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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 41-2001, 2 February 2011

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

Authorization to renew the setting aside of seven areas as proposed biodiversity reserves

WHEREAS, under section 28 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), the extension or renewal of the setting aside of land under section 27 of the Act may not, unless authorized by the Government, be such that the term of the setting aside exceeds six years;

WHEREAS, in accordance with the provisions of the Act and three Minister's Orders M.O., 2007 dated 20 February 2007 (2007, *G.O.* 2, 1192 and 1193), the following land was set aside for a term of four years beginning on 7 March 2007:

Proposed biodiversity reserves:

- Albanel-Témiscamie-Otish;
- Anneaux-Forestiers;
- Dunes-de-la-Rivière-Attic;
- Esker-Mistaouac;
- Opémican;
- Plateau-du-Lac-des-Huit-Chutes;
- Seigneurie-du-Triton;

WHEREAS the land has tremendous ecological value and it is necessary to renew the temporary setting aside of the land for a term of four years to complete the steps leading to the granting of permanent protection status;

WHEREAS the renewal will enable the holding of various consultations, including public consultation provided for in section 39 of the Natural Heritage Conservation Act, and facilitate continued discussions with the persons and bodies concerned and determination of the objectives, directions and terms of the possible protection plan of the land;

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

THAT the Minister of Sustainable Development, Environment and Parks be authorized to renew the setting aside of the following land for a term of four years beginning on 7 March 2011:

Proposed biodiversity reserves:

- Albanel-Témiscamie-Otish;
- Anneaux-Forestiers;
- Dunes-de-la-Rivière-Attic;
- Esker-Mistaouac;
- Opémican;
- Plateau-du-Lac-des-Huit-Chutes;
- Seigneurie-du-Triton.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### O.C. 50-2011, 2 February 2011

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

#### Midwives

- **Professional acts that persons other than midwives may engage in on certain terms and conditions**
- **Amendment**

Regulation to amend the Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions

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 the board of directors of the Ordre des sages-femmes du Québec made the Regulation to amend the Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, 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 to amend the Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions was published in Part 2 of the *Gazette officielle du Québec* of 4 August 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions\***

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

**1.** The Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions is amended in section 2 by inserting “and listed in the Order’s student register” after “midwifery program”.

\* The Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions, made by Order in Council 1467-2002 dated 11 December 2002 (2002, *G.O.* 2, 6544), has never been amended.

**2.** Section 3 is amended by adding “The person must be listed in the Order’s student register.” at the end.

**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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### **M.O., 2011**

#### **Order of the Minister of Education, Recreation and Sports dated 31 January 2011**

An Act respecting safety in sports  
(R.S.Q., c. S-3.1)

CONCERNING the Approval of the By-law to amend the By-law respecting qualifications for recreational underwater diving

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

CONSIDERING the Minister’s Order M.O. 1999 dated 1 June 1999 (1999, *G.O.* 2, 1692) which designated the Fédération québécoise des activités subaquatiques to exercise the powers provided for in the first paragraph of section 46.15 of the Act respecting safety in sports (R.S.Q., c. S-3.1), that is, to make by-laws determining standards with respect to, among other things, the qualification of the persons who practise and teach the sport;

CONSIDERING the second paragraph of section 46.15 of the Act, which provides that a by-law under the first paragraph must, to take effect, be approved by the Minister;

CONSIDERING the publication of a draft By-law to amend the By-law respecting qualifications for recreational underwater diving in Part 2 of the *Gazette officielle du Québec* of 9 June 2010, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), with a notice that it could be made by the Federation on the expiry of 45 days following that publication;

CONSIDERING that, on 23 November 2010, the Federation made the By-law to amend the By-law respecting qualifications for recreational underwater diving, which amends the published draft to take the comments received into account;

CONSIDERING that it is expedient to approve the By-law;

## ORDERS AS FOLLOWS:

The By-law to amend the By-law respecting qualifications for recreational underwater diving, attached to this Minister's Order, is hereby approved.

Québec, 31 January 2011

LINE BEAUCHAMP,  
*Minister of Education,  
Recreation and Sports*

### **By-law to amend the By-law respecting qualifications for recreational underwater diving\***

An Act respecting safety in sports  
(R.S.Q., c. S-3.1, s. 46.15)

**1.** The By-law respecting qualifications for recreational underwater diving is amended in section 1 by replacing “have markers allowing the diver to find his bearings” by “allow the diver to orient himself or herself visually” in subparagraph *c* of paragraph 1.

**2.** Section 2 is amended by replacing “provided that a Class C diver holding a Divemaster certificate referred to in paragraph 9 of Schedule 1 accompanies him” by “provided that a Class D or a Class C diver holding a Divemaster or an Assistant Instructor certificate referred to in paragraph 9 of Schedule 1 accompanies the diver”.

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

“**3.** The levels of qualification for teaching are Class D diver and Class A, B or C instructor.

**3.1.** The holder of a Class D diver certificate may

(1) make recreational underwater dives using compressed breathing gas in the same conditions as a Class C diver; and

(2) in accordance with the standards set by the holder's diving association listed in Schedule 7, assist an instructor in his or her duties of teaching diving, among others, during practical tests required to obtain diver qualification.

The activities referred to in subparagraph 2 may be carried out by a Class D diver only with students who are already under the responsibility of an instructor and under the instructor's direct supervision. A diver is not authorized to assess a student or to be responsible for a group of students.

**3.2.** The holder of an instructor certificate may

(1) make recreational underwater dives using compressed breathing gas in the same conditions as a Class C diver;

(2) teach the programs for which the instructor is qualified according to the standards set by the instructor's diving association listed in Schedule 7;

(3) teach persons seeking a Class A, B or C diver certificate; and

(4) teach persons seeking a Class D diver certificate.

In addition, a Class B instructor may teach persons seeking a Class A instructor certificate, and a Class C instructor may teach persons seeking a Class A, B or C instructor certificate.”.

**4.** Section 5 is replaced by the following:

“**5.** Examinations to qualify for a Class D diver certificate must focus on the contents listed in Schedule 4.1.

For a Class A, B or C instructor certificate, the examinations must focus on the contents listed in Schedules 5, 6 and 6.1 respectively.”.

**5.** Section 7 is revoked.

**6.** Section 8 is amended

(1) by inserting the following before the first paragraph:

“A diver certificate is valid for 3 years. It may be renewed for the same period.”;

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

“For the purposes of subparagraph 2 of the first paragraph, the refresher course must include a theoretical review and a practical review in open water of the content of the examination referred to in Schedules 2, 3 or 4, as the case may be.”.

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

\* The By-law respecting qualifications for recreational underwater diving, approved by Minister's Order M.O. 2002-01 dated 5 February 2002 (2002, *G.O.* 2, 1538), was last amended by Minister's Order M.O. 2003-01 dated 31 March 2003 (2003, *G.O.* 2, 1361A).

“9. Class D diver and instructor certificates are valid for 1 year. They may be renewed for the same period.

A Class D diver certificate is renewed if the person who applies to have it renewed

(1) is a divemaster or assistant instructor, or equivalent, member in good standing of a diving instructor association listed in Schedule 7; and

(2) proves that, during the 3 years preceding the expiry of the certificate, he or she took part in at least one improvement workshop of at least 4 hours focusing on one or more of the topics listed in Schedule 4.1.

The instructor certificate is renewed if the person who applies to have it renewed

(1) is an instructor member in good standing of a diving instructor association listed in Schedule 7; and

(2) proves that, during the period of validity of the certificate, he or she took part in at least one improvement workshop of at least 4 hours focusing on one or more of the topics listed in Schedules 5, 6 and 6.1.”

**8.** Sections 10, 11 and 14 are revoked.

**9.** Sections 12 and 13 are replaced by the following:

“12. An attestation of equivalency as a Class A, B or C diver is granted to the holder of a certificate referred to in Schedules 8 to 10 that has been awarded outside Québec if the holder can prove, by means of his or her diver’s log, that he or she has made an underwater dive requiring him or her to wear a full diving suit, including hood and gloves, and using compressed breathing gas.

13. An attestation of equivalency of Class D diver or instructor is granted if the person who applies for it

(1) states in writing that he or she has, during the previous 12 months, made a dive in water requiring him or her to wear a full diving suit, including hood and gloves, and using compressed breathing gas;

(2) proves, in the case of an application for equivalency of Class D diver, that he or she holds a certificate referred to in Schedule 10.1 that has been awarded outside Québec;

(3) proves, in the case of an application for equivalency of Class A, B or C instructor, that he or she holds a certificate referred to in Schedule 11, 12 or 13, as the case may be, that has been awarded outside Québec, and that he or she supervised at least 3 underwater dives,

other than the dive referred to in paragraph 1, requiring him or her to wear a full diving suit, including hood and gloves.”

**10.** Sections 16 and 17 are replaced by the following:

“16. The fees relating to the qualification of a diver are

(1) \$10 to take a theoretical examination administered directly by the designated organization;

(2) \$20 to take a practical examination administered directly by the designated organization;

(3) \$15 for the award of a certificate;

(4) \$15 for the renewal of a certificate;

(5) \$5 for the replacement of a certificate;

(6) \$5 for the issue or renewal of a diver attestation of equivalency.

17. The fees relating to the qualification of a Class D diver and instructor are

(1) \$10 to take a theoretical examination administered directly by the designated organization;

(2) \$20 to take a practical examination administered directly by the designated organization;

(3) \$25 for the award of a certificate;

(4) \$25 for the renewal of a certificate;

(5) \$5 for the replacement of a certificate;

(6) \$25 for the issue or renewal of an attestation of equivalency as a Class D diver or instructor.

17.1. For the purposes of this By-law, the abbreviations listed below refer to the following organizations:

ACUC American and Canadian Underwater Certifications

CMAS-Québec or AMCQ *Association des moniteurs de la Confédération mondiale des activités subaquatiques du Québec*

ANDI American Nitrox Divers International

BSAC British Sub-Aqua Club



CMAS	<i>Confédération Mondiale des Activités Subaquatiques</i> (World Underwater Federation)	(2) The holder of a Class A, B or C diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to ice dive, such as CMAS-Québec "Plongeur sous glace" certificate or PADI "Ice Diver" certificate, may ice dive;
CSAC	<i>Certification sub-aquatique continentale</i>	
DSAT	Diving Science and Technology	(3) The holder of a Class B diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to make a deep dive, such as PADI "Deep Diver" certificate or CSAC "Spécialiste en plongée profonde" certificate, may dive to a maximum depth of 40 metres while observing no-decompression limits;
FIAS	Federazione Italiana Attivita' Subacquee (Italian Underwater Activities Federation)	
GUE	Global Underwater Explorers	
HSA	Handicapped Scuba Association	
IANTD	International Association of Nitrox and Technical Divers	(4) The holder of a Class B or C diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to wreck dive, such as PDIC or SDI/TDI "Wreck Diver" certificates, may make that type of dive;
IDEA	International Diving Educators Association	
NACD	National Association for Cave Diving	(5) The holder of a Class B or C diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to dive in a cave or a cavern, such as GUE "Cave 1 Diver" certificate or NAUI "Cave and Cavern Diver" certificate, may make that type of dive;
NASDS	National Association of Scuba Diving Schools	
NAUI	National Association of Underwater Instructors	
NSS-CDS	National Speleological Society – Cave Diving Section	(6) The holder of a Class A, B or C diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to dive using enriched air, such as CMAS "Basic Nitrox Diver" certificate or SSI "Nitrox Diver" certificate, may dive using a nitrox type compressed breathing gas mixture;
PADI	Professional Association of Diving Instructors	
PDIC	Professional Diving Instructors Corporation	(7) The holder of a Class B or C diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to technical dive, such as NAUI "Decompression Techniques Diver" certificate or IANTD "Advanced Deep Air Diver" certificate, may dive to the maximum depth according to the particular requirements in the certificate;
SDI	Scuba Diving International	
SDI/TDI	Scuba Diving International / Technical Diving International	
SDS	Silent Diving Systems	
SSI	Scuba Schools International	(8) The holder of a Class C diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to dive using a trimix type gas mixture, such as DSAT "Tec Trimix Diver Course" certificate or IANTD "Open Water Rebreather Diver" or "Advanced EANx Diver" certificate, may dive to the maximum depth according to the particular requirements in the certificate using a trimix type compressed breathing gas mixture;
YMCA	Young Men's Christian Association".	

**11.** Paragraphs 1 to 9 of Schedule 1 are replaced by the following:

"(1) The holder of a Class A diver certificate of qualification who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to dive at night, such as ACUC or YMCA "Night Diver" certificates, may dive at night;

(9) The holder of a Class C diver certificate who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications as a Class D instructor or diver, such as ACUC "Divemaster" or "Assistant instructor" certificate or CMAS-Québec "Assistant moniteur" certificate, may accompany a Class A diver to allow the diver to make an underwater dive in the same conditions as a Class B diver;

(10) The holder of a Class A, B or C diver certificate who also holds a certificate awarded by an association listed in Schedule 7 recognizing the holder's qualifications to make a current dive may dive in current conditions while observing the limits applicable to the diver's certificate."

**12.** Schedule 3 is amended in the heading "PRACTICAL EXAMINATION IN OPEN WATER" by replacing

(1) the text following "deep diving" at the end of the first dash by "(up to 30 metres/100 feet) and limited visibility diving";

(2) the text of the second dash by the following:

"Ability to plan a night dive and a limited visibility dive, and to observe the safety requirements applicable to these dives."

**13.** Schedule 4 is amended in the heading "PRACTICAL EXAMINATION IN OPEN WATER" by replacing

(1) the text following "deep diving" at the end of the first dash by "(between 30 and 40 metres/100 and 130 feet) and limited visibility diving";

(2) "plongée bouteille" in the second dash of the French text by "plongée en scaphandre autonome";

(3) "18" in the sixth dash by "30".

**14.** The following is inserted after Schedule 4:

**"SCHEDULE 4.1**

(ss. 5 and 9)

**CONTENT OF EXAMINATIONS — CLASS D DIVER**

**THEORETICAL EXAMINATION**

— Content listed in Schedule 4 under the heading "Theoretical examination".

— Basic educational principles and the psychology of teaching.

— Ability to explain the structure, by-laws and services of the designated organization.

— Ability to explain the principles of planning and organizing a dive, the operation of clubs and other group activities.

— Safety requirements during swimming pool and open water lessons.

— Water supervision techniques specific to diving.

— Rescue techniques to assist a swimmer or a diver in difficulty and the first aid to be given.

**PRACTICAL EXAMINATION IN SWIMMING POOL**

— Scuba self-rescue skills and techniques and efficient and correct use of rescue techniques to assist or rescue a diver simulating distress.

**PRACTICAL EXAMINATION IN SWIMMING POOL OR IN OPEN WATER**

— Ability to correctly and efficiently display all of the diving skills listed in Schedule 2 under the heading "Practical examination in open water".

— Ability to appropriately simulate first aid that must be given to a swimmer or a diver in the following conditions: unconsciousness, near-drowning, pulmonary barotraumas, perforation of the tympanic membrane, cold shock, marine animal bites and stings, injury to the vertebral column, decompression sickness.

**PRACTICAL EXAMINATION IN OPEN WATER**

— Ability to correctly and efficiently display all of the diving skills listed in Schedules 2, 3 and 4 under the heading "Practical examination in open water".

— Organizing a dive, evaluating a site and outlining a diving plan, checking diving equipment, installing a dive flag to mark out a site and making a check-up dive.

— Demonstrate the complete rescue of a diver, wearing a scuba system, over a distance of 100 metres, assist a diver simulating distress and tow a diver in difficulty to shore.

— Demonstrate the complete rescue of an unconscious submerged diver (assistance to a diver until the diver is out of water)."

**15.** The French text is amended by replacing "plongée bouteille" wherever it appears by "plongée en scaphandre autonome".

**16.** The following is inserted after Schedule 6:

**“SCHEDULE 6.1**

(ss. 5 and 9)

**CONTENT OF EXAMINATIONS — CLASS C INSTRUCTOR**

**THEORETICAL EXAMINATION**

— State and explain the selection and evaluation criteria and the administrative procedures for the qualification of Class A, Band C instructors.

— State and explain the ethical, legal and financial responsibilities of an instructor.

— State and explain the principles and psychology of teaching at the instructor training level.

— Explain the structure and by-laws of the designated organization and the services it provides.

— Describe the instructor evaluation techniques in a classroom, in a swimming pool and in open water.

— Describe the evaluation techniques of rescue at the instructor level.

— Describe supervision techniques in instructor courses.

**PRACTICAL EXAMINATION**

— Demonstrate maintenance of the skills required of a Class A and B instructor, as listed in Schedules 5 and 6 under the headings “Practical examination in classroom”, “Practical examination in swimming pool”, “Practical examination in swimming pool or in open water” and “Practical examination in open water”.

— Ability to evaluate the instruction given by instructors in a classroom, in a swimming pool and in open water, and to solve problems that may arise.

— Ability to supervise underwater diving instructors.”.

**17.** Schedule 7 is amended by inserting “Confédération Mondiale des Activités Subaquatiques (CMAS) (World Underwater Federation)”, “Diving Science and Technology (DSAT)” and “Handicapped Scuba Association (HAS)” in alphabetical order in the list of associations.

**18.** Schedule 8 is amended

(1) by replacing the reference in parentheses “(s. 10)” by “(s. 12)”;

(2) by inserting the following paragraph after the title “CLASS A DIVER EQUIVALENCIES”:

“The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that the holder has the knowledge and skills required to be a diver, including the following certificates:”;

(3) by striking out the periods between the letters of the listed abbreviations in the French text.

**19.** Schedule 9 is amended

(1) by replacing the reference in parentheses “(s. la)” by “(s. 12)”;

(2) by inserting the following paragraph after the title “CLASS B DIVER EQUIVALENCIES”:

“The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that the holder has intermediary or advanced level qualifications as a diver, including the following certificates:”;

(3) by striking out the periods between the letters of the listed abbreviations in the French text.

**20.** Schedule 10 is replaced by the following:

**“SCHEDULE 10**

(s. 12)

**CLASS C DIVER EQUIVALENCIES**

The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that their holder has a superior level of qualification as a diver, including the following certificates:

- ACUC – Master Diver
- ACUC – Divemaster
- ACUC – Teaching Assistant
- ACUC – Open Water Assistant Instructor
- CMAS-Québec – *Plongeur supérieure*
- CMAS-Québec – *Chef de plongée*
- CMAS-Québec – *Plongeur 3 étoiles*
- CMAS – *Plongeur 3 étoiles*
- CSAC – *Maître plongeur*
- CSAC – *Chef de plongée*
- FIAS – Brevetto Ara Estensione
- FIAS – Brevetto Allievo Istruttore Federale
- GUE – Cave 1 Course
- GUE – Tech 1 Course
- GUE – Rebreather 1 Course
- IANTD – Divemaster
- IANTD – Technical Diver

- IANTD – Technical Diver Supervisor
- IDEA – Advanced Open Water Diver II
- IDEA – Divemaster
- IDEA – Basic Instructor
- NASDS – Master Diver
- NAUI – Master Scuba Diver
- NAUI – Divemaster
- NAUI – Assistant Instructor
- PADI – Master Scuba Diver
- PADI – Divemaster
- PADI – Assistant Instructor
- PDIC – Dive Supervisor
- PDIC – Assistant Instructor
- SDI/TDI – Divemaster
- SDI/TDI – Assistant Instructor
- SDI/TDI – Technical Diver
- SSI – Master Diver
- SSI – Dive Control Specialist
- SSI – Associate Instructor
- YMCA – Divemaster
- YMCA – Assistant Instructor”.

**21.** The following is inserted after Schedule 10:

**“SCHEDULE 10.1**  
(s. 13)

**CLASS D DIVER EQUIVALENCIES**

The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that their holder has the qualifications required to assist an instructor in training and accompanying student divers, including the following certificates:

- ACUC – Divemaster
- ACUC – Teaching Assistant
- ACUC – Open Water Assistant Instructor
- CMAS-Québec – *Assistant moniteur*
- CMAS-Québec – *Chef de plongée*
- CMAS-Québec – *Plongeur 4 étoiles*
- CSAC – *Chef de plongée*
- FIAS – Brevetto Allievo Istruttore Federale
- IANTD – Divemaster
- IANTD – Technical Diver Supervisor
- IDEA – Divemaster
- IDEA – Basic Instructor
- NAUI – Divemaster
- NAUI – Assistant Instructor
- PADI – Divemaster
- PADI – Assistant Instructor
- PDIC – Dive Supervisor
- PDIC – Assistant Instructor
- SDI/TDI – Divemaster
- SDI/TDI – Assistant Instructor
- YMCA – Divemaster
- YMCA – Assistant Instructor

**22.** Schedules 11, 12 and 13 are replaced by the following:

**“SCHEDULE 11**  
(s. 13)

**CLASS A INSTRUCTOR EQUIVALENCIES**

The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that their holder has the basic qualifications required to teach diving, including the following certificates:

- ACUC – Open Water Instructor
- ACUC – Specialty Instructor
- CMAS-Québec – *Moniteur*
- CMAS – *Moniteur 1 étoile*
- CSAC – *Moniteur national*
- FIAS – Brevetto Istruttore Federale ARA
- GUE – Recreational Instructor
- GUE – Technical 1 Instructor
- GUE – Technical 2 Instructor
- GUE – Technical 3 Instructor
- GUE – Cave 1 Instructor
- GUE – Cave 2 Instructor
- GUE – Cave 3 Instructor
- GUE – Rebreather 1 Instructor
- GUE – Rebreather 2 Instructor
- IANTD – Technical Instructor
- IDEA – Instructor
- NAUI – Instructor
- PADI – Open Water Scuba Instructor
- PADI – Specialty Instructor
- PADI – Master Instructor
- PDIC – Instructor
- PDIC – Specialty Instructor
- SDI/TDI – SDI Instructor
- SDI/TDI – TDI Instructor
- SSI – Open Water Instructor
- SSI – Specialty Instructor
- SSI – Advanced Open Water Instructor
- SSI – Master Instructor
- YMCA – Scuba Instructor

**SCHEDULE 12**  
(s. 13)

**CLASS B INSTRUCTOR EQUIVALENCIES**

The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that their holder has intermediary or advanced level qualifications to teach diving, including the following certificates:

- ACUC – Instructor Trainer
- CMAS-Québec – *Moniteur national*
- CMAS – *Moniteur 2 étoiles*
- CSAC – *Moniteur formateur*
- FIAS – Brevetto Maestro Istruttore
- IANTD – Technical Instructor Trainer  
(of the class concerned)
- NAUI – Instructor Trainer
- PADI – IDC Staff
- PDIC – Instructor Trainer
- SSI – Instructor Trainer
- SDI/TDI – SDI Instructor Trainer
- SDI/TDI – TDI Instructor Trainer  
(of the class concerned)
- YMCA – Institute Director

### SCHEDULE 13

(s. 13)

#### CLASS C INSTRUCTOR EQUIVALENCIES

The certificates recognized as equivalent are those awarded by an association listed in Schedule 7 attesting that their holder has a superior expertise to teach diving or train diving instructors, including the following certificates:

- ACUC – Instructor Trainer Evaluator
- CMAS-Québec – *Moniteur fédéré*
- CMAS – *Moniteur 3 étoiles*
- CSAC – *Directeur de cours*
- FIAS – Brevetto Maestro Istruttore
- IANTD – Technical Instructor Trainer  
(of the class concerned)
- NAUI – Course Director
- PADI – Course Director
- SDI/TDI – SDI Instructor Trainer
- YMCA – Institute Director”

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



## Draft Regulations

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### Draft By-law

Police Act  
(R.S.Q., c. P-13.1)

#### Comité de déontologie policière — Evidence, procedure and practice

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules of evidence, procedure and practice of the Comité de déontologie policière, adopted by the Comité de déontologie policière, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft By-law determines the rules of evidence, procedure and practice governing the conduct of hearings before the Comité de déontologie policière and replaces the rules currently in force.

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

Further information may be obtained by contacting Mtre Gilles Mignault, Comité de déontologie policière, 2525, boulevard Laurier, bureau A-200, 2<sup>e</sup> étage, Québec (Québec) G1V 4Z6; telephone: 418 646-1936; fax: 418 528-0987.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mtre Pierre Gagné, Chair of the Comité de déontologie policière, 2525, boulevard Laurier, bureau A-200, 2<sup>e</sup> étage, Québec (Québec) G1V 4Z6.

ROBERT DUTIL,  
*Minister of Public Security*

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### Rules of evidence, procedure and practice of the Comité de déontologie policière

Police Act  
(R.S.O., c. P-13.1, s. 237)

#### DIVISION I SCOPE AND PURPOSE

**1.** This Regulation applies to any citation referred to in section 195 of the Police Act (R.S.Q., c. P-13.1).

Its purpose is to ensure the simple, flexible and expeditious processing of citations and related proceedings, in keeping with the principles of natural justice and the equality of parties.

#### DIVISION II GENERAL

**2.** In computing any time period, the last day is counted, but the day commencing the period is not counted.

If the last day of the time period is a non-judicial day or a day on which the offices of the ethics committee are closed or if an order has been made to perform an act on such a day, the time period is extended to the next business day.

**3.** Any proceeding and document may be filed with the ethics committee in person, by mail, by fax or by electronic mail.

The date on which a proceeding or document is filed with the ethics committee is the date on which it is received at the ethics committee's office.

Proceedings and documents sent by mail are presumed to be received by the ethics committee on the day of the postmark.

Proceedings and documents sent to the ethics committee by fax are deemed to be received on the date appearing on the transmission slip to the office of the ethics committee and those sent by electronic mail are presumed to be received on the date of receipt as recorded by the server at the office of the ethics committee.

**4.** A party may not, in the course of proceedings, withdraw an exhibit that the party has filed in the record, except with the permission of the ethics committees and on the conditions it determines.

If a file is closed and the time limit for appeal to the Court of Québec are expired, a party may, with the permission of the clerk, withdraw an exhibit that the party has filed.

**5.** The ethics committee may combine 2 or more citations, whether or not between the same parties, provided that the questions at issue are substantially the same or the matters involved could suitably be combined.

### **DIVISION III** ASSISTANCE OR REPRESENTATION

**6.** Every person who assists or represents a person who appears before the ethics committee indicates his or her name, quality, address and telephone number, as well as the name of the assisted or represented person.

That information may be given orally at the hearing.

**7.** Any person or attorney who wishes to no longer assist or represent a person must give advance notice to the person concerned and appear before the ethics committee to give reasons.

### **DIVISION IV** MOTION

**8.** An application to the ethics committee is made by means of a motion in writing served on the opposing party, to the other police officers who are the subject of a citation, where applicable, and filed with the ethics committee's office.

**9.** A motion must contain

- (1) the name and address of the parties and their representatives, where applicable;
- (2) the ethics committee's file number;
- (3) a statement of the grounds for the motion; and
- (4) the conclusions sought.

It must be accompanied by supporting documents.

**10.** A motion may be made orally during the hearing, with leave from the ethics committee.

**11.** Before the date set for the hearing, the ethics committee may hear a motion by way of a conference call, videoconference or any other appropriate means of communication.

### **DIVISION V** DISCLOSURE OF EVIDENCE

**12.** The Police Ethics Commissioner discloses the evidence at the time of the filing of the citation with the ethics committee's office.

### **DIVISION VI** POSTPONEMENT

**13.** The ethics committee may postpone the hearing on serious grounds.

An application for postponement must be made as soon as the reasons therefor become known and be accompanied by supporting documents.

No postponement is granted solely by the parties' consent.

### **DIVISION VII** PRE-HEARING CONFERENCE

**14.** The pre-hearing conference, held in the presence of the parties or by way of a conference call, is intended to, in particular,

- (1) identify the questions to be argued at the hearing;
- (2) examine the possibility of admitting certain facts;
- (3) examine the possibility of an agreement; and
- (4) plan the course of the hearing.

**15.** The agreements and decisions made at the pre-hearing conference are recorded in minutes signed by an ethics committee member.

The hearing is governed by those agreements and decisions, unless an ethics committee member authorizes a derogation thereto to prevent an injustice.

### **DIVISION VIII** SUMMONING OF WITNESSES

**16.** A summons must be served by the party requiring it, at its own expense.



**17.** An incarcerated person may be summoned only by order of a member enjoining the director or guard to bring the person before the ethics committee.

**18.** A summons must be served at least 3 clear days before the date of the hearing.

Despite the foregoing, if it is impossible to comply with the 3-day period, a member may permit a shorter period and such permission must appear on the summons. Sections 8 and 9 do not apply to such a request.

## DIVISION IX HEARING

**19.** The hearings of the ethics committee are held in Québec, Montréal or any other place determined by the ethics committee.

The ethics committee may hold hearings by way of a conference call, videoconference or any other appropriate means of communication.

The ethics committee may also hold hearings in the evening.

**20.** Persons attending a hearing must act with dignity, respect and not disrupt the course of the hearing.

**21.** A police officer, special constable, highway controller or wildlife protection officer who is the subject of a citation must appear before the ethics committee unarmed, in plain clothes or in uniform.

**22.** The ethics committee records the depositions and representations made at the hearing by any appropriate means.

**23.** Any person may obtain, upon application in writing and at the person's own expense, a copy of the recording made by the ethics committee.

**24.** The ethics committee or any person designated by the ethics committee keeps minutes of the hearing, including:

- (1) the name of the presiding member;
- (2) the date and location of the hearing and the time at which it begins and ends;
- (3) the names and addresses of all parties, their representatives and the witnesses heard;

(4) the name and address of the person in charge of the recording;

(5) the name and address of the interpreter and an indication that the interpreter took an oath;

(6) whether a conference call, videoconference or any other appropriate means of communication is used;

(7) the various stages of the hearing;

(8) identification of and the number assigned to the exhibits produced;

(9) incidental proceedings and objections;

(10) any decision rendered at the hearing;

(11) any admission and agreement; and

(12) the date on which the matter is taken under advisement.

**25.** The ethics committee may accept any evidence it considers useful for the purposes of deciding the matters within its jurisdiction.

**26.** Hearsay evidence is admissible provided that it offers reasonable guarantees of credibility and subject to the rules of natural justice.

**27.** The ethics committee may, of its own authority or upon application by a party, order a witness to testify in the absence of the other witnesses.

**28.** A witness must take an oath before testifying.

**29.** The ethics committee may visit the scene. The ethics committee informs the parties in advance and allows them to be present during the visit on the conditions it determines.

**30.** A party that is permitted to produce exhibits during a hearing must file copies in sufficient number for the ethics committee, the clerk, the other party and, where applicable, the other cited police officers.

**31.** A party may produce an expert's report if, at least 15 days before the date fixed for the hearing, it files the report at the office and remits a copy to the opposing party.

Despite the foregoing, the ethics committee may reduce the 15-day period on the conditions it determines.

**32.** Photography and filming or recording are prohibited in the hearing room.

**33.** A party that provides evidence in a language other than French or English must use the services of an interpreter at its own expense.

#### DIVISION X DECISION

**34.** The ethics committee must base its decision on the evidence gathered with the knowledge of the parties and on which they have been given the opportunity to be heard.

**35.** If the ethics committee deems that it must consider, for the purposes of its decision, a document that has not been filed, the ethics committee so informs the parties and gives them the opportunity to be heard.

**36.** Where the ethics committee has taken a matter under advisement, it may, of its own authority or upon request by a party and until such time as it gives its decision, order the hearing reopened for such purposes and on such conditions as it may determine, in particular to hear any evidence that it considers to be reliable and relevant or to ensure compliance with the rules of natural justice.

**37.** The ethics committee's decision must be recorded in the registers kept for that purpose at the office.

#### DIVISION XI RECUSATION

**38.** A member must recuse himself or herself particularly in cases of

- (1) a conflict of interest;
- (2) personal, family or social relations with one of the parties or a party's representative;
- (3) a reasonable fear that the member could be partial.

**39.** Any concern regarding a reasonable apprehension of bias on the part of a member must be raised at the beginning of the hearing or as soon as a party becomes aware of the Circumstances giving rise to the apprehension.

**40.** Where a member recuses himself or herself, the hearing must be postponed, unless it is held in the presence of another member.

#### DIVISION XII RECTIFICATION

**41.** The ethics committee may rectify a decision that it has rendered in order to correct an error in writing, in computation or any other clerical error.

It may do so of its own authority or upon request, so long as the decision is not under appeal.

The time limit to appeal from the rectified decision runs from the date of the rectification if it affects the decision's conclusions.

#### DIVISION XIII FINAL PROVISIONS

**42.** This Regulation replaces the Rules of evidence, procedure and practice of the Comité de déontologie policière, approved by Order in Council 908-92 dated 17 June 1992.

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

1297

### Draft Regulation

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

#### Professional technologists — Diplomas which give access to the permit — 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 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 2.09 of the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders to add new programs. The addition will allow diploma holders who have completed one of those programs to obtain a permit from the Ordre des technologues professionnels du Québec.

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

The draft Regulation will be submitted to the Office des professions du Québec and the Ordre des technologues professionnels du Québec for their opinion. To that end, the Office will seek the opinion of the Order and forward it with its own opinion to the Minister of Justice after consultation with the educational institutions and bodies concerned.

Further information may be obtained by contacting Denis Beauchamp, General Manager and Secretary, Ordre des technologues professionnels du Québec, 1265, rue Berri, bureau 720, Montréal (Québec) H2L 4X4; telephone: 514 845-3247 or 1 800 561-3459; fax: 514 845-3643; e-mail: techno@otpq.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 Dutriscac, 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 professional order concerned and to interested persons, departments and bodies.

JEAN-MARC FOURNIER,  
*Minister of Justice*

## **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 2.09

(1) by adding the following subparagraphs after subparagraph *d* of paragraph 2:

“(e) the management and operation of a farm business technology program, specialization in animal production, at Abitibi-Témiscamingue, Alma, Lévis-Lauzon, Lionel Groulx, Matane, Régional de Lanaudière à Joliette, Saint-Jean-sur-Richelieu, Sherbrooke and Victoriaville general and vocational colleges, Institut de technologie agroalimentaire, La Pocatière campus, Institut de technologie agroalimentaire, Saint-Hyacinthe campus, and Macdonald College;

(f) the management and operation of a farm business technology program, specialization in plant production, at Abitibi-Témiscamingue, Alma, Lévis-Lauzon, Lionel Groulx, Matane, Régional de Lanaudière à Joliette, Saint-Jean-sur-Richelieu, Sherbrooke and Victoriaville general and vocational colleges, Institut de technologie agroalimentaire, La Pocatière campus, Institut de technologie agroalimentaire, Saint-Hyacinthe campus, and Macdonald College;

(g) the animal production technology program, at Institut de technologie agroalimentaire, La Pocatière campus and Institut de technologie agroalimentaire, Saint-Hyacinthe campus;

(h) the horticulture and environment technology program, specialization in vegetable, fruit and industrial crops, at Lionel Groulx and Régional de Lanaudière à Joliette general and vocational colleges, Institut de technologie agroalimentaire, La Pocatière campus and Institut de technologie agroalimentaire, Saint-Hyacinthe campus;

(i) the horticulture and environment technology program, specialization in ornamental horticulture, at Lionel Groulx and Régional de Lanaudière à Joliette general and vocational colleges, Institut de technologie agroalimentaire, La Pocatière campus and Institut de technologie agroalimentaire, Saint-Hyacinthe campus;

(j) the horticulture and environment technology program, specialization in field and greenhouse horticultural, vegetable, fruit and ornamental crops, at Lionel Groulx and Régional de Lanaudière à Joliette general and vocational colleges, Institut de technologie agroalimentaire, La Pocatière campus and Institut de technologie agroalimentaire, Saint-Hyacinthe campus;

(k) the horticulture and environment technology program, specialization in environment, at Lionel Groulx and Régional de Lanaudière à Joliette general and vocational colleges, Institut de technologie agroalimentaire, La Pocatière campus and Institut de technologie agroalimentaire, Saint-Hyacinthe campus;”;

\* 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 1162-2010 dated 15 December 2010 (2011, *G.O.* 2, 5). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

(2) by inserting the following after paragraph 3:

“(3.1) in the Arts vocational sector, the industrial design technology program, at Sainte-Foy, Victoriaville and Vieux Montréal general and vocational colleges and Dawson College;”;

(3) by inserting the following after paragraph 4:

“(4.1) in the Wood and Associated Materials vocational sector:

“(a) the furniture and cabinet making technology program, specialization in serial production, at Victoriaville general and vocational college;

(b) the furniture and cabinet making technology program, specialization in architectural woodwork, at Victoriaville general and vocational college;”;

(4) by adding the following subparagraph after subparagraph *e* of paragraph 5:

“(f) the chemical process technology program, at Maisonneuve general and vocational college;”;

(5) by striking out paragraph 6;

(6) by adding the following subparagraphs after subparagraph *d* of paragraph 9:

“(e) the game and fish management technology program, at Baie-Comeau general and vocational college;

(f) the natural environment technology program, specialization in wildlife management, at St-Félicien general and vocational college;”;

(7) by adding the following subparagraphs after subparagraph *c* of paragraph 10:

“(d) the industrial engineering technology program, at Ahuntsic, André-Laurendeau, Beauce-Appalaches, Granby-Haute-Yamaska, Jonquière, Limoilou, Lionel Groulx, Trois-Rivières and Valleyfield general and vocational colleges;

(e) the pharmaceutical production technology program, at Gérard-Godin and John Abbott general and vocational colleges;

(f) the composite materials processing technology program, at Saint-Jérôme general and vocational college;

(g) the plastics processing technology program, at Thetford general and vocational college;”;

(8) by inserting “, Sept-Îles” after “Abitibi-Témiscamingue” in subparagraph *c* of paragraph 13.

**2.** Paragraph 6 of section 2.09, struck out by paragraph 5 of section 1 of this Regulation, continues to apply to persons who, on (*insert the date of coming into force of this Regulation*), hold the diplomas mentioned in the paragraph struck out or are registered in a program leading to those diplomas.

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

1296

## Draft Regulation

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2)

### Enact transitional measures for the application of the Act — 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 Regulation to amend the Regulation to enact transitional measures for the application of the Real Estate Brokerage Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends section 23 of the Regulation to enact transitional measures for the application of the Real Estate Brokerage Act so that the rules covered by that section may apply until 30 June 2012. The rules concern the requirements relating to the use of various contracts and forms, in particular those with regard to residential immovables.

Further information on the draft Regulation may be obtained by contacting Pierre Rhéaume, Director General, Encadrement du secteur financier et des personnes morales, Ministère des Finances, 8, rue Cook, 4<sup>e</sup> étage, Québec (Québec) G1R 0A4; telephone: 418 646-7572; fax: 418 646-5744; e-mail: pierre.rheaume@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,  
*Minister of Finance*

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**Regulation to amend the Regulation  
to enact transitional measures for the  
application of the Real Estate  
Brokerage Act**

Real Estate Brokerage Act  
(R.S.Q., c. C-73.2, s. 157)

**1.** The Regulation to enact transitional measures for the application of the Real Estate Brokerage Act (R.R.Q., c. C-73.2, r. 7) is amended by replacing “for the 18 months following 1 may 2010” in section 23 by “until 30 June 2012”.

**2.** This Regulation comes into force on (*insert the date of coming into force of this Regulation*).



## Index

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

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