside Québec, by the competent authority of the province or territory in which the person received training in education.”.

**15.** Section 18 is amended by replacing “46 or 48” at the end of the second paragraph by “2.01 or 2.02”.

**16.** The following is added after section 26:

“**26.1.** Subject to section 32, the holder of a teaching permit issued on the basis of a teaching licence obtained outside Québec may not obtain a teaching diploma pursuant to an interprovincial or international agreement on labour mobility to which Québec is a party, if the permit holder has failed the probationary period or, as the case may be, the second probationary period.”.

**17.** The following is added after section 28:

“**28.1.** A teaching diploma may not be issued, pursuant to an interprovincial or international agreement on labour mobility to which Québec is a party, to the holder of a teaching permit issued on the basis of a teaching licence issued outside Québec, unless the person has passed the examination provided for in section 28.”.

**18.** The following is added after the heading “TERM OF TEACHING LICENCES” in Division II of Chapter II:

“**28.2.** A provisional teaching authorization in general education is valid for 2 school years from the beginning of the school year in which it is issued.”.

**19.** The following is added after section 29:

“**29.1.** A provisional teaching authorization expires as soon as the holder is expelled from a required teacher training program or fails a second period of practical training included in that program.”.

**20.** The following is added after the heading “TEACHING LICENCES REQUIRING TEACHER TRAINING IN GENERAL EDUCATION” in Division II of Chapter III:

“**33.1.** A provisional teaching authorization issued under section 2.01 may be renewed

(1) for a first period of 2 school years if the holder has accumulated at least 18 credits in education in a teacher training program referred to in section 2.01;

(2) a second period of 2 school years if the holder has accumulated at least 36 credits in education in the same program;

(3) a last period of 1 school year if the holder has accumulated at least 54 credits in education in the same program.

**33.2.** A provisional teaching authorization issued under section 2.1 may be renewed for 2-year periods if the holder has accumulated at least 12 additional credits in the program referred to in that section before each renewal.”.

**21.** Section 35 is amended by replacing “paragraph 2 or 3” by “paragraph 2”.

**22.** Section 36 is replaced by the following:

“**36.** A permit issued under paragraph 3 of section 3 may be renewed for 5-year periods if the holder

(1) has accumulated at least 12 credits in education in a teacher training program listed in Schedule II directly related to the program underlying the permit, including at least 6 credits in didactics, at least 3 credits in evaluation of learning achievement and at least 3 credits in intervention with handicapped students or students with social maladjustments or learning disabilities, if the permit provides that the issue of a diploma is conditional on that number of credits;

(2) has successfully completed a course on the school system of Québec offered as part of a university teacher training program listed in Schedule V or an equivalent course given by Télé-université du Québec, if the permit provides that the issue of a diploma is conditional on the successful completion of that course.

However, the renewal period is limited to one-year periods if the holder must serve a second probationary period, provided that the holder has accumulated, before each renewal, in a Québec university, at least 6 of the credits referred to in subparagraph 1 of the first paragraph.”.

**23.** Section 39 is amended by replacing “section 11” by “section 11 or 11.1”.

**24.** Section 40 is amended

(1) by striking out “and the person’s valid selection certificate issued under the Act respecting immigration to Québec (R.S.Q., c. I-0.2)” in subparagraph *b* of paragraph 4;

(2) by striking out “and the person’s valid selection certificate issued under the Act respecting immigration to Québec” in subparagraphs *c* and *d* of paragraph 4;

(3) by replacing “46” in subparagraph *c* of paragraph 8 by “2.01”;

(4) by replacing “48” in subparagraph *d* of paragraph 8 by “2.02”;

(5) by replacing paragraph 9 by the following:

“(9) in the case of an application for the issue of a teaching permit or teaching diploma by the holder of a teaching licence issued outside Québec, a certified copy of that teaching licence and a document attesting to its validity and any conditions and limits attached to it;”

(6) by striking out paragraph 10;

(7) by replacing “paragraph 11 or 12” in paragraph 13 by “paragraph 9, 11 or 12”.

**25.** The following is added after section 41:

“**41.1.** The information and documents provided pursuant to sections 40 and 41 and written in a language other than French or English must be accompanied by their French or English translation. The translation must be attested to by a certified translator.”

**26.** Section 42 is amended by replacing paragraphs 5 and 6 by the following:

“(5) in the case of a teaching licence requiring teacher training in generation education,

(a) the title of the training program on which the teaching licence is based, unless it was issued on the basis of a teaching licence issued by a competent authority in Canada, outside Québec;

(b) the name of the Québec university or, if the training was received outside Québec, the name of the province, territory or State in which the program was successfully completed, except in the case of a provisional teaching authorization;

(6) in the case of a teaching licence requiring teacher training in vocational training,

(a) the name of the sector of activities listed in Schedule IV that relates to the training program in support of the licence, unless the licence was issued on the basis of a teaching licence issued by a competent authority in Canada, outside Québec;

(b) the name of the Québec university or the province, territory or State in which the program was successfully completed, except in the case of a provisional teaching authorization;”

**27.** The following is added after section 44:

“**44.1.** A teaching permit issued under paragraph 2 or 3 of section 3 or section 11 before (*insert the date of coming into force of this Regulation*), on the basis of a teaching licence issued in Canada, outside Québec, may, to be renewed or converted into a teaching diploma as the holder may choose, remain subject to the provisions applicable upon its issue or be subject to the provisions applicable as of (*insert the date of coming into force of this Regulation*).”

**28.** Sections 45 to 49 are struck out.**29.** Section 50 is amended

(1) by replacing “in 1 or 2” in paragraph 1 by “in no more than 2”;

(2) by adding “and that the position may be filled only by the holder of a teaching permit or a teaching diploma” at the end of paragraph 2 after “licence is required”.

**30.** Section 65 is amended by adding “and that the position may be filled only by the holder of a teaching permit, a teaching authorization or a teaching diploma” after “licence is required” at the end of paragraph 3.

**31.** Schedule II is amended, in the table of teacher training programs in general education accredited since September 2001, in the program “Maîtrise en enseignement” in the list of programs of Université de Montréal, Université de Sherbrooke and Université du Québec à Montréal, by replacing “section 46” by “section 2.01”.

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

## Draft Regulation

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

### Occupational health and safety

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting occupational health and safety, appearing below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health, safety and physical integrity of workers.

To that end, it proposes new rules concerning static electricity, individual or collective protection equipment such as eye and face protectors. It also adds a safety measure concerning highly visible safety clothing.

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

Further information may be obtained by contacting Carole Veillette, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: 418 266-4699, extension 2020; fax: 418 266-4698.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Guylaine Rioux, Vice President, Partnership and Expert Consulting, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, 14<sup>e</sup> étage, Montréal (Québec) H3B 3J1.

LUC MEUNIER,

*President of the Board and Chief  
Executive Officer of the Commission  
de la santé et de la sécurité du travail*

## Regulation to amend the Regulation respecting occupational health and safety\*

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 9 and 42,  
and 3rd par.)

**1.** The Regulation respecting occupational health and safety is amended by replacing section 52 by the following:

“**52. Static electricity:** In areas or rooms containing flammable vapours or gases, the following rules must be complied with:

(1) any metallic equipment and machine must be bonded together and commonly grounded or be grounded separately to a grounding network with equivalent conductivity so as to prevent the accumulation of static electricity; and

(2) any non-metallic equipment and machine must be built and installed to first limit the accumulation of static electricity under a safety threshold and then to prevent such an accumulation in excess of the safety threshold.”.

**2.** Section 53 is amended

(1) by replacing paragraph 3 by the following:

“(3) have all metallic components bonded together and commonly grounded or grounded separately to a grounding network with equivalent conductivity so as to prevent the accumulation of static electricity;”;

(2) by inserting the following after paragraph 3:

“(3.1) have all non-metallic components built and installed to first limit the accumulation of static electricity under a safety threshold and then to prevent such an accumulation in excess of the safety threshold;”.

**3.** Section 55 is replaced by the following:

“**55. Static electricity:** The rules provided for in section 52 apply in areas or rooms containing combustible dusts that present a fire or explosion hazard.”.

\* The Regulation respecting occupational health and safety, approved by Order in Council 885-2001 dated 4 July 2001 (2001, *G.O.* 2, 3888), was last amended by the regulation approved by Order in Council 510-2008 dated 21 May 2008 (2008, *G.O.* 2, 2053). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

#### 4. Section 343 is amended

(1) by replacing “in compliance with the CAN/CSA Z94.3-92 Industrial Eye and Face Protectors standard” by “acquired as of (*insert the date of coming into force of this Regulation*) and complying with the CAN/CSA Z94.3-07 Eye and Face Protectors standard”;

(2) by adding the following paragraph:

“However, protectors in good condition and complying with the CAN/CSA Z94.3-92, CAN/CSA Z94.3-99 or CAN/CSA Z94.3-02 standard are considered to offer adequate protection.”

#### 5. The following is inserted after section 345:

“**345.1. High visibility safety apparel:** Wearing a class 2 high visibility vest or other class 2 or 3 clothing, in compliance with the CAN/CSA-Z96-09-02 High Visibility Safety Apparel standard, is mandatory for every worker exposed to being hit while performing tasks on a road right-of-way.

The first paragraph does not apply

(1) where the worker takes a road right-of-way in the performance of duties, without the nature of the duties requiring the worker to stop there to perform tasks; or

(2) where wearing the clothing provided for in the first paragraph is incompatible with the task to be performed.

For the purposes of this section, “road right-of-way” means the land occupied by a road and related structures and dedicated to public use; such a right-of-way includes private roads, shoulders, ditches and parking spaces.”

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

9708

## Draft Regulation

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

### Land surveyors

#### — Terms and conditions for permits to be issued by the Ordre

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 terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec”, made by the board of directors of the Ordre des arpenteurs-géomètres du Québec, may be approved by the Office des professions du Québec, with or without amendment, except section 39 of the Regulation which may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the Regulation is to determine the terms and conditions for the issue of a land surveyor’s permit by the Order, in particular passing a professional examination and successfully completing a period of professional training, and, in section 39, the professional activities reserved for land surveyors that may be engaged in as part of the training period. It replaces the conditions to obtain a land surveyor’s permit provided for in section 37 of the Land Surveyors Act (R.S.Q., c. A-23) and the Regulation respecting the period of professional training for land surveyors, approved by Order in Council 809-90 dated 13 June 1990.

The Regulation has not impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Anik Fortin-Doyon, legal advisor of the Ordre des arpenteurs-géomètres du Québec, 2954, boulevard Laurier, bureau 350, Québec (Québec) G1V 4T2; telephone: 418 656-0730 or 1 800 243-6490; fax: 418 656-6352.

Any person wishing to comment on the Regulation is requested to submit written comments before the expiry of the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Comments will be forwarded by the Office to the professional order that made the regulation as well as to interested persons, departments and bodies. As for comments regarding section 39 of the Regulation, they will be forwarded by the Office to the Minister of Justice.

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

## Regulation respecting terms and conditions for permits to be issued by the Ordre des arpenteurs-géomètres du Québec

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

### DIVISION I ISSUE OF PERMITS

**1.** The board of directors of the Ordre des arpenteurs-géomètres du Québec issues a permit for the practice of the profession to a candidate who

(1) holds the diploma determined by the Government pursuant to the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) giving access to the permit issued by the Order or a diploma or training recognized as equivalent;

(2) has demonstrated that he or she has appropriate knowledge of the official language for practising the profession in accordance with the provisions of the Charter of the French Language (R.S.Q., c. C-11);

(3) has passed the oral and written components of the professional examination in accordance with Division II;

(4) has successfully completed the professional training period in accordance with Division III;

(5) has filed a specimen of his or her signature in the office of the secretary of the Order;

(6) has taken the solemn affirmations of land surveyors provided in Schedule I;

(7) has sent to the secretary of the Order a duly completed application for a permit in the form provided by the board of directors; and

(8) has paid the fees required by the board of directors in accordance with paragraph 8 of section 86.0.1 of the Professional Code.

### DIVISION II PROFESSIONAL EXAMINATION

#### §1. *Committee of examiners and collaborators*

**2.** The committee of examiners, formed by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code, is responsible for assisting the board of directors in the professional examination process.

**3.** The committee of examiners consists of at least 6 members who are members of the Order, but who are not members of the board of directors, including a chair appointed by the board of directors within 60 days of the date of the annual general meeting.

**4.** Members of the committee of examiners are appointed by the board of directors for a term of 3 years, which is renewable.

The committee of examiners designates a secretary from among its members.

**5.** Any vacancy occurring during a term is to be filled by the board of directors for the remaining portion of the term.

**6.** Should the chair of the committee of examiners be absent or unable to act, the committee designates a replacement from among its members.

**7.** The quorum of the committee of examiners is two thirds of its members.

A decision of the committee is made by a majority vote of the members present.

In the case of a tie-vote, the chair has a casting vote.

**8.** The committee of examiners appoints, if need be, collaborators who are members of the Order to be helped when drawing up, supervising and marking the professional examination.

**9.** The members of the committee of examiners and the collaborators are required to faithfully perform their duties and respect the confidentiality of the deliberations and questions in the professional examination before it is held.

**10.** A member of the committee of examiners or a collaborator must withdraw where a candidate for the professional examination is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional examination.

The board of directors accepts or rejects the withdrawal.

#### §2. *Eligibility for professional examination*

**11.** A candidate who meets the conditions in paragraphs 1 and 8 of section 1 and who sends to the secretary of the Order, before the deadline set in section 12, a duly completed application for registration for the professional



examination in the form provided for by the board of directors, with a recent passport-size photograph identified with the candidate's name, is eligible for the oral or written component of the professional examination.

**12.** The secretary of the Order publishes, at the Order's head office, a notice specifying the deadline set by the board of directors for registration by a candidate for the oral or written component of the professional examination and the date on which and the place where the examination is to be held.

### *§3. Oral component of the professional examination*

**13.** A candidate must, before the deadline set for registration, give to the committee of examiners a report consisting of a short description of a project to conduct one of the operations referred to in section 34 of the Land Surveyors Act (R.S.Q., c. A-23), in the form specified by the committee.

**14.** The committee of examiners ascertains the conformity of the report and, not later than 15 days after the deadline set in section 12, sends its decision to accept or reject the project by registered mail.

If the committee accepts the project, the committee informs the candidate of the time period within which the complete project file must be submitted, in the form specified by the committee. The time period must be of at least 30 days before the date on which the examination is to be held.

If the committee rejects the project, the committee informs the candidate of the terms and conditions for submitting a new report and, if applicable, a new complete project file.

**15.** The oral component of the professional examination deals with evaluating the project carried out by the candidate, the candidate's knowledge of the legislation and regulations applicable to the project and the practice of the profession in general.

**16.** The oral component of the professional examination takes place during a 30- to 75-minute sitting before a panel of examiners consisting of 3 collaborators designated by the committee of examiners.

The candidate is entitled to have with him or her the complete project file only.

### *§4. Written component of the professional examination*

**17.** The written component of the professional examination consists of a scientific part and a part relating to land.

The scientific part deals with the sciences at the root of the profession, including topometry, geodesy and satellite positioning, cartography, photogrammetry, remote sensing, airborne surveys, hydrography and bathymetry, as well as geographic and land information systems.

The part relating to land deals with the law applicable to the practice of the profession, in particular civil law and administrative law, land property expertise, land surveying, cadastre, delimitation and boundary determination, as well as land use planning.

**18.** Each part of the written component of the professional examination consists of a 4-hour sitting. The 2 sittings are spread over 2 consecutive days and constitute one examination session.

**19.** No candidate may be admitted in the examination room after the time scheduled for the sitting unless the candidate can give reasons for being late, in which case the candidate may not obtain extension of the sitting.

**20.** A candidate is allowed to use all personal documentation. The candidate provides the drawing and calculating instruments which must have their own power source and must not be equipped so as to allow the candidate to communicate with any person inside or outside the examination room.

**21.** Plagiarism or communication, any attempt to plagiarize or communicate, or participation in plagiarism or communication during the examination sitting, in any way whatsoever, results in the expulsion of the candidate from the examination sitting and failure of the examination.

### *§5. Marking of the professional examination*

**22.** Within 15 days after the written component of the professional examination has been held, the members of the committee of examiners and the collaborators designated by the committee meet to mark the examination and compile the results.

**23.** To pass the professional examination, a candidate must obtain the following pass marks:

- (1) 60% for the oral component;
- (2) 60% for the written component—scientific part; and
- (3) 60% for the written component—part relating to land.

**24.** A candidate must pass the 2 components of the professional examination within 5 years after the date of the first application for registration for the oral component or written component of the professional examination. At the expiry of the 5-year period, the candidate must take the 2 components of the examination again.

**25.** The results obtained by every candidate are sent by the chair of the committee of examiners to the secretary of the Order.

**26.** The board of directors approves the results at the first meeting following the date of receipt of the results. The results so approved are entered in the register of examinations retained at the Order's head office. The register is signed by the chair of the committee of examiners.

Within the following 10 days, the secretary of the Order sends the results obtained to every candidate by registered mail.

**27.** An application for review of an examination or decision of the committee of examiners must be made in writing by the candidate to the board of directors within 60 days following the date of receipt of the results.

The candidate must send written submissions to the secretary of the Order before the date set for the meeting.

The decision of the board of directors is final and must be sent to the candidate in writing by registered mail within 30 days after the date on which the decision was made.

### **DIVISION III** **PROFESSIONAL TRAINING PERIOD**

#### *§1. Training period committee and collaborators*

**28.** The training period committee, formed by the board of directors in accordance with paragraph 2 of section 86.0.1 of the Professional Code, is responsible for assisting the board of directors in the professional training period process.

**29.** The training period committee consists of at least 3 members who are members of the Order, but who are not members of the board of directors, including a chair appointed by the board of directors within 60 days of the date of the annual general meeting.

**30.** Members of the training period committee are appointed by the board of directors for a term of 2 years, which is renewable.

The training period committee designates a secretary from among its members.

**31.** Any vacancy occurring during the term of a member of the training period committee is to be filled by the board of directors for the remaining portion of the term.

**32.** Should the chair of the training period committee be absent or unable to act, the committee designates a replacement from among its members.

**33.** The quorum of the training period committee is two thirds of its members.

A decision of the committee is made by a majority vote of the members present.

In the case of a tie-vote, the chair has a casting vote.

**34.** The training period committee appoints, if need be, collaborators to provide the committee, in particular cases, with the expertise required in the professional training period process.

**35.** The members of the training period committee and the collaborators are required to faithfully perform their duties and respect the confidentiality of the deliberations surrounding the professional training period process.

**36.** A member of the training period committee or a collaborator must withdraw where a candidate for the professional training period is the member's spouse, is related to the member by marriage or birth, to the degree of first cousin inclusively, or where the member is likely to be in a situation of conflict of interest in respect of any other candidate for the professional training period.

The board of directors accepts or rejects the withdrawal.

#### *§2. Eligibility for professional training period*

**37.** A candidate who meets the conditions in paragraphs 1 and 8 of section 1 and who sends to the secretary of the Order, before the date set for the beginning of the training period, a duly completed application for registration for the professional training period in the form provided for by the board of directors is eligible for a professional training period.

The candidate must, in the application for registration for the training period, identify a tutor who

(1) is a member of the Order and has been practising for at least 5 years;

(2) has not been the subject of any penalty imposed by the disciplinary council of the Order or the Professions Tribunal in the 5 years preceding the person's acceptance as a tutor;

(3) has not been required to complete a refresher training period pursuant to the Regulation respecting refresher training periods for land surveyors (R.R.Q., 1981, c. A-23, r.16) and whose right to practise has not been limited or suspended in the 5 years preceding the person's acceptance as a tutor; and

(4) is not a member of the training period committee or a collaborator.

**38.** The training period committee examines the candidate's application for registration for the training period and decides whether the application is accepted or rejected. The committee informs the candidate of its decision within 45 days of receiving the application for registration for the training period.

If the committee accepts the application for registration for the training period, the committee makes a recommendation to the board of directors which issues a training period card to the candidate. The card is signed by the secretary of the Order and contains the name of the trainee and the date of issue of the card.

If the committee rejects the application for registration for the training period, the committee informs the candidate by registered mail of the reasons for the rejection and the conditions to be met for the application for registration for the training period to be accepted by the committee.

### *§3. Progress of the professional training period*

**39.** The training period is under the immediate supervision and responsibility of a tutor.

A trainee may engage in the professional activities of a land surveyor. The trainee may not, however, sign and minute documents.

**40.** The duration of the training period is 12 months, on a full-time basis, and consists of 1 or several training period terms.

**41.** The objectives of the training period are for trainees to acquire practical skills in the profession of land surveyor and to achieve professional autonomy.

**42.** During the training period, the training period committee may, on receiving from a trainee or tutor a request with reasons, authorize the suspension of the training period or a change of tutor. If the committee authorizes the change of tutor, the candidate must complete a new application for registration for the professional training period pursuant to section 37.

The training period committee accepts or rejects the new application for registration pursuant to section 38.

### *§4. Evaluation of the professional training period*

**43.** The trainee is evaluated by the tutor on the basis of the following 5 evaluation criteria:

(1) practical work: research skills, presentation of files and practical problem-solving skills;

(2) organization of work: planning of work, application of methods, standards, techniques, as well as laws and regulations;

(3) professional attributes: sense of observation, initiative and responsibility, punctuality, presence and professionalism;

(4) communication skills: communication with clients and writing of files;

(5) personality traits: ability to adapt, self-control, capacity for self-evaluation, and discretion.

**44.** The tutor evaluates the trainee on each evaluation criterion using the following scale:

(1) Excellent: 5;

(2) Very good: 4;

(3) Good: 3;

(4) Poor: 2;

(5) Unsatisfactory: 1; or

(6) Nil: 0.

**45.** The training period is successfully completed if the trainee obtains, for the training period as a whole, an average mark equal to or greater than 3.

If the trainee's mark is less than 3, the trainee must successfully complete a new 6-month training period in accordance with this Division.

**46.** The candidate must successfully complete the professional training period within 5 years from the date of the first application for registration for the oral or written component of the professional examination. On the expiry of the 5-year period, the 2 components of the professional examination must have been passed for the candidate to be eligible again for the training period.

**47.** An evaluation report duly completed by the tutor in the form prescribed by the training period committee and signed by the tutor and the trainee, together with a written report in which the trainee describes the practical skills acquired during the training period and the amount of time spent acquiring each skill, must be sent by the trainee to the training period committee within 30 days following

- (1) a 6-month training period with the same tutor;
- (2) a change of tutor;
- (3) a training period suspension; or
- (4) the end of a training period.

**48.** If the tutor refuses or is unable to make an evaluation within the prescribed time period, the trainee may contact the training period committee, which then takes the appropriate action.

**49.** When the training period is completed, the training period committee examines the tutor's evaluation reports and the trainee's reports and makes a recommendation, to which the reports are attached, to the board of directors whether to accept or refuse the professional training period.

**50.** The board of directors decides to accept or refuse the training period at the first meeting following the date of receipt of the recommendation of the training period committee.

The secretary of the Order sends the result to the candidate by registered mail within 10 days.

**51.** A candidate whose training period is refused may apply to the board of directors for a review of the decision. The application must be made in writing to the board of directors within 60 days following the date of receipt of the result. The candidate must send written submissions to the secretary of the Order before the date set for the meeting.

At the first regular meeting following the date of receipt of the application for review, the board of directors must examine the application.

The decision of the board of directors is final and must be sent to the candidate in writing by registered mail within 30 days after the date on which the decision was made.

#### **DIVISION IV** FINAL

**52.** Division III, including sections 28 to 51, replaces the Regulation respecting the period of professional training for land surveyors, approved by Order in Council 809-90 dated 13 June 1990.

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

#### **SCHEDULE I** (s. 1, par. 6)

#### SOLEMN AFFIRMATIONS OF LAND SURVEYORS

##### **Affirmation of discretion**

I, \_\_\_\_\_,  
solemnly affirm that I will not reveal or make known, without being authorized therefor by law, anything that may come to my knowledge in the performance of my duties.

##### **Affirmation of allegiance and office**

I, \_\_\_\_\_,  
solemnly affirm that I will be loyal and bear true allegiance to constituted authority and that I will fulfill the duties of my office of land surveyor honestly and justly.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Chair of the Ordre des  
arpenteurs-géomètres  
du Québec

Sworn before us,

at

on

\_\_\_\_\_  
Commissioner for oaths

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## Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

### Scale of fees and duties related to the development of wildlife — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

NATHALIE NORMANDEAU,      SERGE SIMARD,  
*Minister of Natural*          *Minister for Natural*  
*Resources and Wildlife*      *Resources and Wildlife*

## Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 163, 1st par., subpar. 4; 2009, c. 49, s. 32)

**1.** The Regulation respecting the scale of fees and duties related to the development of wildlife is amended in the first paragraph of section 4.3

(1) by inserting the following after subparagraph 6:

“(6.1) an animal trainer’s licence:      \$385.13;

(6.2) a by-product collector’s licence:      \$385.13;”;

(2) by replacing subparagraph 8 by the following:

“(8) a game ranch licence for various species:      \$54.88;”;

(3) by replacing subparagraph 11 by the following:

“(11) a hawkker’s licence:      \$54.88;”;

(4) by replacing subparagraph 12 by the following:

“(12) a licence to keep animals for exhibition purposes:      \$115.85;”;

(5) by adding the following subparagraph at the end:

“(13) a non-resident’s circus licence:      \$231.71.”.

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

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\* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulation made by Order in Council 60-2009 dated 28 January 2009 (2009, *G.O.* 2, 135). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.



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

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| Professional Code — Land surveyors — Terms and conditions for permits<br>to be issued by the Ordre . . . . .<br>(R.S.Q., c. C-26)  | 675         | Draft           |
| Scale of fees and duties related to the development of wildlife . . . . .<br>(An Act respecting the conservation and development of wildlife,<br>R.S.Q., c. C-61.1)  | 681         | Draft           |
| Sûreté du Québec — Partition and assignment of benefits accrued under<br>the Régime de retraite . . . . .<br>(An Act to amend various legislation for the purposes of partition and<br>assignment between spouses of benefits accrued under a pension plan,<br>1990, c. 5) | 649         | N               |

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| Teaching licences . . . . .<br>(Education Act, R.S.Q., c. I-13.3)   | 669 | Draft |
| Various legislation for the purposes of partition and assignment between<br>spouses of benefits accrued under a pension plan, An Act to amend...<br>— Sûreté du Québec — Partition and assignment of benefits accrued<br>under the Régime de retraite . . . . .<br>(1990, c. 5) | 649 | N     |
| Workforce skills development and recognition, An Act to promote...<br>— Commission des partenaires du marché du travail — Exigible fees under<br>section 5 of the Act . . . . .<br>(R.S.Q., c. D-8.3)   | 660 | N     |