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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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### Contents

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- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 908-2010**, 3 November 2010

#### **Business Corporations Act (2009, c. 52) — Coming into force of the Act**

COMING INTO FORCE of the Business Corporations Act

WHEREAS the Business Corporations Act (2009, c. 52) was assented to on 4 December 2009;

WHEREAS section 729 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 14 February 2011 as the date of coming into force of the provisions of the Act;

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

THAT 14 February 2011 be set as the date of coming into force of the provisions of the Business Corporations Act (2009, c. 52).

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 928-2010**, 3 November 2010

#### **An Act respecting the legal publicity of enterprises (2010, c. 7) — Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act respecting the legal publicity of enterprises (2010, c. 7)

WHEREAS the was assented to on 19 May 2010;

WHEREAS section 302 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government, except

(1) section 184, which comes into force on the date of coming into force of section 200.0.9 of the Act respecting insurance;

(2) section 185, which comes into force on the date of coming into force of section 200.0.11 of the Act respecting insurance; and

(3) sections 234, 298 and 300, which come into force on 19 May 2010;

WHEREAS section 301 of the Act provides that sections 75 to 78, 176 to 178, 180 to 183, 186 to 190, paragraph 1 of section 191, sections 193, 196 to 198, 200 to 210, 221, 223 to 225, 228 to 231, 235 to 240, 255, 258, 260, 263, 276 to 279 and 284, section 295, where it replaces Division III of the Regulation respecting the application of the Act respecting the publicity of sole proprietorships, partnerships and legal persons, approved by Order in Council 1856-93 (1993, *G.O.* 2, 7022), and Schedules I, II and IV of the Act have effect from 16 March 2010;

WHEREAS it is expedient to set the date of publication of this Order in Council in the *Gazette officielle du Québec* as the date of coming into force of section 301 of the Act respecting the legal publicity of enterprises and of the provisions to which that section refers;

WHEREAS it is expedient to set 14 February 2011 as the date of coming into force of sections 1 to 74, 79 to 175, 179, paragraphs 2 and 3 of section 191, sections 192, 194, 195, 199, 211 to 220, 222, 226, 227, 232, 233, 241 to 254, 256, 257, 259, 261, 262, 264 to 275, 280 to 283, 285 to 294, 295, except where it replaces Division III of the Regulation respecting the application of the Act respecting the publicity of sole proprietorships, partnerships and legal persons, sections 296, 297 and 299 and Schedules III and V of the Act;

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

THAT sections 75 to 78, 176 to 178, 180 to 183, 186 to 190, paragraph 1 of section 191, sections 193, 196 to 198, 200 to 210, 221, 223 to 225, 228 to 231, 235 to 240, 255, 258, 260, 263, 276 to 279 and 284, section 295, where it replaces Division III of the Regulation respecting the application of the Act respecting the publicity of sole proprietorships, partnerships and legal persons, approved

by Order in Council 1856-93 (1993, *G.O.* 2, 7022), section 301 and Schedules I, II and IV of the Act respecting the legal publicity of enterprises (2010, c. 7) come into force on 17 November 2010;

THAT sections 1 to 74, 79 to 175, 179, paragraphs 2 and 3 of section 191, sections 192, 194, 195, 199, 211 to 220, 222, 226, 227, 232, 233, 241 to 254, 256, 257, 259, 261, 262, 264 to 275, 280 to 283, 285 to 294, 295, except where it replaces Division III of the Regulation respecting the application of the Act respecting the publicity of sole proprietorships, partnerships and legal persons, approved by Order in Council 1856-93 (1993, *G.O.* 2, 7022), sections 296, 297 and 299 and Schedules III and V of the Act respecting the legal publicity of enterprises (2010, c. 7) come into force on 14 February 2011.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulations and other Acts

Gouvernement du Québec

### O.C. 909-2010, 3 November 2010

Business Corporations Act  
(2009, c. 52)

#### Shareholder proposals

Regulation respecting shareholder proposals

WHEREAS section 489 of the Business Corporations Act (2009, c. 52) provides that the Government may, by regulation, among other things, determine the conditions on which a shareholder proposal is to be presented;

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 shareholder proposals was published in Part 2 of the *Gazette officielle du Québec* of 21 July 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendments;

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

THAT the Regulation respecting shareholder proposals, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### Regulation respecting shareholder proposals

Business Corporations Act  
(2009, c. 52, s. 194, 2nd par., s. 195, 1st par., s. 197, 1st par., s. 200, pars. 1, 4 and 5, s. 201, s. 203, s. 489, pars. 4 to 9)

**1.** A shareholder or beneficiary may not, under section 194 of the Business Corporations Act (2009, c. 52), present more than 5 proposals for a shareholders meeting.

**2.** The period referred to in the first paragraph of section 195 of the Business Corporations Act is 6 months before the day on which the proposal is submitted; the number and value of the outstanding shares referred to in that paragraph are 1% and \$2,000, respectively.

The shares are appraised at their fair market value.

**3.** The proposal and the attached statement must together not exceed 500 words.

**4.** The period referred to in paragraph 1 of section 200 of the Business Corporations Act is 90 days before the expiry of 1 year after the date of the notice of meeting for the last annual meeting sent to the shareholders.

The period referred to in paragraph 4 of that section is 2 years.

The period referred to in paragraph 5 of that section is 5 years; the minimum amount of support referred to in that paragraph is, as the case may be,

(a) 3% of the total number of shares whose voting right was exercised, if the proposal was presented at only one annual shareholders meeting;

(b) 6% of the total number of shares whose voting right was exercised during the last presentation of the proposal to the holders, if the proposal was presented at 2 annual shareholders meetings;

(c) 10% of the total number of shares whose voting right was exercised during the last presentation of the proposal to the holders, if the proposal was presented at at least 3 annual shareholders meetings.

**5.** The period referred to in section 201 of the Business Corporations Act is 2 years after the meeting referred to in that section was held.

**6.** The period referred to in section 203 of the Business Corporations Act is 21 days as of the receipt of the proposal.

**7.** This Regulation comes into force on 14 February 2011.

Gouvernement du Québec

## O.C. 913-2010, 3 November 2010

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

### Pharmacists

#### — Professional activities that may be engaged in by persons other than pharmacists

Regulation respecting the professional activities that may be engaged in by persons other than pharmacists

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with paragraph *h* of section 94 of the Professional Code, the board of directors of the Ordre des pharmaciens du Québec has consulted the Ordre des infirmières et infirmiers du Québec and the Collège des médecins du Québec before making the Regulation respecting the professional activities that may be engaged in by persons other than pharmacists;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 professional activities that may be engaged in by persons other than pharmacists was published in Part 2 of the *Gazette officielle du Québec* of 14 April 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in by persons other than pharmacists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation respecting the professional activities that may be engaged in by persons other than pharmacists

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

**1.** The purpose of this Regulation is to determine, among the professional activities that may be engaged in by members of the Ordre des pharmaciens du Québec, those that, on the terms and conditions set out herein, may be engaged in by the following persons:

(1) a person registered in a program of study in pharmacy leading to a diploma giving access to the permit issued by the Order;

(2) a person admitted to the internship within the meaning of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec, approved by Order in Council 231-93 dated 24 February 1993;

(3) a person whose training or internship equivalence is granted in part, as the case may be, under the Regulation respecting diploma and training equivalence standards for the issue of a pharmacist's permit, approved by Order in Council 541-2008 dated 28 May 2008, or the Regulation respecting the terms and conditions for the issue of permits by the Ordre des pharmaciens du Québec and who must successfully complete complete courses or internships to obtain full equivalence;

(4) a pharmacy resident, namely a person registered in the program *Maîtrise en pharmacie d'hôpital* of Université Laval or the program *Maîtrise en pratique pharmaceutique* of the Université de Montréal.

**2.** Among the activities that may be engaged in by members of the Order, a person referred to in section 1 may engage in those that are required to complete a program of study, internship or training, as the case may be, on the following conditions:

(1) be registered in the register kept for that purpose by the Order;

(2) engage in the activities under the supervision of a pharmacist present in the pharmacy or present in the centre



operated by a health institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), who is available to intervene on short notice;

(3) engage in the activities in keeping with the rules applicable to members of the Order, in particular those regarding ethics and recognized standards in the practice of pharmacy.

**3.** A person referred to in paragraphs 1 to 3 of section 1 who has the required knowledge and skills may, where the person acts outside the framework of a program of study, internship or training, engage in the activities described in subparagraphs 1 to 4 of the second paragraph of section 17 of the Pharmacy Act (R.S.Q., c. P-10) on the conditions set out in section 2.

**4.** A person referred to in paragraph 4 of section 1 who has the required knowledge and skills may, where the person acts outside the framework of a program of study, internship or training, engage in the activities described in subparagraphs 1 to 5 of the second paragraph of section 17 of the Pharmacy Act on the conditions set out in section 2.

**5.** A person referred to in section 1 may, on the conditions set out in section 2, continue to engage in the activities described in subparagraphs 1 to 5 of the second paragraph of section 17 of the Pharmacy Act for 3 months following the date of completion of the person's program of study, internship or training, or the date on which equivalence was granted.

**6.** 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. 929-2010**, 3 November 2010

Youth Protection Act  
(R.S.Q., c. P-34.1)

**Financial assistance to facilitate tutorship to a child  
— Amendment**

Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child

WHEREAS, under subparagraph *i* of the first paragraph of section 132 of the Youth Protection Act (R.S.Q.,

c. P-34.1), the Government may make regulations to determine the terms and conditions on which financial assistance may be granted to facilitate tutorship to a child;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and the second paragraph of section 132 of the Youth Protection Act, a draft of the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child was published in Part 2 of the *Gazette officielle du Québec* of 9 June 2010 with a notice that it could be made by the Government on the expiry of 60 days following its publication;

WHEREAS the 60-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation  
respecting financial assistance to  
facilitate tutorship to a child\***

Youth Protection Act  
(R.S.Q., c. P-34.1, s. 132, 1st par., subpar. *i*)

**1.** The Regulation respecting financial assistance to facilitate tutorship to a child is amended

(1) by replacing “20” in the first paragraph of section 4 by “21”;

(2) by replacing “20” in subparagraph 2 of the first paragraph of section 10 by “21”.

**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 financial assistance to facilitate tutorship to a child, made by Order in Council 591-2008 dated 11 June 2008 (2008, *G.O.* 2, 2459), has not been amended.

Gouvernement du Québec

**O.C. 946-2010, 10 November 2010**

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

**Conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices — Withdrawal of psychoeducators**

Withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

WHEREAS, under the second paragraph of section 27.2 of the Professional Code (R.S.Q., c. C-26), the Government may, by order, after consultation with the Office des professions du Québec, the Québec Interprofessional Council and the order concerned as well as with the organizations, if any, which represent the group of persons concerned, integrate into an order referred to in Division III of Chapter IV of the Code a group of persons to whom it considers necessary, for the protection of the public, to grant a reserved title;

WHEREAS, under Order in Council 1037-2000 dated 30 August 2000, concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, psychoeducators were integrated into that Order;

WHEREAS, under section 27.3 of the Code, the Government may, by order, at any time before the day on which it ceases to have effect, amend the integration order made under section 27.2 and the latter section applies, adapted as required, to such order;

WHEREAS the Office, the Interprofessional Council and the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec have been consulted;

WHEREAS, in accordance with the third paragraph of section 27.2 of the Code, a proposed order for the withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec was published by the Minister of Justice in Part 2 of the *Gazette officielle du Québec* of 7 July 2010, with a notice that the proposal would be considered by the Government upon the expiry of 60 days following such publication;

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

THAT psychoeducators be withdrawn from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, in accordance with the Schedule attached to this Order in Council;

THAT Order in Council 1037-2000 dated 30 August 2000, concerning the integration of psychoeducators into the Ordre professionnel des conseillers et conseillères d'orientation du Québec, cease to have effect;

THAT this Order in Council comes into force on December 8, 2010.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**Withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec**

Professional Code  
(R.S.Q., c. C-26, ss. 27.2 and 27.3)

**DIVISION I  
GENERAL**

**1.** Holders of a psychoeducator's permit are withdrawn from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, now under the name of "Ordre professionnel des conseillers et conseillères d'orientation du Québec" or "Ordre des conseillers et conseillères d'orientation du Québec".

**2.** Guidance counsellors may engage in the following professional activities, in addition to those otherwise permitted by law: providing vocational and professional development counselling, in particular by evaluating a person's psychological functioning and personal resources, using psychometric testing when required, to assess interests, skills, personality and intellectual, cognitive and affective functions, intervening for the purpose of clarifying the person's identity in order to develop the person's ability to make career choices and meet career objectives.

**3.** The following titles are reserved for holders of a guidance counsellor's permit: "guidance counsellor" and "vocational guidance counsellor".

The following initials are reserved for guidance counsellors: “C.O.”, “C.O.P.”, “O.P.”, “G.C.” and “V.G.C.”.

**4.** The permit that may be issued by the Ordre professionnel des conseillers et conseillères d’orientation du Québec is the guidance counsellor’s permit.

## DIVISION II TRANSITIONAL

**5.** On the date on which the withdrawal order comes into force, the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec is composed of the president and the following 14 directors, for the following terms:

— the vice-president of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a guidance counsellor’s permit, in office at the time of the withdrawal, who becomes the president of the Ordre professionnel des conseillers et conseillères d’orientation du Québec, for a term ending in 2013, on the date the president elected in 2013 takes office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code (R.S.Q., c. C-26);

— 10 directors of the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a guidance counsellor’s permit, in office at the time of the withdrawal, namely:

— 1 director representing the regions of Bas-Saint-Laurent, Gaspésie—Îles-de-la-Madeleine, Saguenay—Lac-Saint-Jean and Côte-Nord;

— 2 directors representing the regions of La Capitale-Nationale and Chaudière-Appalaches;

— 1 director representing the regions of Mauricie and Centre-du-Québec;

— 2 directors representing the regions of Estrie and Montérégie;

— 2 directors representing the region of Montréal;

— 1 director representing the regions of Laval, Lanaudière and Laurentides;

— 1 director representing the regions of Outaouais, Abitibi-Témiscamingue and Nord-du-Québec;

The directors whose term with the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec ends first

are appointed to the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec for a term ending in 2012 and the other directors are appointed for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by a regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 1 new director chosen by an election by secret ballot of the members of the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec, who is not appointed by the Office des professions du Québec, from among the holders of guidance counsellor’s permits of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec who has, at the time of the withdrawal, their professional domicile in the regions of Saguenay—Lac-Saint-Jean and Côte-Nord;

— 2 of the 4 directors appointed by the Office des professions du Québec under section 78 of the Professional Code to the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, in office at the time of the withdrawal and designated by the Office, including one for a term ending in 2012 and the other for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 1 new director appointed by the Office des professions du Québec under section 78 of the Professional Code, for a term ending in 2012, on the date the directors elected in 2012 take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code.

**6.** On the date the withdrawal order comes into force, the assistant secretary of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the secretary of the Ordre professionnel des conseillers et conseillères d’orientation du Québec, until re-appointment or replacement by the board of directors of that Order.

**7.** On the date the withdrawal order comes into force, one of the assistant syndics of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, holding the guidance counsellor’s permit designated by the Ordre professionnel des conseillers et conseillères d’orientation du Québec, becomes the syndic of the Ordre professionnel des conseillers et conseillères d’orientation du Québec for the remaining part of the syndic’s term, until re-appointment or replacement by the board of directors of that Order.

**8.** On the date the withdrawal order comes into force, the annual contribution fixed by the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec for the fiscal year from 1 April 2011 to 31 March 2012 constitutes, until the end of that fiscal year, the annual contribution payable by members of the Ordre professionnel des conseillers et conseillères d'orientation du Québec.

**9.** On the date the withdrawal order comes into force, the following regulations apply to members of the Ordre professionnel des conseillers et conseillères d'orientation du Québec, with the necessary modifications:

(1) by replacing “Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” by “Ordre professionnel des conseillers et conseillères d'orientation du Québec” and the words “Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” by “Ordre des conseillers et conseillères d'orientation du Québec”, wherever they appear in the following regulations:

(a) Code of ethics of the members of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006;

(b) Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 752-2005 dated 17 August 2005;

(c) Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 6 February 2002;

(d) Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 21 April 2004;

(e) Règlement sur les affaires du Conseil d'administration, le comité exécutif et les assemblées générales de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, filed with the Office des professions du Québec on 23 January 2003;

(f) Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 540-2005 dated 8 June 2005;

(g) Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 19 December 2001;

(h) Règlement sur les stages et les cours de perfectionnement des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by the Office des professions du Québec on 24 August 2006;

(i) Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company, approved by Order in Council 400-2008 dated 23 April 2008;

(j) Regulation respecting the committee on training of guidance counsellors and psychoeducators, made by Order in Council 128-2004 dated 18 February 2004;

(k) Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983;

(l) the Regulation respecting family mediation, made by Order in Council 1686-93 dated 1 December 1993;

(2) in the Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by striking out “, soit celle du titulaire du permis de conseiller d'orientation et celle du titulaire du permis de psychoéducateur” in the first paragraph of section 1;

(b) by replacing “, pour le titulaire d'un permis de conseiller d'orientation, le matériel psychométrique et, pour le titulaire d'un permis de psychoéducateur, le matériel d'évaluation” in the second paragraph of section 1 by “le matériel psychométrique”;

(c) by replacing “dix” by “cinq” in section 2;

(3) in the Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéduca-

trices du Québec, by striking out “titulaire d’un permis de la même catégorie que le sien” in sections 16 and 22 and in the first paragraphs of sections 27 and 34;

(4) in the Règlement sur les affaires du Conseil d’administration, le comité exécutif et les assemblées générales de l’Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by replacing “25” by “15” and “24” by “14” in section 1;

(b) by replacing “des deux professions” par “de la profession” in the first paragraph of section 15;

(c) by striking out “représentant le secteur d’activité professionnelle autre que celui du président et de deux conseillers représentant chacune des catégories de permis” in the first paragraph of section 18;

(d) by replacing “50” by “30” in section 28;

(5) in the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by striking out “or a psychoeducator’s permit” in the first paragraph of section 1 and the words “or psychoeducator’s permit” wherever they appear in the second paragraph;

(b) by striking out the heading of subdivisions 1 and 2 of Division II and section 3;

(c) by replacing “sections 2 and 3” in section 4 by “section 2”;

(d) by striking out “or in the profession of psychoeducator” in section 4;

(e) by striking out the heading of subdivision 1 of Division III;

(f) by striking out “or a psychoeducator’s permit”, “or psychoeducator”, “or the profession of psychoeducator” and “or a psychoeducator’s permit, as the case may be” in section 5;

(g) by striking out the heading of subdivision 2 of Division III and section 6;

(6) in the Règlement sur les stages et les cours de perfectionnement des membres de l’Ordre des conseillers et conseillères d’orientation et des psychoéducateurs et

psychoéducatrices du Québec, by striking out “ou de psychoéducateur” in paragraph 3 of section 1 and paragraph 1 of section 4;

(7) in the Regulation respecting the committee on training of guidance counsellors and psychoeducators,

(a) by striking out “and psychoeducators” in the title;

(b) by striking out the second and third paragraphs of section 1;

(c) by striking out “and psychoeducators” in the first paragraph of section 2 and by replacing “professions of guidance counsellor and psychoeducator” in the second paragraph by “profession of guidance counsellor”;

(d) by replacing “10” in the first paragraph of section 3 by “5”;

(e) by striking out “for each division” in the second, third and fourth paragraphs of section 3;

(f) by striking out “by division” in section 9;

(g) by striking out section 13;

(8) in the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, by striking out “(1) a guidance counsellor’s permit:” in paragraph 1 of section 1.23, and paragraph 2 of that section.

Those regulations, with the above-mentioned modifications, cease to apply to members of the Ordre professionnel des conseillers et conseillères d’orientation du Québec on the date of coming into force of a regulation made by the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec or by the Government, pursuant to the corresponding provisions of the Professional Code.

**10.** A person who, at the time the withdrawal order comes into force, holds a guidance counsellor’s permit of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the holder of the permit of the Ordre professionnel des conseillers et conseillères d’orientation du Québec.



## Draft Regulations

### Draft Regulation

Animal Health Protection Act  
(R.S.Q., c. P-42)

#### Artificial Insemination of Cattle

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Artificial Insemination of Cattle Regulation, appearing below, may be made by the Gouvernement du Québec on the expiry of 45 days following this publication.

The draft Regulation replaces the Artificial Insemination of Cattle Regulation. It strikes out requirements respecting the qualification of certain persons so as to not restrict workforce mobility. The draft Regulation also revokes the bovine semen possession permit and updates the provisions applicable to persons who collect bovine semen or inseminate cattle. Lastly, it provides for other concordance provisions.

To date, study of the matter has shown a slight reduction of costs for enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Sylvie Dansereau, Direction du développement et de la réglementation, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, 200, chemin Sainte-Foy, 11<sup>e</sup> étage, Québec (Québec) G1R 4X6; telephone: 418 380-2100, extension 3114; fax: 418 380-2169.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Johanne Martel, at the above address; telephone: 418 380-2100, extension 3743; fax: 418 380-2169.

LAURENT LESSARD,  
*Minister of Agriculture, Fisheries and Food*

### Artificial Insemination of Cattle Regulation

Animal Health Protection Act  
(R.S.Q., c. P-42, s. 28)

#### DIVISION I

##### GENERAL AND PERMITS

**1.** In this Regulation,

(1) “code” where it relates to a bull, means the management code assigned by the semen collection centre;

(2) “code of the semen collection centre” means the code assigned to a semen production organization by the National Association of Animal Breeders (NAAB) or by an equivalent association;

(3) “registration number” means the number assigned to an animal of a specific breed by an association within the meaning of the Animal Pedigree Act (R.S.C. 1985, c. 8) or by an equivalent association;

(4) “identification number” means the number assigned to an animal under section 22.1 of the Animal Health Protection Act (R.S.Q., c. P-42) or under the legislation of the country where the animal’s semen was collected.

**2.** The categories of permits respecting the artificial insemination of cattle are as follows:

(1) the general insemination permit;

(2) the semen collection permit.

**3.** Any person who carries out the artificial insemination of his or her own cattle or of that of which the person has permanent custody is exempt from holding a general insemination permit.

Likewise, any person who collects bull semen at a raising site in order to inseminate cattle from the same herd is exempt from holding a semen collection permit.

**4.** An application for the issue or renewal of a permit referred to in section 2 must be made in writing to the Minister and contain the following information:

(1) the applicant's name, address and telephone number and, where applicable, the business number assigned to the applicant under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(2) the name under which the applicant intends to carry on activities.

The application must also be accompanied by the payment of the permit fee to the Minister of Finance.

**5.** The permit fees are as follows:

- (1) \$105 for the general insemination permit;
- (2) \$3,393 for the semen collection permit.

As of 1 April 2011, the fees provided for in the first paragraph are indexed on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada. The fees are rounded off to the nearest dollar. The Minister informs the public of the indexing through the *Gazette officielle du Québec* or by any other means.

**6.** The holder of a general insemination permit must, in carrying on activities, take the necessary measures to protect the health of the animals.

## **DIVISION II SEMEN COLLECTION**

### *§1. Layout and equipment*

**7.** A semen collection permit holder must have the following separate buildings or facilities:

- (1) a barn for bulls in service, in a proving program or awaiting program results;
- (2) a quarantine area for bulls upon arrival;
- (3) an isolation area for sick bulls or bulls suspected of illness;
- (4) a room for the collection of semen;
- (5) a laboratory for the conditioning of semen;
- (6) a room for the conservation of semen;
- (7) office space.

The buildings or facilities must include the equipment necessary for the sanitary collection, preparation, conservation and labelling of semen vials, as well as for cleaning and sterilizing the material used.

### *§2. Operation and methods*

**8.** A semen collection permit holder must assign responsibility for the sanitary control of his or her activities to a veterinary surgeon.

As part of that control, the veterinary surgeon supervises the sperm collection methods, gives opinions on the biosecurity measures and follows up on the health of the cattle being kept.

**9.** Only bulls referred to in a document certifying that they reacted negatively to the tests applicable to semen production required by the Canadian Food Inspection Agency (CFIA) may be allowed in a place where semen is collected.

**10.** A semen collection permit holder must indicate on each semen vial:

- (1) the code of the semen collection centre;
- (2) the name and code of the bull that provided the semen;
- (3) the registration number of the bull;
- (4) the breed of the bull;
- (5) the date the semen was collected.

## **DIVISION III REGISTERS**

**11.** Any person who delivers or keeps bovine semen must record the following information in a register:

- (1) the name and address of the place where the semen was collected and, where applicable, the code of the semen collection centre;
- (2) the name, code, registration number, identification number and breed of the bull that provided the semen;
- (3) the date on which the semen was received;
- (4) the date on which the semen was collected and the number of semen vials;
- (5) the method of shipment of the semen and its date;



(6) the name and address of the customer, where applicable.

**12.** A semen collection permit holder must record in a register the following information for each breeding bull staying in the establishment where the permit holder carries on his or her activities:

- (1) the name, code, registration number and identification number of the bull;
- (2) the bull's date of birth and breed;
- (3) the previous place where the bull was kept;
- (4) the name and address of the previous owner;
- (5) the date of the bull's arrival and transfer or, where applicable, the date of its death;
- (6) the date, nature and results of the tests and the name of the person who carried them out;
- (7) the date on which the collection was made and the volume of semen collected;
- (8) the volume of semen rejected and conditioned.

**13.** Immediately after artificially inseminating an animal, a general insemination permit holder must record the following information in a register:

- (1) the date and place of insemination;
- (2) the identification number of the animal inseminated;
- (3) the name and address of the owner of the inseminated animal;
- (4) the name, code, registration number and identification number of the bull that provided the semen;
- (5) the name and address of the place where the semen was collected and, where applicable, the code of the semen collection centre;
- (6) the permit holder's name or permit number;
- (7) the serial number of the document in which such particulars are entered.

**14.** Any person who keeps a register under this section must keep it for 7 years.

#### **DIVISION IV** PENAL, TRANSITIONAL AND FINAL

**15.** Any violation of a provision set out in this Regulation is punishable under section 55.44 of the Animal Health Protection Act (R.S.Q., c. P-42).

**16.** Animals of species other than bovine are exempt from the application of Division III of the Animal Health Protection Act.

**17.** This Regulation replaces the Artificial Insemination of Cattle Regulation (c. P-42, r. 9).

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

1119

#### **Draft Regulation**

An Act respecting Héma-Québec and the haemovigilance committee  
(R.S.Q., c. H-1.1)

#### **Héma-Québec** — **Conditions for compensation to victims of a product**

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 the conditions for compensation to victims of a Héma-Québec product, appearing below, may be made by the Government on the expiry of 45 days following this Regulation.

The draft Regulation first lists the adverse affects which are not a bodily injury caused by a defect in or contamination, by known or unknown pathogens, of a Héma-Québec product. Secondly, it prescribes the conditions to be met by a person who claims compensation under the compensation plan for victims of a Héma-Québec product, in particular the conditions applicable to an application for compensation, the obligations to provide information and documents to the Minister of Health and Social Services or to the public body entrusted with the management of the compensation plan and the setting up of an evaluation committee composed of three physicians who are to examine applications for compensation and make recommendations to the Minister.

The draft Regulation has no negative impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Sylvie Laberge, Direction de la biovigilance, 1075, chemin Sainte-Foy, 9<sup>e</sup> étage, Québec (Québec) G1S 2M1; telephone: 418 266-7527; fax: 418 266-8974; e-mail: sylvie.laberge@msss.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments before the expiry of the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

YVES BOLDUC,  
*Minister of Health and Social Services*

## Regulation respecting the conditions for compensation to victims of a Héma-Québec product

An Act respecting Héma-Québec and the haemovigilance committee  
(R.S.Q., c. H-1.1, s. 54.11; 2009, c. 45, s. 4)

**1.** For the purposes of section 54.1 of the Act, the following immunological and hemodynamic reactions, associated with the normal constituents of blood products in relation to the standards in force when a Héma-Québec product is administered, are adverse effects not constituting a bodily injury:

- haemolytic reaction;
- allergic reaction;
- anaphylactic reaction;
- febrile non-haemolytic transfusion reaction;
- circulatory overload;
- graft disease against the secondary host following transfusion or graft;
- transfusion-related acute lung injury (TRALI);
- post-transfusion hypertensive or hypotensive reactions;
- post-transfusion alloimmune thrombocytopenia or neutropenia;
- erythrodermia;
- hemochromatosis;

- transient transfusion-related acute dyspnea;
- cephalgia;
- aseptic meningitis;
- vagal shock;
- post-transfusion purpura;
- development of irregular antibodies;
- post-transfusion thrombotic and vascular events;
- complications associated with a massive transfusion, such as metabolic acidosis, hypocalcemia, hypomagnesemia and hyperkalemia,

**2.** A person claiming compensation under the compensation plan for victims of a Héma-Québec product must apply to the Minister of Health and Social Services by means of a written declaration indicating

(1) the name, date of birth and address of the victim who suffered the bodily injury, as well as the victim's health insurance number;

(2) the person's name, address and quality, if acting as the victim's representative or as a person entitled to a death benefit;

(3) the name or nature of the Héma-Québec product giving rise to the application, the place and date of the medical act, and the name of the person who performed the medical act, if known to the applicant;

(4) the date of the first manifestation of symptoms of the bodily injury suffered by the victim;

(5) the date of the victim's death in the case of an application for a death benefit.

**3.** The applicant must sign the declaration which must be accompanied by a medical certificate stating the bodily injury suffered by the victim and assessing the causal link between the bodily injury and the product received by the victim and distributed by Héma-Québec.

Where the applicant is acting as the representative of the victim, the applicant must also attach to the declaration proof of his or her right to act in that capacity.

In the case of an application for a death benefit, the applicant must also attach to the declaration the death certificate and proof of status as a person entitled to a death benefit.

**4.** Upon request by the Minister or, as the case may be, the public body to which the Minister entrusted the management of this compensation plan under section 54.10 of the Act, the applicant must also provide the particulars required under the Automobile Insurance Act (R.S.Q., c. A-25) and its regulations for the purposes of calculation of the compensation.

If the applicant fails to provide those particulars, the applicant must give the Minister or public body, as the case may be, the authorization necessary to obtain the particulars from third persons concerned.

**5.** Upon request by the Minister or the public body, as the case may be, the applicant must furnish proof of any fact establishing entitlement to compensation.

The Minister or public body may accept any form of proof that the Minister or public body considers useful for the purposes of justice.

The Minister or public body may also require the submission of any document the Minister or public body considers necessary.

**6.** An application for compensation is duly filed with the Minister if it is filed at one of the Minister's offices in Québec or Montréal or is mailed to one of those offices within the time prescribed by section 54.4 of the Act.

**7.** Upon receipt of an application for compensation, the Minister sends an acknowledgment of receipt to the applicant.

**8.** An application for compensation may be withdrawn or amended at any time by means of a notice in writing signed by the applicant.

**9.** Any application submitted under this Regulation is examined by an evaluation committee made up of 3 physicians on the roll of the Collège des médecins du Québec, except in the cases referred to in the second and third paragraphs of section 20.

The committee consists of a physician appointed by the Minister and of a physician appointed by the applicant; it is chaired by a third physician appointed by the first two.

Where a member of the committee is absent or unable to act before the committee has made its recommendations to the Minister, the member is replaced as soon as possible in the manner provided for in the second paragraph.

**10.** The Minister assumes the cost of the services rendered by the members of the evaluation committee and by any person added to the committee when required, and the cost of any services rendered by any expert physician consulted by the committee.

**11.** The evaluation committee's functions are:

(1) to examine the cases submitted to it and assess the bodily injury suffered in each case;

(2) to evaluate if there is a probable causal link between the bodily injury suffered by the victim and the Héma-Québec product;

(3) to evaluate, with the assistance of the Société de l'assurance automobile du Québec, the compensation, if any, to be paid pursuant to the Automobile Insurance Act and its regulations; and

(4) to make recommendations to the Minister on the matters referred to in paragraphs 1 to 3.

**12.** The evaluation committee or one of its members may examine the victim.

Such examination must be performed taking into consideration the victim's clinical history, including:

(1) a statement of relevant antecedents;

(2) physical and mental disorders and their development;

(3) intercurrent difficulties and illnesses; and

(4) drug history.

The examination must also include a physical examination with particular emphasis on the system affected by the medical act that gave rise to the bodily injury.

**13.** From indications obtained by examination of the victim and from any other relevant indication, the evaluation committee or the committee member who performed the examination must:

(1) make a diagnosis; and

(2) determine the disability and the non-pecuniary damage suffered by the victim, having regard to the provisions of the Automobile Insurance Act pursuant to which the victim could be paid compensation.

The committee or the committee member must also mention any special consideration that could affect the victim's disability and the nature and duration of any proposed treatment.

**14.** Where the victim's disability cannot be determined in a definitive manner, a provisional determination must be made. In such case, the evaluation committee sets a date when it will meet again to make a final recommendation on the application.

Sections 10 to 13 and 16 to 21 apply in such a case, with the necessary modifications.

No reimbursement may be claimed by virtue of the fact that the definitive disability of the victim is less than his or her provisional disability.

**15.** Sections 11 to 13 do not apply to an application for a death benefit.

**16.** The evaluation committee may ask Héma-Québec any information necessary for the carrying out of its mandate. Héma-Québec must cooperate with the committee to that end.

**17.** The evaluation committee must, in addition, request the opinion of an expert physician where, in the opinion of a member of the committee, the opinion is required for medical evaluation of the victim or to establish the probability of the causal link between the bodily injury suffered and the Héma-Québec product.

**18.** The evaluation committee must give the victim or applicant the opportunity to provide all relevant information or documents to complete his or her file.

**19.** The recommendations of the evaluation committee must be adopted by a majority vote and reasons must be given.

Any dissenting member may attach his or her own recommendations and reasons to the majority recommendations.

The evaluation committee then sends all the recommendations to the Minister so that the latter may take cognizance of them.

**20.** The Minister renders a decision in writing, after examining the recommendations of the committee and of any dissenting member.

Despite the foregoing, where an application appears, however, on its face, to be prescribed or inadmissible for a reason other than a reason of a medical nature, the Minister may render a decision without the application having been examined by an evaluation committee.

The same applies where the Minister must render a new decision or an additional decision on a case and the decision does not involve any reason of a medical nature.

**21.** The Minister sends the decision to the applicant by mail and sends a copy to the members of the committee.

The decision has effect from the date of its notification.

**22.** Any compensation unpaid at the time of the victim's death is to be paid to the victim's successors.

**23.** Where the prescription period provided for in section 54.4 of the Act expires on a day on which the Minister's offices are close, the time period is extended to the next working day, and the application for compensation may be validly made on that day.

**24.** No proceeding under this Regulation may be considered void and disallowed for defect of form or procedural irregularity.

**25.** If there is an interruption in postal service, the Minister may accept or use any other method of filing or service.

**26.** 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

Dam Safety Act  
(R.S.Q., c. S-3.1.01)

### Dam Safety — Amendments

Notice is hereby given, pursuant to sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) that the Regulation amending the Dam Safety Regulation, appearing below, may be enacted by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to extend the statutory time limits for the performance of safety reviews by the owners of dams. The extended time limits only apply to dams whose failure consequence category is Low or Very Low. The proposed regulatory amendments also correct, among other things, certain wordings that posed difficulties with regard to the determination of safety check flood and the application of earthquake resistance standards.

Further information on the draft Regulation may be obtained by contacting Michel Dolbec, Dam Safety Director, Centre d'expertise hydrique du Québec, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 5<sup>e</sup> étage, Québec (Québec) G1R 5V7; by telephone at 418 521-3945, # 7522; by fax at 418 643-4609; or by e-mail at michel.dolbec@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is invited to submit written comments within the 45-day period to Michel Dolbec, whose contact information is provided above.

PIERRE ARCAND,  
*The Minister of Sustainable Development,  
Environment and Parks*

## Regulation amending the Dam Safety Regulation\*

Dam Safety Act  
(R.S.Q., c. S-3.1.01, ss. 6, 14 to 17, 19, 20, 21, 24,  
29, 31, 36 and 37)

**1.** Section 14 of the Dam Safety Regulation is amended:

(1) by the replacement, in paragraph (3) of the first subsection, of the words “or “poor or unknown”” by the words “, “poor” or “undetermined””;

(2) by the replacement, in paragraph (4) of the same subsection, of the words “or “unsatisfactory or unknown”” by the words “, “unsatisfactory” or “undetermined””.

**2.** Section 22 of this Regulation is amended by the insertion, in the part of the first subsection before paragraph (1) and after the word “inflow”, of the words “under flood conditions”.

**3.** Section 23 of this Regulation is replaced by the following:

“**23.** Subject to section 24, the safety check flood determined under section 21 or 22 may be less, but not less than a 100-year flood, if it is shown that a dam failure during such a flood would result in a lower consequence category than that used for the purposes of section 21.”.

**4.** Section 25 of this Regulation is amended by the replacement, in the last subsection, of the words “in the Severe Consequence category under sections 17 and 18 “by the words “designed to withstand a “probable maximum flood””.

**5.** Section 29 of this Regulation is amended:

(1) by the replacement, in the first subsection, of the second and third sentences by the following sentence: “Calculations must be based on the full supply level and be accompanied by the opinion of the engineer in charge on the liquefaction potential of the dam and its foundation together with the data on which that opinion is based.”;

(2) by the addition, at the end of the second subsection, of the following sentence: “These coefficients may also be determined, for each dam site, based on Peak Ground Acceleration data established by the Geological Survey of Canada for a return period of 2500 years.”.

**6.** Section 45 of this Regulation is amended by the replacement, in the third subsection, of the words “Class C or Class D” by the words “Class C, D or E”.

**7.** This Regulation is amended by the insertion of the following after section 49:

“**49.1.** When the owner of a dam intends, within 5 years, to remove or reconstruct the dam, or to make a structural alteration that affects all parts of the structure or that, because of the scope of the work, is equivalent to reconstructing the dam, the dam safety review may be limited to the following elements:

(1) a check of the condition and behaviour of the dam by means of a comprehensive inspection of every structural component;

(2) a check of the functionality and reliability of the discharge facilities.

The report documenting the dam safety review must include:

(1) the report of the most recent formal inspection conducted under section 42;

(2) the opinion of the engineer in charge on the structural and functional safety of the dam, and where applicable, on the measures proposed to prevent the risk of dam failure until the planned work is carried out.

The report must also contain the information mentioned in paragraphs (1) to (4) and (6) of the second subsection of section 49.

\* The sole amendment to the Dam Safety Regulation, enacted by decree No. 300-2002 of March 20, 2002 (2002, G.O. 2, 2043), was made by the Regulation enacted by decree No. 17-2005 of January 19, 2005 (2005, G.O. 2, 583).

The provisions of paragraph (1) of sections 32 and 38 and of paragraph (1) of the first subsection of sections 76 and 77 do not apply to a dam whose safety review is conducted under the present section.”.

**8.** Section 57 of this Regulation is amended by the replacement, in paragraph (6) of the first subsection, of the words “pseudostatic or, where applicable, dynamic structural and foundation” by the word “seismic”.

**9.** Section 58 of this Regulation is amended by the replacement, in paragraph (2) of the first subsection, of the words “pseudostatic or, where applicable, dynamic structural and foundation” by the word “seismic”.

**10.** Section 59 of this Regulation is amended:

(1) by the replacement, in what precedes paragraph (1), of the words “the removal of a dam” by the words “either the complete removal of a dam, or its partial removal if as a result the dam would no longer be of high capacity,”;

(2) by the addition of the following second subsection:

“An application for authorization for partial removal must also include:

(1) the name and address of the owner of the dam;

(2) the plan and specifications of the modified dam, prepared by an engineer, together with the data and assumptions considered regarding hydrology and hydraulics;

(3) the new impounding capacity of the dam.”.

**11.** Section 61 of this Regulation is amended by the replacement, in subparagraph *c* of paragraph (1), of the words ““poor or unknown”” by the words ““poor” or “undetermined””.

**12.** Section 62 of this Regulation is amended by the insertion, in the second subsection and before the word “removal”, of the words “complete or partial”.

**13.** Section 66 of this Regulation is amended by the insertion, before the word “removal”, of the words “complete or partial”.

**14.** Section 78 of this Regulation is amended:

(1) by the replacement, in paragraphs (1) of the second and third subsections, of the words “or poor or unknown” by the words “, poor or undetermined”, and of the words “unsatisfactory or unknown” by the words “unsatisfactory or undetermined”;

(2) by the replacement, in paragraph (1) of the fourth subsection, of “7 years” by “10 years”, of the words “or poor or unknown” by the words “, poor or undetermined”, and of the words “unsatisfactory or unknown” by the words “unsatisfactory or undetermined”;

(3) by the replacement, in paragraph (2) of the fourth subsection, of “8 years” by “12 years”;

(4) by the replacement, in paragraph (1) of the fifth subsection, of “9 years” by “16 years”, of the words “or poor or unknown” by the words “, poor or undetermined”, and of the words “unsatisfactory or unknown” by the words “unsatisfactory or undetermined”;

(5) by the replacement, in paragraph (2) of the fifth subsection, of “10 years” by “18 years”.

**15.** Schedule III of this Regulation is amended by the replacement, wherever it is found, of the word “unknown” by the word “undetermined”.

**16.** The present 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

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1)

### Commission d'accès à l'information — Procedure for selecting persons qualified for appointment as members

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., chapter R-18.1) that the Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, the text of which appears below, may be adopted by the Office of the National Assembly on the expiry of 45 days following this publication.

As provided in section 104.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), the purpose of the amended regulation is to establish a procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information.

The draft regulation proposes that the valid period of the first, already drawn up list of candidates considered qualified by the selection committee for the position of member of the Commission be extended from three to five years.

To date, the examination of the draft regulation has revealed no significant impact on businesses or on the public.

Further information may be obtained by contacting Michel Bonsaint, Secretary General of the National Assembly and Secretary of the Office of the National Assembly, at the following address: édifice Pamphile-Le May, 1035, rue des Parlementaires, bureau 2.54c, Québec (Québec) G1A 1A3, or by phone 418 643-2724 or fax 418 643-5062.

Please send comments in writing, before the expiry of the 45-day period, to the President of the National Assembly, Hôtel du Parlement, 1045, rue des Parlementaires, bureau 1.30, Québec (Québec) G1A 1A4.

YVON VALLIÈRES,  
*President of the National Assembly*

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## **Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information**

An Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1, s. 104.1)

**1.** Section 15 of the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, adopted by Decision 1384 dated 25 October 2007, is amended by replacing "three" in the third paragraph by "five".

**2.** This regulation applies only to the first, already drawn up list of candidates considered qualified by the selection committee for the position of member of the Commission d'accès à l'information.

**3.** This regulation comes into force on the day on which it is adopted.

## **Draft Regulation**

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

### **Advocates**

#### **— Diplomas giving access to a permit**

#### **— Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the "Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders", appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 1.03 of the "Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders" in order to update the diplomas listed therein.

The amendments should have no impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec and to the Barreau du Québec for their opinion. The Office will seek the opinion of the Bar and forward it with its own opinion to the Minister of Justice after consultations with the educational institutions and other bodies concerned.

Further information may be obtained by contacting Sylvie Champagne, Secretary, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400, extension 3103, or 1 800 361-8495; fax: 514 954-3463; e-mail: schampagne@barreau.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Barreau du Québec and to interested persons, departments and bodies.

JEAN-MARC FOURNIER,  
*Minister of Justice*

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**Regulation to amend the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders\***

Professional Code  
(R.S.Q., c. C-26, s. 184, 1st par.)

**1.** The Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders is amended in section 1.03 by replacing paragraphs *b*, *c* and *d* by the following:

“(b) Baccalauréat en droit from the Université de Montréal;

(c) Baccalauréat en droit from the Université de Sherbrooke;

(d) Baccalauréat en droit from the Université du Québec à Montréal;”.

**2.** Paragraphs *b*, *c* and *d* of section 1.03 of that Regulation, replaced by section 1 of this Regulation, remain applicable to persons who, on (insert the date of coming into force of this Regulation), hold a diploma referred to therein or are registered in a program enabling them to obtain one of those diplomas.

**3.** 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 diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983 (1983, *G.O.* 2, 2369), was last amended by the regulation made by Order in Council 1046-2009 dated 30 September 2009 (2009, *G.O.* 2, 3481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to October 1, 2010.



## Treasury Board

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### **T.B. 209483, 2 November 2010**

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

#### **Amendments to Schedules VI and VII**

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

#### **Amendments to Schedules VII and VIII**

Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under the first paragraph of section 220 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1, VI and VII to the Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 217 of the Act, the rates of interest in Schedule VI to the Act are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain categories of amounts referred to in section 127 and designated by that regulation;

WHEREAS Schedule VI to the Act was amended by Conseil du Trésor Decision 208199 dated 15 September 2009 to provide for the rate of interest based on the rates of return on certain funds payable under the Act as of 1 June 2009;

WHEREAS it is expedient to again amend Schedule VI to the Act to provide for the interest payable under the first paragraph of section 217 of the Act as of 1 June 2010;

WHEREAS, under the second paragraph of section 217 of the Act, the rates of interest in Schedule VII to the Act are determined, for each period indicated, according to the rules and procedures established by regulation and an external index designated by that regulation;

WHEREAS Schedule VII to the Act was amended by Conseil du trésor Decision 208199 dated 15 September 2009 to provide for the rate of interest based on an external index payable under the Act as of 1 June 2009;

WHEREAS it is expedient to again amend Schedule VII to the Act to provide for the interest payable under the second paragraph of section 217 of the Act as of 1 June 2010;

WHEREAS, under the first paragraph of section 207 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), the Government may, by order, amend Schedules I and III to VIII to that Act and any such order may have effect 12 months or less before it is made;

WHEREAS, under the first paragraph of section 204 of that Act, the rates of interest in Schedule VII to that Act are determined, for each period indicated, according to the rules and procedures determined by regulation and the rates of return on certain classes of amounts referred to in section 177 of that Act and designated by that regulation;

WHEREAS Schedule VII to that Act was amended by Conseil du trésor Decision 208199 dated 15 September 2009 to provide for the rate of interest based on the rates of return on certain funds payable under that Act as of 1 June 2009;

WHEREAS it is expedient to again amend Schedule VII to that Act to provide for the interest payable under the first paragraph of section 204 of that Act as of 1 June 2010;

WHEREAS, under the second paragraph of section 204 of that Act, the rates of interest in Schedule VIII are determined, for each period indicated, according to the rules and procedures established by regulation and an external index designated by that regulation;

WHEREAS Schedule VIII to that Act was amended by Conseil du trésor Decision 208199 dated 15 September 2009 to provide for the rate of interest based on an external index payable under that Act as of 1 June 2009;

WHEREAS it is expedient to again amend Schedule VIII to that Act to provide for the interest payable under the second paragraph of section 204 of that Act as of 1 June 2010;

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

WHEREAS the consultation has taken place;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

GEORGES BOULET,  
*Clerk of the Conseil du trésor*

## **Amendments to Schedules VI and VII to the Act respecting the Government and Public Employees Retirement Plan and to Schedules VII and VIII to the Act respecting the Pension Plan of Management Personnel**

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

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

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

(1) by replacing “as of 1 June 2009” by “1 June 2009 to 31 May 2010”;

(2) by adding “-4.78% as of 1 June 2010” at the end.

**2.** Schedule VII to that Act is amended

(1) by replacing “as of 1 June 2009” by “1 June 2009 to 31 May 2010”;

(2) by adding “2.15% as of 1 June 2010” at the end.

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

(1) by replacing “as of 1 June 2009” by “1 June 2009 to 31 May 2010”;

(2) by adding “-4.42% as of 1 June 2010” at the end.

**4.** Schedule VIII to that Act is amended

(1) by replacing “as of 1 June 2009” by “1 June 2009 to 31 May 2010”;

(2) by adding “2.15% as of 1 June 2010” at the end.

**5.** These Amendments have effect from 1 June 2010.

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## Notices

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### Notice

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01)

#### **Thomas-Boyd-Stanger Nature Reserve — Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Ville de Magog, Regional County Municipality of Memphrémagog, known and designated as being a part of the subdivision number 2 of the original lot number 16 of the range number 14 of the Township of Hatley, Land Registry of the Township of Magog, Stanstead registry division. This property, of an area of 2,34 hectares, is more fully described in property description and plan prepared and signed by Mr. Pascal Viger, land surveyor, on February 25th 2010, in his field notes 2 366.

This recognition, for perpetuity, takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,  
*Director of Ecological Heritage  
and Parks*

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

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