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Laws and Regulations

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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 684-2011, 22 June 2011

An Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., c. C-6.2) — Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to affirm the collective nature of water resources and provide for increased water resource protection

WHEREAS the Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., c. C-6.2) was assented on 12 June 2009;

WHEREAS section 41 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 paragraph 1 of section 22, subparagraph 2.5 of paragraph *s* of section 46 of the Environment Quality Act, enacted by paragraph 2 of section 22, and paragraph 4 of section 22, which come into force on 12 June 2009;

WHEREAS, under Order in Council 708-2009 dated 18 June 2009, the preamble and sections 1 to 17 of the Act came into force on 18 June 2009;

WHEREAS it is expedient to set 1 September 2011 as the date of coming into force of sections 18, 21, 26, 27, 30 to 32, 39 and 40 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., c. C-6.2), sections 31.74, 31.88 to 31.94, 31.96 and 31.98 to 31.108 of the Environment Quality Act (R.S.Q., c. Q-2), enacted by section 19 of the Act, as well as subparagraphs 2.3, 2.4 and 2.6 of paragraph *s* of section 46 of the Environment Quality Act, enacted by paragraph 2 of section 22 of the Act;

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

THAT 1 September 2011 be set as the date of coming into force of sections 18, 21, 26, 27, 30 to 32, 39 and 40 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (R.S.Q., c. C-6.2), sections 31.74, 31.88 to 31.94, 31.96 and 31.98 to 31.108 of the Environment Quality Act (R.S.Q., c. Q-2), enacted by section 19 of the Act, as well as subparagraphs 2.3, 2.4 and 2.6 of paragraph *s* of section 46 of the Environment Quality Act, enacted by paragraph 2 of section 22 of the Act.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 679-2011, 22 June 2011

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

Supply contracts of public bodies — Amendment

Regulation to amend the Regulation respecting supply contracts of public bodies

WHEREAS, under subparagraph 1 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government has the power to determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 of the Act, including contract management rules or procedures;

WHEREAS the Government made the Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2), which provides in particular provisions concerning tender documents;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting supply contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2011 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

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

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supply contracts of public bodies

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 1)

1. The Regulation respecting supply contracts of public bodies (R.R.Q., c. C-65.1, r. 2) is amended in section 4 by replacing subparagraph 5 of the second paragraph by the following:

"(5) the place where information may be obtained;

(5.1) a mention that the tender documents may only be obtained through the electronic tendering system;".

2. Section 9 is amended by replacing "by sending an addendum" in the first paragraph by "by means of an addendum sent".

3. The following section is inserted after section 9:

"**9.1.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.".

4. This Regulation comes into force on 1 September 2011.

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Gouvernement du Québec

O.C. 680-2011, 22 June 2011

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

Service contracts of public bodies — Amendment

Regulation to amend the Regulation respecting service contracts of public bodies

WHEREAS, under subparagraph 1 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government has the power to determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 of the Act, including contract management rules or procedures;

WHEREAS the Government made the Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4), which provides in particular provisions concerning tender documents;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2011 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

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

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting service contracts of public bodies

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 1)

1. The Regulation respecting service contracts of public bodies (R.R.Q., c. C-65.1, r. 4) is amended in section 4 by replacing subparagraph 5 of the second paragraph by the following:

"(5) the place where information may be obtained;

(5.1) a mention that the tender documents may only be obtained through the electronic tendering system;".

2. Section 9 is amended by replacing "by sending an addendum" in the first paragraph by "by means of an addendum sent".

3. The following section is inserted after section 9:

"**9.1.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.".

4. This Regulation comes into force on 1 September 2011.

1533

Gouvernement du Québec

O.C. 681-2011, 22 June 2011

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

Construction contracts of public bodies — Amendment

Regulation to amend the Regulation respecting construction contracts of public bodies

WHEREAS, under subparagraph 1 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government has the power to determine conditions other than those determined in the Act for contracts referred to in the first paragraph of section 3 of the Act, including contract management rules or procedures;

WHEREAS the Government made the Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5), which provides in particular provisions concerning tender documents;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting construction contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 22 January 2011 with a notice that it could be made by the Government on the expiry of 45 days following its publication;

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

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting construction contracts of public bodies

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 1)

1. The Regulation respecting construction contracts of public bodies (R.R.Q., c. C-65.1, r. 5) is amended in section 4 by replacing subparagraph 5 of the second paragraph by the following:

"(5) the place where information may be obtained;

(5.1) a mention that the tender documents may only be obtained through the electronic tendering system;".

2. Section 9 is amended by replacing "by sending an addendum" in the first paragraph by "by means of an addendum sent".

3. The following section is inserted after section 9:

"**9.1.** Tender documents and, if applicable, any addendum amending them may only be obtained through the electronic tendering system.".

4. This Regulation comes into force on 1 September 2011.

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Gouvernement du Québec

O.C. 685-2011, 22 June 2011

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

Declaration of water withdrawals — Amendment

Regulation to amend the Regulation respecting the declaration of water withdrawals

WHEREAS section 31.104 and subparagraphs 2.3, 2.5 and 4 of paragraph *s* of section 46 of the Environment Quality Act (R.S.Q., c. Q-2), as introduced and amended by sections 19 and 22 of chapter 21 of the Statutes of 2009, and section 109.1 of the Environment Quality Act empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting the declaration of water withdrawals was published in the *Gazette officielle du Québec* of 26 January 2011 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS, having considered the comments received following the publication of the draft Regulation, it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the declaration of water withdrawals, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the declaration of water withdrawals*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.104, s. 46, par. *s*, subpars. 2.3, 2.5 and 4, and s. 109.1)

1. The Regulation respecting the declaration of water withdrawals is amended by inserting the following after the title of the Regulation:

"**TITLE I**
GENERAL".

2. Section 1 is amended by inserting the following after the first paragraph:

"In addition, this Regulation, with a view to ensuring a better protection of the St. Lawrence River Basin water resources, provides for the implementation in Québec of the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement, referred to in section 31.88 of the Environment Quality Act (R.S.Q., c. Q-2).".

3. Section 2 is replaced by the following:

"**2.** Unless indicated otherwise in the provisions of Title II of this Regulation, the following definitions apply to all the provisions of this Regulation:

"existing withdrawal" means a withdrawal that was authorized on or before 1 September 2011 or, if not authorized, was lawfully commenced on or before that date; (*prélèvement existant*)

"measuring equipment" means a water meter or other device designed to continuously measure and record a volume of water; (*équipement de mesure*)

"new withdrawal" means a withdrawal that was authorized after 1 September 2011; (*nouveau prélèvement*)

"professional" means a professional within the meaning of section 1 of the Professional Code (R.S.Q., c. C-26) whose professional order governs the exercise of a professional activity referred to in this Regulation. This definition also includes any person legally authorized to practise that activity in Québec; (*professionnel*)

"St. Lawrence River Basin" means the drainage basin whose territory is described in section 31.89 of the Environment Quality Act; (*Bassin du fleuve Saint-Laurent*)

"transfer" means the transporting of bulk water from the St. Lawrence River Basin to another basin by any means, including a waterworks system, a pipeline, a conduit or any other main, and any type of tank truck. Diverting the direction of a watercourse flow is deemed to be a transfer. Packaging water for commercial purposes in containers having a capacity exceeding 20 litres is also deemed to be a transfer; (*transfert*)

"water withdrawal" or "withdrawal" means a water withdrawal within the meaning of section 31.74 of the Environment Quality Act; (*prélèvement d'eau*) (*prélèvement*)

"waterworks system" or "distribution system" means mains, a system of mains or a facility or equipment used to collect, store or supply water intended for human consumption; (*système d'aqueduc*)

"withdrawal site" means a location where water enters into man-made works designed to withdraw water; (*site de prélèvement*)

"withdrawer" means a person or municipality, within the meaning of section 1 of the Environment Quality Act, that operates a withdrawal site. (*préleveur*)

2.1. Where a provision of this Regulation requires that the volumes of water to be recorded or declared be expressed in litres, they may also be expressed in cubic metres.".

4. Section 3 is replaced by the following:

"**3.** This Regulation applies to any water withdrawal. Unless indicated otherwise, it immediately applies to existing withdrawals and to new withdrawals.

This Regulation does not apply to

(1) withdrawals that total an average volume of less than 75,000 litres per day for all the withdrawal sites of one establishment or waterworks system. That average daily volume is calculated on the basis of the monthly quantity of water withdrawn, divided by the number of withdrawal days in the month concerned;

(2) withdrawals intended for domestic use, namely withdrawals using a personal well or a surface water intake for the use of one household only;

* The Regulation respecting the declaration of water withdrawals, made by Order in Council 875-2009 dated 12 August 2009 (2009, *G.O.* 2, 3147), has not been amended since it was made.

(3) withdrawals to supply vehicles, such as vessels and aircraft, either for the needs of the persons or animals being transported or for ballast, or to meet other needs incidental to the operation of those vehicles;

(4) withdrawals exclusively for firefighting purposes, in particular to supply an aircraft or tank vehicle;

(5) withdrawals from a waterworks system;

(6) withdrawals for the purposes of a temporary industrial camp intended to house not more than 80 persons simultaneously for a period not exceeding 6 months per year and that is located in one of the following territories:

— the territory not organized into a local municipality, including the unorganized territory amalgamated with one of the municipalities of Rouyn-Noranda, La Tuque or Senneterre, as it was delimited the day before the amalgamation;

— the James Bay territory as described in the schedule to the James Bay Region Development and Municipal Organization Act (R.S.Q., c. D-8.2);

— the territory situated north of the 55th parallel;

— the territories of the municipalities of Blanc-Sablon, Bonne-Espérance, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina and Saint-Augustin and the territory of any other municipality constituted under the Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (1988, c. 55; 1996, c. 2);

— the territories that are not accessible at all times by road vehicles;

(7) withdrawals for the purposes of a temporary industrial camp set up for timber salvage following a forest fire, regardless of the number of persons housed in the camp;

(8) withdrawals using a drain or a drainage ditch that is not connected to an active pumping system, that are not intended to transport water to a site where the water is used or that are not used to fill a water supply reservoir for subsequent use;

(9) non-recurring water withdrawals whose duration does not exceed 6 months, carried out as part of civil engineering work;

(10) non-recurring groundwater withdrawals whose duration does not exceed 30 days, carried out to analyze the performance of the withdrawal facility or to establish the properties of a geological aquifer;

(11) temporary and non-recurring water withdrawals as part of mining exploration activities, other than those made for petroleum or gas prospection, except if the withdrawals are made for the purposes of dewatering mine shafts, access ramps to a mine or mine workings, or keeping them dry.

In addition, this Regulation does not apply to the following withdrawals insofar as they are wholly made outside the St. Lawrence River Basin:

(1) withdrawals intended for agricultural or fish-breeding purposes;

(2) withdrawals intended to produce hydroelectric power.

For the purposes of this section, "temporary industrial camp" means a group of facilities and their dependencies, that an employer temporarily sets up to house, for not more than 6 months during the 12-month period following the setting-up, the employer's employees who carry out forest management, mining exploration, mining operation, transport infrastructure and water retaining work or any other work.

3.1. To determine if a water withdrawal capacity or if a water withdrawal reaches the volume from which the withdrawer is required, under a provision of this Regulation, to declare the volumes of water it withdraws or may withdraw, all the volumes of water withdrawn from each withdrawal site must be added up each time that more than one withdrawal site is connected to a single establishment or waterworks system. Establishments whose activities are related or complementary to one another and are under the responsibility of one withdrawer are considered to be part of the same establishment.".

5. Section 5 is amended

(1) by replacing "section 9" in the first paragraph by "sections 9, 18.4 and 18.7";

(2) by striking out the third paragraph.

6. The following is inserted after section 5:

"**5.1.** Despite the provisions of the second paragraph of section 5, where a new withdrawal is authorized for the purposes of a transfer out of the St. Lawrence River Basin, the withdrawer so authorized must install the appropriate measuring equipment at the points where water is withdrawn, transferred and, where applicable, returned to the Basin.".

7. Section 7 is amended by replacing "cubic metres" in the second paragraph by "litres".

8. The heading of Chapter III is amended by adding "ANNUAL" before "DECLARATION".

9. Section 9 is amended

(1) by replacing the first paragraph by the following:

"Every withdrawer whose water withdrawals total an average daily volume of 75,000 litres or more per day, calculated on the basis of the monthly quantity of water withdrawn, divided by the number of withdrawal days in the month concerned, is required to send to the Minister of Sustainable Development, Environment and Parks an annual declaration describing the withdrawal activities by specifying the monthly volumes of water withdrawn.

The declaration must be transmitted electronically, using the form available online on the Ministère du Développement durable, de l'Environnement et des Parcs website. All the sections relevant to the information that the withdrawer is required to declare must be filled out. Where at least 2 of sections 9, 18.4 and 18.7 of this Regulation apply to the withdrawer, only one declaration containing all the information prescribed by those sections must be transmitted.

Where a withdrawer is a natural person, or a legal person that has its seat in the territory of a local municipality or in a territory not organized as a municipality where no Internet service provider offers access to the Internet, the data to be transmitted to the Minister pursuant to section 9, 18.4 or 18.7 may be transmitted, despite those provisions, using the form provided by the Minister on a medium other than a technology-based medium. In such case, the declaration must be dated and signed by the person who wrote it and must attest to the accuracy of the information contained therein and specify the reason justifying the use of that medium.";

(2) by adding "and the addresses of the withdrawer's establishments" at the end of subparagraph 1 of the third paragraph;

(3) by striking out "and the dates" in subparagraph *b* of subparagraph 3 of the third paragraph;

(4) by replacing the words "cubic metres" wherever they appear in subparagraphs *e*, *f* and *i* of subparagraph 3 of the third paragraph by "litres".

10. Section 10 is amended by replacing "cubic metres" in subparagraph 4 of the first paragraph by "litres".

11. Section 11 is amended by striking out the following at the end of paragraph 3:

"if the location is still not readily accessible, the equipment must have a remote reader;".

12. Section 15 is replaced by the following:

"**15.** If the measuring equipment ceases to function or malfunctions, or a discrepancy in a reading is detected in comparison with an earlier reading, the withdrawer must indicate, as the volumes of water withdrawn in the period concerned, the volumes of water withdrawn during the corresponding period in the previous year as declared pursuant to section 9 or 18.7. If no water was withdrawn during the latter period, or if the volumes of water withdrawn were lower than the declaration threshold provided for in section 9, the withdrawer must have the volumes of water withdrawn in the period concerned estimated by a professional, in accordance with the provisions of Chapter V.

Where 3 months, each comprising at least one withdrawal day, have elapsed and the measuring equipment has not been restored to proper working order or replaced, the withdrawer must, for each following month comprising at least one withdrawal day, and for as long as the measuring equipment does not function or malfunctions, cause the volumes of water withdrawn to be estimated, in accordance with the provisions of Chapter V.".

13. Section 16 is amended by adding the following at the end:

"or using another generally recognized method whose accuracy percentage is at least equivalent to the accuracy percentage of the methods referred to in section 18".

14. The following is inserted after section 18:

"**TITLE II**
SPECIAL PROVISIONS APPLICABLE TO WATER WITHDRAWALS FROM THE ST. LAWRENCE RIVER BASIN

CHAPTER I
INTERPRETATION AND SCOPE

18.1. For the purposes of this Title,

"level 1 drainage basin" means a territory whose waters converge towards a watercourse that flows directly into the St. Lawrence River or James Bay; (*bassin versant de niveau 1*)

"rated capacity" means the maximum effective capacity, according to the specifications of the builder or manufacturer of the withdrawal works, facility or equipment. (*capacité nominale*)

18.2. The provisions of this Title apply to any water withdrawal in the St. Lawrence River Basin, including those carried out by means of any of the works referred to in any of paragraphs 1 to 3 of section 31.74 of the Environment Quality Act, regardless of the volumes of water that are withdrawn.

The provisions of this Title do not apply to the following water withdrawals:

(1) withdrawals used for the production of hydroelectric power by means of run-of-river works or facilities directly connected to the watercourse;

(2) withdrawals by means of works used for the impounding of water, other than a dam, such as a pond or a basin having no hydraulic interconnection with groundwater, except if the pond or basin is supplied by means of a surface water drainage system.

18.3. Where a provision of this Title prescribes that a water withdrawer is required to make a declaration on the basis of the withdrawal rated capacity of the works or facilities used for water withdrawals and it appears that the withdrawal capacity of those works or facilities exceeds the withdrawal volume that the withdrawer was authorized to withdraw, under the provisions of the Environment Quality Act or a regulation thereunder, the authorized withdrawal volume must be considered to be the threshold beyond which declaration is required.

CHAPTER II
INITIAL DECLARATION REQUIRED TO ESTABLISH THE REFERENCE VOLUMES OF WATER FOR THE IMPLEMENTATION OF THE GREAT LAKES–ST. LAWRENCE RIVER BASIN SUSTAINABLE WATER RESOURCES AGREEMENT

18.4. In order to enable the Minister of Sustainable Development, Environment and Parks to determine the reference volumes of water for the implementation of the Great Lakes–St. Lawrence River Basin Sustainable Water Resources Agreement, a withdrawer that withdraws or may withdraw water from the St. Lawrence River Basin from a withdrawal site whose works or facilities have a withdrawal rated capacity equal to or greater than 379,000 litres per day must, not later than 31 March 2012, send the Minister a declaration on existing withdrawals that contains, in addition to the information referred to in subparagraphs 1, 2 and subparagraphs *a*, *c*, *d*, *h* and *i* of subparagraph 3 of the fourth paragraph of section 9, the following information:

(1) the authorized daily water withdrawal volumes, as they appear on the certificate of authorization, authorization or in the documents that are part of the certificate of authorization or authorization:

(a) where the certificate of authorization or, as the case may be, the authorization provides for specific withdrawal volumes for the various components of the same works or facility used for withdrawals, the declaration must indicate the highest withdrawal volume of the component and identify the component;

(b) where the certificate of authorization or, as the case may be, the authorization identifies the components of the works or facility used for withdrawals without specifying the authorized withdrawal volume, the declaration must indicate the highest rated capacity of the component and identify the component;

(c) where the certificate of authorization or, as the case may be, the authorization concerns both a determined withdrawal volume and the installation of an identified component, such as a pump, whose withdrawal rated capacity is different from the determined withdrawal volume, the declaration must indicate the authorized withdrawal volume only;

(2) the volumes of water corresponding to the withdrawal rated capacity of the works or facility and for which no certificate of authorization or no authorization was issued under the Environment Quality Act. Where the works or facilities have components whose rated capacities are different from one another, the declaration must indicate the lowest rated capacity and identify the component used to establish the rated capacity;

(3) the volumes of water consumed within the St. Lawrence River Basin, expressed in litres or in percentage, out of the volumes of water withdrawn from the Basin and declared pursuant to paragraphs 1 and 2;

(4) the volumes of water transferred out of the St. Lawrence River Basin out of the volumes of water withdrawn from the St. Lawrence River Basin and declared pursuant to paragraph 1 or 2:

(a) where the volume of water transferred out of the Basin represents only a part of the volume of water withdrawn from the Basin, the declaration must indicate the volume corresponding to the rated capacity of the facility used for the transfer. The declaration must identify the class of industrial or commercial activities for which the withdrawal or, as the case may be, the transfer is intended, using the codes of the North American Industry Classification System (NAICS);

(b) where the water transferred out of the Basin or a part of the water transferred is returned to the Basin, the declaration must identify, by means of georeferenced data, the locations where the water was returned for each withdrawal site and the volumes of water returned;

(c) where the water transferred out of the Basin is not returned to the Basin, the declaration must specify, in addition to the volumes discharged, the location where they were discharged, by means of georeferenced data;

(5) the volumes of water consumed out of the Basin out of the volumes of water declared pursuant to paragraph 4, expressed in litres or in percentage. The declaration must identify the class of activities in all cases where the water transferred out of the Basin is consumed in whole or in part, using the codes of the North American Industry Classification System (NAICS).

Each time that a provision of this section provides that the location of a site must be indicated, the georeferenced data of the site must be provided. In the case of a waterworks system serving all or part of the population of a municipality, the site must be located by referring to the level 1 drainage basins covered by the waterworks system, specifying the name of the watercourse, as officialized by the Commission de toponymie du Québec, into which the water of the territory of the basin flows.

For the purposes of this section, the volumes of water consumed must be either calculated using the direct measurement taken by measuring equipment or estimated. Where the volumes are calculated, no supply of water from outside the withdrawal site may affect or distort the calculation. Where the volumes of water are estimated, the estimate must be made by a professional in accordance with the provisions of sections 16 to 18 of this Regulation. In addition, the declaration must contain the name of the professional who evaluated the volume of water consumed, as well as his or her profession, and a description of the estimation method used. However, where the water is withdrawn to supply a waterworks system serving all or part of the population of a municipality, the person making the declaration may indicate a consumptive use equal to 15% of the person's withdrawals without justifying the percentage.

The provisions of the second paragraph of section 9 apply to the declaration of information provided for by this section, except in the case provided for in section 18.6.

18.5. Where the water is withdrawn using a pond, a basin or other retaining works and having a hydraulic interconnection with groundwater, the declaration provided for in section 18.4 must indicate as withdrawal volume the rated volume of the pond, basin or works. In such a case, the volume of water withdrawal made out of the pond, basin or works needs not be indicated.

18.6. Despite the provisions of section 18.4, a withdrawer that, for agricultural or fish-breeding purposes, withdraws water from the St. Lawrence River Basin or transfers water out of the Basin is exempted from sending to the Minister of Sustainable Development, Environment and Parks the information provided for in paragraphs 3 and 5 of that section, provided that the declaration sent by the withdrawer to the Minister pursuant to that section contains the following information:

(1) the number of animals forming the operation's livestock per category and type of animals, including animals whose arrival is expected during the year;

(2) the area under cultivation, expressed in hectares, per type of culture;

(3) the area of the watered crops, expressed in hectares, per type of culture;

(4) the type of watering equipment used; and

(5) in the case of fish breeding, the quantity of fish produced per year, expressed in tons.

CHAPTER III
ANNUAL DECLARATION OF WATER WITHDRAWAL ACTIVITIES IN THE ST. LAWRENCE RIVER BASIN AND OF TRANSFER ACTIVITIES OUT OF THE BASIN

18.7. As of 1 January 2012, a withdrawer that withdraws water from the St. Lawrence River Basin from a withdrawal site whose works or facilities have a withdrawal rated capacity equal to or greater than 379,000 litres per day is required to annually declare to the Minister of Sustainable Development, Environment and Parks, for the year preceding the withdrawer's declaration or, as the case may be, for the year in progress, in addition to the information that must be declared pursuant to section 9, the volumes of water consumed every month in the Basin by indicating, for each site of use of the water withdrawn, the georeferenced data of their location, the volume and the class of industrial or commercial activities for which the withdrawal is intended; the class is identified using the codes of the North American Industry Classification System (NAICS).

Likewise, as of the same date, a withdrawer that transfers water out of the St. Lawrence River Basin, whatever the volume, must provide, in addition to the information that the withdrawer must declare pursuant to section 9, the following additional information for the preceding year:

(1) the volumes of water transferred out of the St. Lawrence River Basin, expressed in litres, indicating for each withdrawal site concerned, the georeferenced data of the sites where the water so transferred is used. Where the water transferred out of the Basin is intended to supply a waterworks system serving all or part of the population of a municipality, the level 1 drainage basins covered by the waterworks system must be indicated, and the name of the watercourse into which the water of the territory flows must be specified, as that name was officialized by the Commission de toponymie du Québec;

(2) the volumes of water discharged or returned to the St. Lawrence River Basin, expressed in litres, specifying the georeferenced data of the sites where the water was discharged or, as the case may be, where the water was returned.

As soon as a withdrawer is subject to a provision of this section, the withdrawer becomes, despite the provisions of subparagraph 1 of the second paragraph and subparagraphs 1 and 2 of the third paragraph of section 3 of this Regulation, subject to the provisions of sections 9 and 10 of this Regulation.

The provisions of sections 5 to 8 and 18.5 of this Regulation apply to the determination of the volumes of water to which this section applies, including the determination of the volumes of water transferred out of the St. Lawrence River Basin and the volumes of water discharged or returned to the Basin. The provisions of the third paragraph of section 18.4 apply to the determination of the volumes of water consumed; the provisions of the second and third paragraphs of section 9 apply to the transmission of the declaration provided for in this section.

TITLE III
PENAL AND MISCELLANEOUS".

15. The heading "CHAPTER VI" is replaced by "CHAPTER I".

16. Section 19 is amended by replacing "18" in the introductory sentence of the first paragraph by "18.7".

17. The heading "CHAPTER VII" is replaced by "CHAPTER II".

18. Section 22 is struck out.

19. The annual declaration required by section 18.7, introduced by section 14 of this Regulation, applies as of 1 January 2016 for water withdrawals made for agricultural or fish-breeding purposes during 2015.

20. This Regulation comes into force on 1 September 2011, except paragraph 2 of section 5, which comes into force on 1 January 2012.

1536

Gouvernement du Québec

O.C. 686-2011, 22 June 2011

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

Framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

WHEREAS section 31.104 and subparagraphs 2.5, 2.6 and 4 of paragraph *s* of section 46 of the Environment Quality Act (R.S.Q., c. Q-2), as introduced and amended by sections 19 and 22 of chapter 21 of the Statutes of 2009, and section 124.1 of the Environment Quality Act empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin was published in the *Gazette officielle du Québec* of 10 November 2010 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS, having considered the comments received following the publication of the draft Regulation, it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin

Environment Quality Act
(R.S.Q., c. Q-2, s. 31.104 and s. 46, par. *s*, subpars. 2.5, 2.6 and 4 and s. 124.1)

DIVISION I
INTERPRETATION AND SCOPE

1. For the purposes of this Regulation,

"existing withdrawal" means a withdrawal that was authorized on or before 1 September 2011 or, if not authorized, was lawfully commenced on or before that date; (*prélèvement existant*)

"Minister" means the Minister of Sustainable Development, Environment and Parks; (*Ministre*)

"new withdrawal" means a withdrawal that was authorized after 1 September 2011; (*nouveau prélèvement*)

"professional" means a professional within the meaning of section 1 of the Professional Code (R.S.Q., c. C-26), whose order governs the practice of a professional activity referred to in this Regulation. This definition includes any person legally authorized to practise that activity in Québec; (*professionnel*)

"St. Lawrence River Basin" means the drainage basin whose territory is described in section 31.89 of the Environment Quality Act (R.S.Q., c. Q-2); (*Bassin du fleuve Saint-Laurent*)

"transfer" means the transporting of bulk water from the St. Lawrence River Basin to another basin using any means, including a waterworks system, a pipeline, a conduit or any other main and any type of tank truck. Diverting the direction of a watercourse flow is deemed to be a transfer. Packaging water for commercial purposes in containers having a capacity exceeding 20 litres is also deemed to be a transfer; (*transfer*t)

"water withdrawal" or "withdrawal" means any water withdrawal within the meaning of section 31.74 of the Environment Quality Act; (*prélèvement d'eau*) (*prélèvemen*t)

"waterworks system" or "distribution system" means mains, a system of mains or a facility or equipment used to collect, store or supply water intended for human consumption; (*système d'aqueduc*)

"withdrawer" means a person or municipality, within the meaning of section 1 of the Environment Quality Act, that operates a withdrawal site. (p*réleveur*)

The territorial boundaries of regional county municipalities as they existed on 13 December 2005 are used to determine whether the territory of a municipality is, for the purposes of subparagraph *b* of subparagraph 1 of the first paragraph section 31.91 of the Environment Quality Act, both wholly outside the St. Lawrence River Basin and wholly within a regional county municipality whose territory is partly within the Basin and partly outside the Basin. The territorial boundaries of local municipalities used for the purposes of subparagraph *a* of subparagraph 1 of that section are those existing on 1 September 2011.

2. This Regulation applies to withdrawers that, for the purpose of supplying a waterworks system serving all or part of the population of a municipality referred to in subparagraph 1 of the first paragraph of section 31.91 of the Environment Quality Act, plan to withdraw water in the St. Lawrence River Basin to transfer it out of the Basin or plan to increase the volumes of water they withdraw from the Basin to be transferred out of the Basin.

This Regulation applies, in particular, in a reserved area and an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

DIVISION II
APPLICATION FOR AUTHORIZATION TO TRANSFER WATER OUT OF THE ST. LAWRENCE RIVER BASIN

3. An application for authorization referred to in section 31.75 of the Environment Quality Act concerning a transfer out of the Basin of water from a new withdrawal or from an increase in the quantity of water of an existing withdrawal from the St. Lawrence River Basin, must be addressed to the Minister in writing and include the following information and documents:

(1) the name of the municipality applying for a transfer authorization, the address of its office, the quality of the application's signatory, the person's telephone number and electronic mail address, and a certified true copy of the resolution or by-law authorizing the application and its signatory; in the case of a local municipality, situated outside the St. Lawrence River Basin, the name of the regional county municipality that includes the local municipality must be indicated;

(2) if the applicant is not a municipality;

(a) the name of the local municipality whose population will be served by the waterworks system supplied by water whose transfer is planned. If the local municipality is situated outside the St. Lawrence River Basin, the name of the regional county municipality that includes the local municipality previously identified must be indicated;

(b) in the case of a natural person, the person's name, postal address, electronic mail address and telephone number; in the case of a legal person, partnership or association, its name and the postal address and electronic mail address of its head office, the quality of the application's signatory and a certified true copy of the deed authorizing the application and its signatory;

(c) the registration number assigned to the applicant registered in the register of sole proprietorships, partnerships and legal persons;

(d) a copy of any agreement entered into with the municipality with regard to the ownership or transfer of the waterworks system supplied by water whose transfer is planned, or to the supply of the municipality's waterworks system;

(3) a description of the project and its features;

(4) the use to be made of the water transferred out of the St. Lawrence River Basin;

(5) concerning the withdrawal site and the transfer location:

(a) the location of the withdrawal site. If the wells or pumps covered by the application are located at more than one site, the location of each site must be provided;

(b) an aerial or satellite map or photograph of the withdrawal site and of the proposed location of the transfer. Maps or photographs of the territory supplied with the proposed water transfer and of the place where the water will be discharged must also be filed;

(c) if the supply source is surface water, the name of the lake, river or watercourse must be indicated;

(d) the cadastral designation of the lots on which the project will be carried out;

(6) concerning the total volume of the water transferred from a new or increased withdrawal:

(a) the maximum volume of water transferred during the authorization period applied for, established respectively on the basis of an average for the calendar year and on the basis of a period of 90 consecutive days corresponding to the period in which the volume of transferred water is the highest;

(b) the monthly average volume of the transfer, specifying whether the proposed use will be continuous, seasonal or temporary;

(c) the location of the equipment to measure the volume transferred and the technique used to measure the transfer flow;

(7) the total volume of all the withdrawals made for the purpose of transferring water out of the St. Lawrence River Basin to supply the waterworks system covered by the application for authorization during the 10-year period preceding the application, as well as the volumes of water consumed by reason of those withdrawals;

(8) the maximum volume consumed per day by reason of that proposed transfer, estimated respectively on the basis of an average for the calendar year and on the basis of a period of 90 consecutive days corresponding to the period in which the water consumption is the highest;

(9) the volume of transferred water that will be returned to the St. Lawrence River Basin after use or discharged out of that Basin. The application must include a description of the means used to return the water. The description must include

(a) an indication of when the water will be returned;

(b) the total volume of water returned per day established in the form of an average during a calendar year and a percentage of the water transferred, including the proposed measurement methods;

(c) an estimate of the percentage of water transferred from the St. Lawrence River Basin that will be returned to the Basin in relation to the water that is discharged in the Basin and that comes from outside the Basin;

(d) a description of the water returned, including the water's origin, the place where it will be returned and the methods used to reduce the use of water coming from outside the Basin;

(e) a description of the location or locations where the water will be discharged.

Each time that a municipality whose population must, according to the proposed transfer, be supplied with water transferred out of the St. Lawrence River Basin is not the applicant, the application for authorization must

indicate and include as a schedule any agreement entered into between the municipality and the applicant and pertaining to obligations related to measures for the efficient use or preservation of water or pertaining to the return of the water in the Basin.

All volumes of water must, for the purposes of this section, be expressed in litres.

4. If the proposed water transfer involves an average quantity of water of 379,000 litres or more per day that is intended to supply a waterworks system serving a municipality referred to in subparagraph a of subparagraph 1 of the first paragraph of section 31.91, the application must, in addition to the information and documents referred to in section 3, be accompanied by the following documents and information:

(1) a description of the measures for the preservation and efficient use of the water that the applicant undertakes to carry out, including timetables;

(2) a description of the follow-up indicators that will be used to monitor those measures for preservation and efficient use;

(3) a narrative description explaining why the water transfer is necessary. The description must also include an analysis of the efficiency of the current uses of water, including the application of preservation measures that are judicious in terms of environment protection and economically feasible with regard to existing water supplies so as to reduce as much as possible the volume of water to be transferred;

(4) a narrative description explaining why the quantities of water whose transfer is proposed are reasonable in relation to the proposed use. To that end, the application must also include a water use plan. The plan must include

(a) the proposed use of the water and the population projections supporting the daily volumes for the period covered by the application;

(b) a description of the capacity of the waterworks system in terms of water withdrawal, treatment and distribution;

(c) an evaluation of the savings resulting from an efficient use of water;

(5) a study about the impact of the transfer on the quality and quantity of water in the St. Lawrence River Basin and of the depending natural resources, including wildlife and plant species that depend for their survival on wetlands and wildlife habitats forming part of the Basin, as well as about the maintenance of water uses. That impact study must be designed and prepared according to a scientific method.

All volumes of water must, for the purposes of this section, be expressed in litres.

The information contained in the study referred to in subparagraph 5 of the first paragraph is public.

5. If the transfer of water out of the Basin is intended to supply a waterworks system serving a municipality referred to in subparagraph *b* of subparagraph 1 of the first paragraph of section 31.91 of the Act, the application for authorization must, in addition to the information and documents referred to in sections 3 and 4, be accompanied by the following documents and information:

(1) a narrative description explaining why no supply source, reasonably accessible within the basin where the local municipality concerned is situated, is capable of meeting drinking water needs;

(2) a study about the impact of the proposed transfer on the integrity of the basin's ecosystem. That impact study must be designed and prepared according to a scientific method.

The information contained in the study referred to in subparagraph 2 of the first paragraph is public.

6. Where an application for authorization is submitted, pursuant to section 31.92, 31.93 or 31.98 of the Environment Quality Act, to the Great Lakes–St. Lawrence River Water Resources Regional Body for review or opinion, all documents or information sent to the Regional Body, including those provided by the applicant in support of the application for authorization, are public as of the date on which they are sent to the Regional Body by the Minister.

DIVISION III
DETERMINATION OF QUANTITIES OF WATER TRANSFERRED OR CONSUMED FOR THE PURPOSES OF SECTION 31.92 OF THE ENVIRONMENT QUALITY ACT

7. For the purposes of the first paragraph of section 31.92 of the Environment Quality Act, the daily average quantity of water transferred out of the basin is calculated on the basis of a period of 90 consecutive days corresponding to the period during which the volume of water transferred is at its peak.

For the purposes of the second paragraph of that section, the average daily quantity of water that is consumed is calculated on the basis of a period of 90 consecutive days corresponding to the period during which consumptive use is at its peak.

Those calculations must be made by a professional and be attached to the application for authorization.

8. To determine whether an application for authorization to make a new withdrawal or to increase an existing withdrawal in the St. Lawrence River Basin to have water transferred out of that Basin is subject to the conditions for authorization prescribed by section 31.92 of the Environment Quality Act, taking into account the quantity of withdrawn water involved, the application must also indicate, in addition to the quantities of water referred to in section 31.96 of the Act, the sum of the volumes of water withdrawn to supply a single waterworks system.

DIVISION IV
MISCELLANEOUS AND TRANSITIONAL

9. Until the coming into force of the first paragraph of section 31.75 of the Environment Quality Act, introduced by section 19 of chapter 21 of the Statutes of 2009, any application for authorization to transfer out of the St. Lawrence River Basin water from a new withdrawal in that Basin, or to increase the quantity of water transferred out of the Basin from such a withdrawal or an existing withdrawal, must, despite section 4 of the Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, be addressed to the Minister under section 22 or 32, as the case may be, of the Environment Quality Act or, in the case of groundwater, under Chapter IV of the Groundwater Catchment Regulation, made by Order in Council 696-2002 dated 12 June 2002 or, as the case may be, to the Government under section 31.5 of the Act.

In addition to considering any relevant element under section 22, 31.5 or 32 of the Environment Quality Act or, as the case may be, under Chapter IV of the Groundwater Catchment Regulation, the Minister or, as the case may be, the Government must, before issuing a certificate of authorization or an authorization under one of those provisions for one of the activities involving the transfer of water out of the St. Lawrence River Basin referred to in the first paragraph, ensure that they comply with the provisions of subdivision 2 of Division V of the Environment Quality Act.

For that purpose, an application for authorization must be accompanied by the information and documents provided for in sections 3, 4 and 5 of this Regulation, in addition to those required under the above-mentioned statutory or regulatory provisions or under the regulation thereunder.

Certificates of authorization or, as the case may be, authorizations issued under the provisions referred to in the first paragraph are deemed to have been issued under section 31.75 of the Environment Quality Act.

10. Applications for authorization filed before 1 September 2011 and in the process of being evaluated on that date are governed by the provisions of this Regulation.

11. Until 1 September 2021, for the purposes of subparagraph 7 of the first paragraph of section 3 of this Regulation, an application for authorization must indicate, in addition to the quantity of water covered by the application, any quantity of water withdrawn or consumed on the basis of an authorization granted for the same withdrawal after 1 September 2011.

12. This Regulation comes into force on 1 September 2011.

1537

Gouvernement du Québec

O.C. 692-2011, 22 juin 2011

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

Réserve de biodiversité projetée Samuel-De Champlain — Authorization to replace the conservation plan

Authorization to replace the conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain

WHEREAS, under the first paragraph of section 16 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, c. 31), the area in the zones marked “A” on the map reproduced in Schedule I to the Act is deemed to be a proposed biodiversity reserve on 19 June 2009, in accordance with Title III of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for a period of four years beginning on that date and is provisionally called the “Réserve de biodiversité projetée Samuel-De Champlain”;

WHEREAS, under the first paragraph of section 27 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), for the purpose of protecting land to be established as a new protected area, the Minister of Sustainable Development, Environment and Parks may, with the approval of the Government, prepare the plan of that area, establish a conservation plan and assign temporary protection status to the area as a proposed aquatic reserve, biodiversity reserve, ecological reserve or man-made landscape;

WHEREAS, under section 31 of that Act, the Minister may, on the same conditions, amend, replace or revoke the plan of land set aside under the first paragraph of section 27 or the conservation plan established for that land, and no amendment to or replacement of a plan may affect the period of time for which the land has been set aside;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a proposed conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain, proposing the application of a new activities framework on its land, was published in the *Gazette officielle du Québec* of 22 December 2010 with a notice that the activities framework could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS more than 45 days have elapsed since the publication of the proposed conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain in the *Gazette officielle du Québec*;

WHEREAS in the course of the consultation, the comments received led the Ministère du Développement durable, de l'Environnement et des Parcs to amend the activities framework so as to exclude the possibility to carry out gas and petroleum exploration activities on the land of the protected area and have also permitted to review certain information contained in the description section of the conservation plan;

WHEREAS it is expedient to approve the conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain published in the *Gazette officielle du Québec* of 22 December 2010 with the adjustments necessary to take into account the comments received following that publication and authorize the Minister of Sustainable Development, Environment and Parks to replace the conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain by the conservation plan attached hereto;

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

THAT the new conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain, attached to this Order in Council, be approved;

THAT the Minister of Sustainable Development, Environment and Parks be authorized to replace the conservation plan of the Réserve de biodiversité projetée Samuel-De Champlain, approved by Order in Council number 1081-2010 dated 8 December 2010, by the conservation plan attached to this Order in Council.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

QUÉBEC STRATEGY FOR PROTECTED AREAS

Protected areas in Québec:
A Lifelong Heritage

Réserve de biodiversité projetée Samuel-De Champlain

Conservation plan

May 2011

Québec

1. Protection Status and Toponym

The protection status of the territory described below is that of proposed biodiversity reserve under the *Natural Heritage Conservation Act* (R.S.Q. c. C-61.01).

The permanent protection status planned is that of "biodiversity reserve" under the *Natural Heritage Conservation Act*.

The provisional toponym is "Réserve de biodiversité projetée Samuel-De Champlain". The official toponym will be determined when the territory is given permanent protection status.

The status sought for the proposed reserve will advance the following conservation objectives:

- conservation of exceptional wetland environments in the St. Lawrence Lowlands province;
- maintenance of biodiversity in wetland environments;
- increased protection of wildlife and plant habitats;
- acquisition of additional knowledge about the natural heritage.

2. Plan and Description

2.1. Geographical location, boundaries and dimensions

The location and boundaries of the proposed reserve appear in the map attached as Schedule 1.

Located in the administrative region of Montérégie, Réserve de biodiversité projetée Samuel-De Champlain is comprised of 18 sectors scattered between 45°0'36'' and 45°12'12'' north latitude and 73°14'32'' and 73°21'38'' west longitude. It lies approximately 11 km south of Saint-Jean-sur-Richelieu and 11 km west of Napierville, with the southernmost sector abutting the American border. The proposed reserve covers an area of 4.87 km² (487 ha) here and there in the municipalities of Sainte-Anne-de-Sabrevois, Henryville, Saint-Paul-de-l'Île-aux-Noix and Lacolle. All of the municipalities belong to the regional municipality of Haut-Richelieu in Montérégie. Five landlocked parcels with a total area of 10 050 m^2 are excluded from the boundaries of the proposed biodiversity reserve.

2.2. Ecological portrait

The réserve de biodiversité projetée Samuel-De Champlain lies in the natural region of the Upper St. Lawrence Plain, in the heart of the St. Lawrence Lowlands natural province. More precisely, most of it is in the Champlain Valley physiographic complex, while a small portion of the northern section is in the Plaine de St-Jean-Beauharnois physiographic complex. The réserve de biodiversité projetée Samuel-De Champlain is intended to protect the wetland environments along parts of the Rivière Richelieu.

2.2.1. Representative elements

***Climate*:** The territory is influenced by a continental climate of moderate average temperature (4.5°C to 6.6°C), sub-humid annual precipitation (800 to 1359 mm) and a long growing season (180 to 209 days).

***Geology and geomorphology*:** The territory of the proposed reserve is in the St. Lawrence Platform geological province. The geologic foundation consists primarily of metamorphosed Ordovician sedimentary rocks in the Stony Point formation (shale, slate, dolomite, mudstone, dolomitic siltstone and calcareous mudstone). In terms of geomorphology, the dominant feature is the presence of organic deposits typical of wetland environments in the flood plain. Clayey marine deposits from the ancient Champlain Sea are also found in the proposed reserve, along with river deposits from ancient meanders near the present-day river. There is little topographic relief, the altitude varying from 28 to 33 m.

***Hydrography*:** The proposed biodiversity reserve protects nearly 48 ha of shallow open water, 171 ha of marsh and 192 ha of swamp. The reserve will also protect 573 m of Ruisseau Paquette and more than 1.6 km of streams flowing into the major bed of the Rivière Richelieu. All of the protected area lies within the drainage basin of the Rivière Richelieu.

Flora: The bioclimatic domain of the area is that of maple-bitternut hickory stands in the deciduous forest subzone. On 29% (143 ha) of the proposed reserve the vegetation consists of deciduous wetland forest. These treed swamps are primarily composed of stands of silver maple (*Acer saccharinum*), together with black ash (*Fraxinus nigra*), bitternut hickory (*Carya cordiformis*), American elm (*Ulmus americana*) and swamp white oak (*Quercus bicolor*). As for age, 39% (55 ha) of the forest environment consists of old uneven-aged stands.

Fauna: The wetland environments found in the proposed biodiversity reserve are an important habitat for a wide variety of species of amphibian, birds and mammals. The protected areas contain designated wildlife habitats such as muskrat habitats, a heronry and wildfowl gathering areas. Several areas in the region are particularly exceptional in terms of wildlife, and are partially included in the proposed biodiversity reserve. Examples include Baie des Anglais, the marsh adjacent to the mouth of Rivière du Sud and the Ruisseau Bleury sector. The latter has been identified as a reproductive area for slow-water species and is a spawning ground for northern pike. A wildfowl gathering area and a muskrat habitat are also found here. The Ruisseau Bleury wildlife site presents a mosaic of wetland environments including aquatic plant communities, marshes, swamps, wet meadows and farmland. Also of interest for its reptiles and amphibians, the area is recognized as having a high potential to contain spiny softshell turtle. As well, the local flood plains and the aquatic plant communities in the major bed of the Richelieu are important spawning areas for warm-water fish. The mouth of Ruisseau Faddentown and the flood plain south of Pointe du Gouvernement are other sectors identified as fish reproduction areas. Fifty-six species of fish have been identified in the Rivière Richelieu.

2.2.2. Outstanding elements

***Flora*:** A number of rare or protected species of plants are found within the boundaries of the proposed biodiversity reserve. Some are considered likely to be designated as threatened or vulnerable in Québec, including yellow-fruited sedge (*Carex annectens*), swamp white oak (*Quercus bicolor*), lowland yellow loosestrife (*Lysimachia hybrida*), Virginia water-horehound (*Lycopus virginicus*), slender bulrush (*Scirpus heterochaetus*) and southern wild rice (*Zizania aquatica var. aquatica*). One plant designated as threatened in Québec, false hop sedge (*Carex lupuliformis*), is also found there.

Fauna: Turning to wildlife in the proposed reserve, there is one species of fish considered likely to be designated as threatened or vulnerable, the river redhorse (*Moxostoma carinatum*). Two species designated as vulnerable are also found, the northern map turtle (*Graptemys geographica*) and the least bittern (*Ixobrychus exilis*), while there is one species designated as threatened, the spiny softshell turtle (*Apalone spinifera*).

2.3. Land occupation and uses

Five parcels of land were excluded from the proposed reserve so as to regularize the situation of certain occupants pursuant to the *Loi concernant la délimitation du domaine hydrique de l'État et la protection de milieux humides le long d'une partie de la rivière Richelieu* (2009, c. 31).

Several communication routes permit access and circulation within and around the proposed reserve. Route 223 and connecting roads provide access to the western parts of the proposed reserve, while Chemin du Bord-de-l'eau and connecting roads provide access to the eastern parts. Though excluded from the proposed reserve, Route 202 crosses Île Ash and links the western and eastern sectors. Easements of passage and maintenance will be granted to allow ground access to a permanent residence and three cottages. Easements will be granted to allow the passage and maintenance of private electrical lines connecting a permanent residence and three cottages to the Hydro-Québec network.

Since the Richelieu is a navigable waterway, numerous motor boats ply its waters, causing erosion and considerable disturbance to the plants and wildlife along its banks.

The wetland environments in the proposed reserve are used by many hunters, trappers and fishers. The swamps, marshes and aquatic plant communities lend themselves particularly well to the hunting of waterfowl and the trapping of fur-bearing animals such as common muskrat (*Ondatra zibethicus*) and American mink (*Mustela vison*). The territory lies in fur-bearing animal management unit 84 and hunting zones 8 east, 8 south and 8 north.

Farm drainage ditches are also present in the proposed biodiversity reserve. The maintenance and cleaning of these ditches will be permitted in accordance with applicable legislative and regulatory measures. Before permanent protection status is obtained, a committee will be formed representing the principal stakeholders (the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation; the Ministère du Développement durable, de l'Environnement et des Parcs; Fisheries and Oceans Canada; the regional country municipalities concerned; the Ministère des Ressources naturelles et de la Faune; and the Union des producteurs agricoles) to determine how best to limit the frequency of maintenance on the ditches and reduce its impact on the environment.

3. Activities framework

§1. Introduction

Activities carried on within the proposed reserve are governed mainly by the provisions of the Natural Heritage Conservation Act.

This Division prohibits activities in addition to those prohibited under section 34 of the Act and provides the framework for the various activities permitted so as to better protect the natural environment in keeping with the conservation principles and other management objectives established for the proposed reserves. Accordingly, certain activities require the prior authorization of the Minister and compliance with the conditions determined by the Minister. The permitted and prohibited activities considered for the period that follows the assignment of permanent status by the Government are the same with the necessary adjustments to take into account the application of section 46 of the Act.

As provided in the Natural Heritage Conservation Act, the main activities prohibited in an area to which status as a proposed biodiversity or aquatic reserve has been assigned are

- mining, and gas or petroleum development;
- forest management within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1); and
- the development of hydraulic resources and any production of energy on a commercial or industrial basis.

§2.— Prohibitions, prior authorizations and other conditions governing activities in the proposed reserve

§2.1. Protection of resources and the natural environment

3.1. Subject to the prohibition in the second paragraph, no person may establish in the proposed reserve any specimens or individuals of a native or non-native species of fauna into the reserve, including by stocking, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

No person may stock a watercourse or body of water for aquaculture, commercial fishing or any other commercial purpose.

No person may establish in the proposed reserve a non-native species of flora, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

Before issuing an authorization under this section, the Minister is to take into consideration, in addition to the characteristics and the number of species involved, the risk of biodiversity imbalance, the importance of conserving the various ecosystems, the needs of the species in the ecosystems, the needs of rehabilitating degraded environments or habitats within the proposed reserve, and the interest in reintroducing certain species that have disappeared.

3.2. No person may use fertilizer or fertilizing material in the proposed reserve.

3.3. No person may, unless the person has been authorized by the Minister and carries on the activity in compliance with the conditions the Minister determines,

(1) intervene in a wetland area, including a marsh, swamp or bog;

(2) modify the reserve's natural drainage or water regime;

(3) dig, fill, obstruct or divert a watercourse or body of water;

(4) install or erect any structure, infrastructure or new works in or on the bed, banks, shores or floodplain of a watercourse or body of water;

(5) carry on any activity other than those referred to in the preceding subparagraphs that is likely to degrade the bed, banks or shores of a body of water or watercourse or directly and substantially affect the biochemical characteristics or quality of aquatic or riparian environments or wetland areas in the proposed reserve, including by discharging or dumping waste or pollutants into the watercourse or body of water;

(6) carry out soil development work, including any burial, earthwork, removal or displacement of surface materials or vegetation cover, for any purpose including recreational and tourism purposes such as trail development;

(7) install or erect any structure, infrastructure or new works;

(8) reconstruct or demolish an existing structure, infrastructure or works;

(9) carry on an activity that is likely to severely degrade the soil or a geological formation or damage the vegetation cover, such as stripping, the digging of trenches or excavation work;

(10) use a pesticide, although no authorization is required for the use of personal insect repellent;

(11) carry on educational or research-related activities if the activities are likely to significantly damage or disturb the natural environment, in particular because of the nature or size of the samples taken or the invasive character of the method or process used;

(12) hold a gathering, sports event, tournament, rally or similar event if more than 15 persons are likely to participate in the activity and have access to the proposed reserve at the same time; no authorization may be issued by the Minister if the activity involves motor vehicle traffic, unless it has been shown to the Minister that it is impossible to organize the activity elsewhere or that bypassing the proposed reserve is highly unfeasible; or

(13) light a campfire; no authorization is required for a lessor who wishes to light a campfire on the land subject to a lease.

The conditions determined by the Minister for the authorization may pertain to the location of the authorized activity, the methods used, the areas that may be cleared or deforested, the types of material that may be used including on-site materials, and the presence of ancillary works or facilities. The conditions may also include a requirement to ensure periodic follow-up or to report to the Minister, in particular as regards the results obtained from the research to which subparagraph 11 of the first paragraph refers.

3.4. Despite section 3.1 and subparagraphs 1, 2, 3 and 6 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

(1) The work involves

(a) the maintenance of an agricultural drainage watercourse; and

(b) the cleaning of an agricultural drainage watercourse.

(2) The work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the works involved, and in accordance with the laws and regulations that apply.

3.5. Despite subparagraphs 1, 6, 7, 8 and 9 of the first paragraph of section 3.3, no authorization is required to carry out work referred to in subparagraph 1 of this section when the requirements of subparagraph 2 are met.

(1) The work involves

(a) work to maintain, repair or upgrade an existing structure, infrastructure or works such as a camp, cottage, road or trail, including ancillary facilities such as lookouts or stairs;

(b) the construction or erection of

i. an appurtenance or ancillary facility of a trapping camp, rough shelter, shelter or cottage such as a shed, well, water intake or sanitary facilities; or

ii. a trapping camp, rough shelter, shelter or cottage if such a building was permitted under the right to use or occupy the land but had not been constructed or installed on the effective date of the status as a proposed reserve; or

(c) the demolition or reconstruction of a trapping camp, rough shelter, shelter or cottage, including an appurtenance or ancillary facility such as a shed, well, water intake or sanitary facilities.

(2) The work is carried out in compliance with the following requirements:

(a) the work involves a structure, infrastructure or works permitted within the proposed reserve;

(b) the work is carried out within the area of land or right of way subject to the right to use or occupy the land in the proposed reserve, whether the right results from a lease, servitude or other form of title, permit or authorization;

(c) the nature of the work or elements erected by the work will not operate to increase the area of land that may remain deforested beyond the limits permitted under the provisions applicable to the sale, lease and granting of immovable rights under the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) and, if applicable, the limits allowed under an authorization for the structure, works or infrastructure; and

(d) the work is carried out in compliance with the conditions of a permit or authorization issued for the work or in connection with the structure, infrastructure or works involved, and in accordance with the laws and regulations that apply.

For the purposes of this section, repair and upgrading work includes work to replace or erect works or facilities to comply with the requirements of an environmental regulation.

3.6. No person may bury, abandon or dispose of waste, snow or other residual materials elsewhere than in waste disposal containers, facilities or sites determined by the Minister or in another place with the authorization of the Minister and in compliance with the conditions the Minister determines.

§2.2. Rules of conduct for users

3.7. Every person staying, carrying on an activity or travelling in the proposed reserve is required to maintain the premises in a satisfactory state and before leaving, return the premises to their natural state to the extent possible.

3.8. In the proposed reserve, no person may

(1) cause any excessive noise;

(2) behave in a manner that unduly disturbs other users or interferes with their enjoyment of the proposed reserve; or

(3) harass wildlife.

For the purposes of subparagraphs 1 and 2 of the first paragraph, behaviour that significantly disturbs other persons and constitutes unusual or abnormal conditions for the carrying on of an activity or for the permitted use of property, a device or an instrument within the proposed reserve is considered excessive or undue.

3.9. No person may enter, carry on an activity or travel in a vehicle in a given sector of the proposed reserve if the signage erected by the Minister restricts access, traffic or certain activities in order to protect the public from a danger or to avoid placing the fauna, flora or other components of the natural environment at risk, unless the person has been authorized by the Minister and complies with the conditions the Minister determines.

It is prohibited to enter or travel in the area situated around the private lands enclosed within the proposed biodiversity reserve (Area 1 Schedule 2). The buffer zone corresponds to a strip of 200 m around the private lands enclosed within and excluded from the proposed biodiversity reserve (refer to Schedule 2). The occupants of those lands, their guests, the persons who enter the area to carry on work specified in section 3.4, public utilities and persons authorized by the Minister may enter or travel in that area.

3.10. No person may destroy, remove, move or damage any poster, sign, notice or other types of signage posted by the Minister within the proposed reserve.

§2.3. Activities requiring an authorization

3.11. No person may occupy or use a site in the proposed reserve unless the person has been authorized by the Minister and complies with the conditions the Minister determines. An authorization is not required for a lessor on the land subject to a lease.

For the purposes of the first paragraph, the occupation or use of a site includes

i. staying or settling in the proposed reserve, including for vacation purposes;

ii. installing a camp or shelter in the proposed reserve; and

iii. installing, burying or leaving property in the proposed reserve, including equipment, any device or a vehicle.

3.12. No person may carry on forest management activities to meet domestic needs or for the purpose of maintaining biodiversity, unless the person has been authorized by the Minister and carries on the activities in compliance with the conditions the Minister determines. An authorization is not required for a lessor who wishes to carry on forest management activities on the land subject to a lease.

The conditions determined by the Minister for the authorization may pertain, among other things, to species of trees or shrubs, the size of the stems that may be cut, the quantities authorized and the places where the activities may be carried on.

§ 2.4 Authorization exemptions

3.13. Despite the preceding provisions, an authorization is not required for an activity or other form of intervention within the proposed reserve if urgent action is necessary to prevent harm to the health or safety of persons, or to repair or prevent damage caused by a real or apprehended disaster. The person concerned must, however, immediately inform the Minister of the activity or intervention that has taken place.

3.14. The members of a Native community who, for food, ritual or social purposes, carry on an intervention or an activity within the proposed reserve are exempted from obtaining an authorization.

3.15. Despite the preceding provisions, the following activities and interventions carried out by Hydro-Québec (Société) or by any other person for Hydro-Québec do not require the prior authorization of the Minister under this conservation plan:

(1) any activity or intervention required within the proposed reserve to complete a project for which express authorization had previously been given by the Government and the Minister, or only by the Minister, in accordance with the Environment Quality Act (R.S.Q., c. Q-2), if the activity or intervention is carried out in compliance with the authorizations issued;

(2) any activity or intervention necessary for the preparation and presentation of a pre-project report for a project requiring an authorization under the Environment Quality Act;

(3) any activity or intervention relating to a project requiring the prior authorization of the Minister under the Environment Quality Act if the activity or intervention is in response to a request for a clarification or for additional information made by the Minister to the Société, and the activity or intervention is carried out in conformity with the request; and

(4) any activity or intervention by the Société, if the conditions for the carrying out of the activity or intervention have been determined in an agreement between the Minister and the Société and the activity or intervention is carried out in compliance with those conditions.

The Société is to keep the Minister informed of the various activities or interventions referred to in this section it proposes to carry out before the work is begun in the reserve.

For the purposes of this section, the activities and interventions of the Société include but are not restricted to pre-project studies, analysis work or field research, work required to study and ascertain the impact of electric power transmission and distribution line corridors and rights of way, geological or geophysical surveys and survey lines, and the opening and maintenance of roads required for the purpose of access, construction or equipment movement incidental to the work.

§2.5. General provisions

3.16. Every person who applies to the Minister for an individual authorization or an authorization for a group or a number of persons must provide all information or documents requested by the Minister for the examination of the application.

3.17. The Minister's authorization, which is general or for a group, may be communicated for the benefit of the persons concerned by any appropriate means including a posted notice or appropriate signage at the reception centre or any other location within the proposed reserve that is readily accessible to the public. The Minister may also provide a copy to any person concerned.

§3. Activities governed by other statutes

Certain activities likely to be carried on within the proposed reserve are also governed by other legislative and regulatory provisions, including provisions that require the issue of a permit or authorization or the payment of fees. Certain activities may also be prohibited or limited by other Acts or regulations that are applicable within the proposed reserve.

A special legal framework may govern permitted activities within the proposed biodiversity reserve in connection with the following matters:

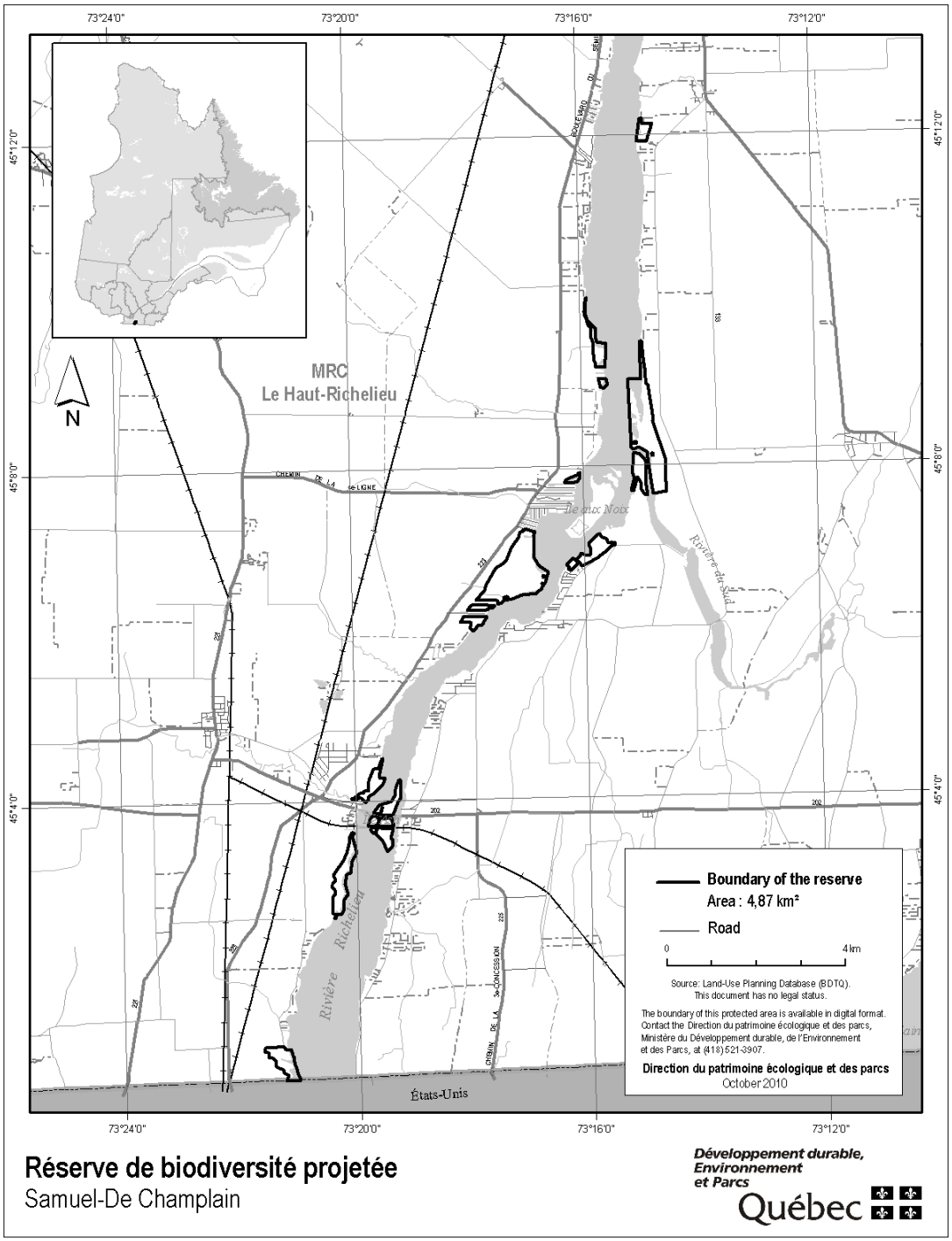
- Environmental protection: measures set out in particular in the Environment Quality Act (R.S.Q., c. Q-2) and its regulations;
- Species of flora designated as threatened or vulnerable: measures prohibiting the removal of such species under the Act respecting threatened or vulnerable species (R.S.Q., c. E-12.01);
- Development and conservation of wildlife resources: measures set out in the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), including the provisions pertaining to outfitting operations and beaver reserves and the measures contained in applicable federal legislation, in particular the fishery regulations;
- Archaeological research: measures set out in particular in the Cultural Property Act (R.S.Q., c. B-4);
- Access and land rights related to the waters in the domain of the State: measures set out in the Watercourses Act (R.S.Q., c. R-13) and in the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1);
- Construction and development standards: regulatory measures adopted by regional and local municipal authorities under the Acts applicable to them.

4. Responsibilities of the Minister of Sustainable Development, Environment and Parks

The Minister of Sustainable Development, Environment and Parks is responsible for the conservation and management of Réserve de biodiversité projetée Samuel-De Champlain. The Minister supervises and monitors the activities that may take place there. In managing the reserve the Minister enjoys the collaboration and participation of other government partners, such as the Minister of Natural Resources and Wildlife, who have specific responsibilities regarding this land or lands adjoining it. In the exercise of their powers the Ministers will take into consideration the protection sought for this natural environment and the protection status it has been granted. No additional conservation measure is envisaged at this stage. With regard to zoning, the proposed biodiversity reserve consists of two zones (Schedule 2): zone 1, in which access and circulation are restricted to the owners of private property that is landlocked in the proposed reserve, along with their guests, public utility companies and other authorized persons; and zone 2, in which access and circulation are not restricted. The zoning of zone 2 may be specified before the granting of permanent protection status.

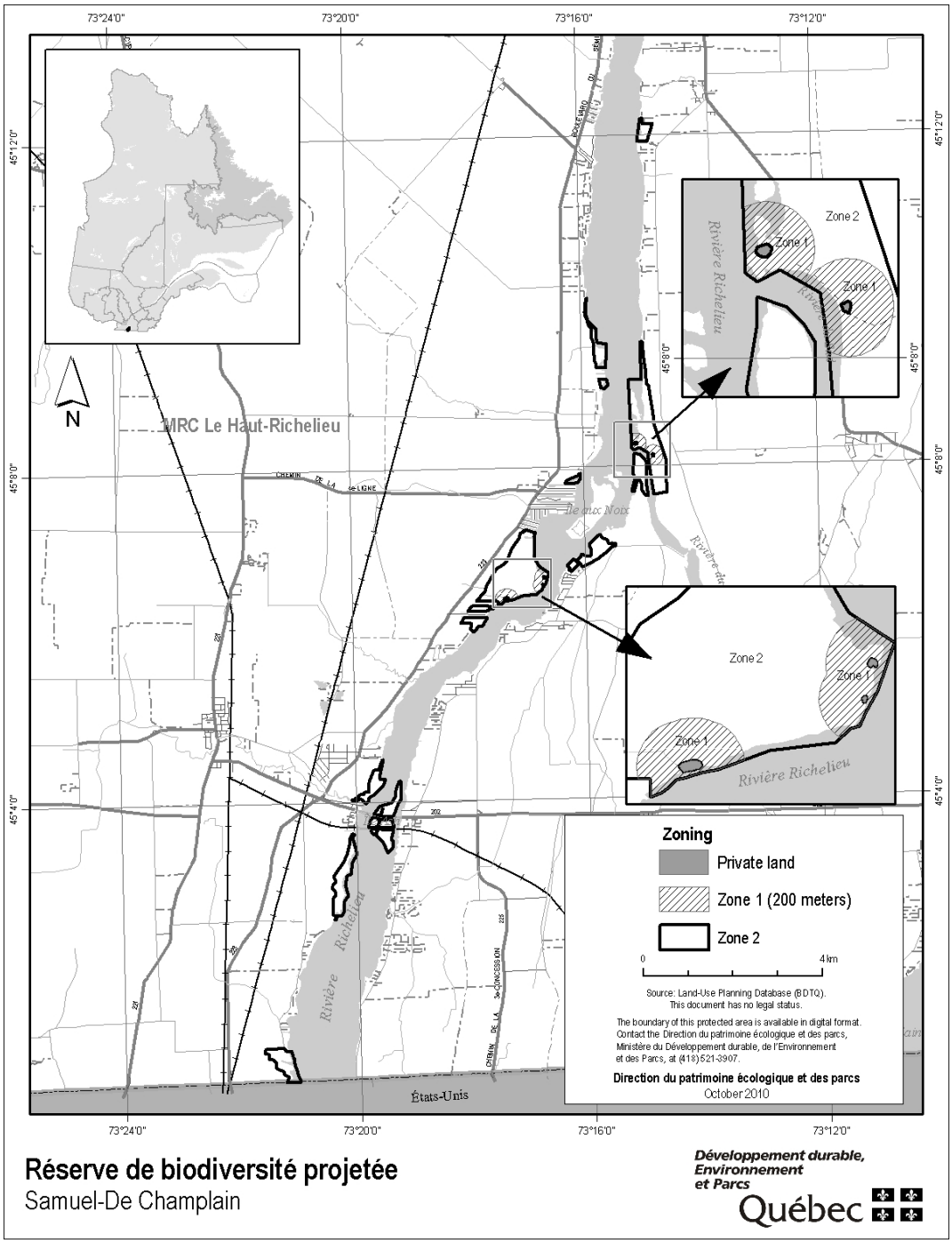
Schedule 1

Map of the réserve de biodiversité projetée Samuel-De Champlain



Schedule 2

Zoning map of the réserve de biodiversité projetée Samuel-De Champlain



Gouvernement du Québec

O.C. 698-2011, 22 June 2011

An Act respecting parental insurance
(R.S.Q., c. A-29.011)

Conseil de gestion de l'assurance parentale — Internal by-law No. 2 respecting the delegation of signing authority for certain documents — Amendment

By-law to amend Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale

WHEREAS, under section 105 of the Act respecting parental insurance, no document binds the Conseil de gestion nor may be attributed to it unless it is signed by the president and director general or, to the extent determined in the internal by-laws of the Conseil de gestion, by a member of the board of directors or a member of the personnel;

WHEREAS, under section 108 of the Act respecting parental insurance, the internal by-laws of the Conseil de gestion require the approval of the Government;

WHEREAS the Government approved Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale by Order in Council 31-2007 dated 16 January 2007;

WHEREAS, at the sitting of its board of directors held on 16 March 2011, the Conseil de gestion made the By-law to amend Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale, which updates the by-law currently in force to take into account the operational needs of the Conseil de gestion;

WHEREAS it is expedient to make the By-law;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the By-law to amend Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

By-law to amend Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale*

An Act respecting parental insurance
(R.S.Q., c. A-29.011, ss. 105 and 108)

1. Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale is amended by replacing section 1 by the following:

"**1.** Documents signed in accordance with sections 2, 2.1 and 2.2 by the persons holding the positions hereinafter designated or, where applicable, by the persons authorized to perform those duties or tasks on an interim or temporary basis or as a temporary replacement bind the Conseil de gestion de l'assurance parentale as if they had been signed by the president and director general, or jointly by the latter and another person when so prescribed, in accordance with section 105 of the Act respecting parental insurance (R.S.Q., c. A-29.011).".

2. Section 2 is amended

(1) by inserting "general" after "secretary";

(2) by striking out "and director of corporate affairs";

(3) by inserting "financial" after "for which the".

3. The following is inserted after section 2:

"**2.1.** The secretary general and the person responsible for the financial sector of the Conseil de gestion are authorized, as long as they act jointly, in connection with a loan taken out by the Conseil de gestion in accordance with the Act, to conclude and sign, regardless of the amount, any borrowing transaction, including any transaction for the repayment of loan, with financial institutions or with the Minister of Finance, to determine the amounts and characteristics thereof, subject to the limits and characteristics stipulated in the loan agreement or credit line agreement, to sign any promissory note, to perform any act and to sign any document required or useful to give full effect to the borrowing transactions.

* Internal by-law No. 2 respecting the delegation of signing authority for certain documents of the Conseil de gestion de l'assurance parentale, approved by Order in Council 31-2007 dated 16 January 2007 (2007, *G.O.* 2, 548), has not been amended since it was approved.

2.2. The secretary general and the person responsible for the financial sector of the Conseil de gestion are authorized, as long as they act jointly, to sign, regardless of the amount, drafts, payment authorizations, promissory notes, bonds, bills of exchange and other instruments of the same nature, including bank transfers, and any document required or useful to give full effect to the following financial transactions intended to

(1) ensure the payment of benefits to which a person may be entitled under the Act;

(2) ensure the payment of the obligations arising out of the financial commitments of the Conseil de gestion, provided that those commitments were first authorized by the competent authority;

(3) pay or repay the expenditures and other expenses or charges incurred by the members of the Conseil de gestion and its personnel, provided that they were first authorized by the competent authority.".

4. Section 3 is amended

(1) by inserting "general" after "secretary";

(2) by striking out "and director of corporate affairs".

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

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Gouvernement du Québec

O.C. 713-2011, 22 June 2011

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

Geologists
— Code of ethics

Code of ethics of geologists

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des géologues du Québec made the Geologists Code of Ethics;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft of the Code was sent to every member of the Order at least 30 days before being made by the board of directors;

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), the draft of the Geologists Code of Ethics was published in Part 2 of the *Gazette officielle du Québec* of 27 October 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 des professions du Québec has examined the Code and made its recommendation;

WHEREAS it is expedient to approve the Code with amendments;

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

THAT the Code of ethics of geologists, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Code of ethics of geologists

Professional Code
(R.S.Q., c. C-26, s. 87)

CHAPTER I
GENERAL

1. This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties that must be discharged by every member of the Ordre professionnel des géologues du Québec towards the public, clients and the profession.

2. Geologists must take reasonable measures to ensure that persons who collaborate with them in the practice of the profession and any partnership or joint-stock company within which they practise comply with the Geologists Act (R.S.Q., c. G-1.01), the Professional Code and their regulations.

3. The duties and obligations under the Geologists Act, the Professional Code and their regulations are not changed or reduced by the fact that a geologist practises the profession within a partnership or joint-stock company.

CHAPTER II
DUTIES TOWARDS THE PUBLIC

4. Geologists must practise their profession in keeping with the generally accepted standards of the science and practice of geology.

To that end, geologists must ensure that they upgrade their skills and update their theoretical and technical knowledge.

5. Geologists must conduct themselves in a manner beyond reproach towards every person and must, in particular, act with courtesy, dignity, moderation and objectivity.

6. Geologists must consider the foreseeable consequences that their professional activities may have on society, in particular on the health, safety and property of others, and on the quality of the environment.

Where geologists notice that, within the scope of their professional activities, geological conditions could endanger public safety, they must notify the person in charge of the premises or, as the case may be, the person conducting the work. They must also notify the Order if adequate measures are not taken within a reasonable time.

7. Geologists must refrain from practising in circumstances or a state likely to compromise the quality of their services.

8. Geologists must ensure that the staff assisting them is qualified for the tasks assigned to them.

9. Geologists who practise within a partnership or joint-stock company must take reasonable measures to ensure that any document produced by the partnership or joint-stock company in the practice of the profession of geologist is identified in the name of a geologist or qualified person.

CHAPTER III
DUTIES TOWARDS CLIENTS

DIVISION I
GENERAL DUTIES

10. Geologists must discharge their professional obligations with competence, diligence, objectivity and integrity.

11. Before agreeing to provide professional services, geologists must take into account the limits of their skills and knowledge and the means at their disposal.

12. Before providing professional services, geologists must enter into a written contract with their client indicating the work methodology, the objectives of the parties for each stage of the mandate, the project schedule, as well as the fees and expenses and terms of payment. Any amendment to the contract must be evidenced in writing.

Geologists who have reason to believe that it is in the client's interest to use the services of another competent person must recommend it to their client and, with the client's written authorization, retain the services thereof.

13. Geologists may provide an opinion, make a recommendation or return a document only on the following conditions:

(1) they have collected adequate and sufficient information given the purpose of the work;

(2) they specify the quality of data and information on which their opinions, recommendations or documents are based; and

(3) they emphasize and explain the limits of information available and, as the case may be, the need to obtain additional information.

14. Geologists must at all times acknowledge the client's right to consult another geologist, a member of another professional order or any other competent person and must, as the case may be, collaborate entirely with them.

15. Geologists must refrain from interfering in the personal affairs of their client on subjects not falling within their areas of professional expertise.

16. Geologists must refrain from urging anyone pressingly or repeatedly to have recourse to their professional services.

DIVISION II
INTEGRITY

17. Geologists must discharge their professional duties with integrity and intellectual honesty.

18. Geologists must only inquire about the facts relevant to the professional services they provide.

19. Geologists must inform their clients as soon as possible of any event likely to have or that has had a significant impact on their professional services.

20. Geologists must take reasonable care of property entrusted to them by a client and must not lend it or use it for purposes other than those for which it was entrusted.

21. Geologists must avoid performing professional acts that are not justified by the nature and the objectives of the work agreed on with the client.

DIVISION III
AVAILABILITY AND DILIGENCE

22. Geologists must display availability and diligence.

23. Geologists must give their clients all the explanations required for the understanding and appreciation of the services provided. Geologists must render accounts to their clients when so required by them.

24. Unless they have sound and reasonable grounds for doing so, geologists may not cease unilaterally to provide professional services to a client. The following in particular constitute sound and reasonable grounds:

(1) loss of the client's confidence;

(2) being in conflict of interest or in any situation in which the geologist's professional independence could be called into question;

(3) inducement by the client to perform illegal, unfair or immoral acts;

(4) the fact that the geologist has been deceived by the client;

(5) failure by the client to cooperate;

(6) the client ignoring the geologist's opinions and recommendations;

(7) the client's refusal to pay the geologist's fees; and

(8) being unable to communicate with the client or to obtain from the client the elements considered necessary to provide professional services.

25. Before ceasing to provide professional services to a client, geologists must so notify the client in writing within a reasonable time, state the reasons for the decision to the client and ensure that the decision is not seriously prejudicial to the client.

DIVISION IV
LIABILITY

26. Geologists must assume full personal civil liability in their practice. They may not exclude or limit that liability or attempt to do so, in particular by invoking the liability of the partnership or joint-stock company within which they carry on their professional activities or that of a person also carrying on activities within that partnership or joint-stock company.

DIVISION V
INDEPENDENCE AND IMPARTIALITY

27. Geologists must subordinate their personal interest, the interest of the partnership or joint-stock company within which they carry on professional activities or have an interest and that of any other person carrying on activities within that partnership or joint-stock company, to that of their client.

28. Geologists must ignore any intervention by a third person that could influence the performance of their professional duties to the detriment of the client.

29. Geologists must act with objectivity when persons likely to become their clients request information.

30. Geologists must safeguard their professional independence and avoid any situation in which they would be in conflict of interest. In particular, geologists are in conflict of interest when

(1) the interests concerned are such that geologists may tend to favour them over those of their client or their judgment and loyalty towards their client may be unfavourably affected; or

(2) the circumstances offer geologists a direct or indirect, real or possible undue advantage.

31. As soon as geologists become aware that they are in a conflict of interest situation, they must notify their client and ask the client for authorization to continue providing professional services. They must obtain, where applicable, the client's written authorization.

32. Subject to the remuneration, customary tokens of appreciation or gifts of small value to which they are entitled, geologists must refrain from offering or accepting any benefit relating to the practice of the profession.

33. Where geologists practise with several clients who may have divergent interests, they must explain to them the nature of their responsibilities and inform them

that they will cease to act if the situation becomes irreconcilable with their duty of independence and impartiality.

DIVISION VI
PROFESSIONAL SECRECY

34. Geologists who, pursuant to the third paragraph of section 60.4 of the Professional Code, communicate information protected by professional secrecy to prevent an act of violence must enter in the client's record as soon as possible

(1) the name of the person or persons exposed to the danger;

(2) the reasons supporting the decision to communicate the information; and

(3) the information communicated and the date on which it was communicated, the name of the person who received the information and the mode of communication.

35. Where geologists ask a client to disclose confidential information or where they allow a client to disclose such information, they must first ensure that the client is fully aware of the various uses that could be made of the information.

36. Geologists must refrain from using confidential information to the detriment of a client or to obtain directly or indirectly a benefit for themselves or for a third person.

37. Geologists must refuse any work if it involves or may involve disclosing or using confidential information or documents obtained from another client, without the consent of that other client.

38. Geologists must take the necessary measures to prevent their colleagues and members of their staff from disclosing or using confidential information obtained in the performance of their duties, in particular by informing them of their obligation to preserve the secrecy of such information.

DIVISION VII
ACCESSIBILITY OF DOCUMENTS CONTAINED IN A RECORD, CORRECTION AND DELETION OF INFORMATION, FILING OF COMMENTS AND RETURN OF DOCUMENTS

39. Geologists must respond, at the latest within 30 days of their receipt, to requests for access to documents, correction and deletion of information and filing of comments in a record, which are referred to in sections 60.5 and 60.6 of the Professional Code.

40. Geologists must respond free of charge to any request for access to documents referred to in section 60.5 of the Professional Code.

Despite the foregoing, geologists may charge fees not exceeding the cost of transcribing or reproducing documents or the cost of transmitting a copy of the documents provided that they inform the applicant before transcribing, reproducing or transmitting the documents.

41. Geologists who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuse to allow a client to have access to the information contained in a record established in the client's respect must, within 30 days following the request, inform the applicant in writing of the reason for the refusal and of available legal remedies.

42. Geologists who grant a request referred to in section 60.6 of the Professional Code must, in addition to the requirement provided for in the second paragraph of article 40 of the Civil Code, issue to the applicant, free of charge, a copy of the corrected information or, as the case may be, an attestation that the information has been deleted or that comments have been filed in the record.

43. Geologists must respond promptly to any written request from a client to have a document returned to the client.

Geologists must indicate in the client's record, where applicable, the reasons supporting the client's request.

DIVISION VIII
DETERMINATION AND PAYMENT OF FEES AND EXPENSES

44. Geologists must charge and accept fair and reasonable fees.

Fees are considered fair and reasonable if they are warranted by the circumstances and proportionate to the services provided. To determine the amount of their fees, geologists must, in particular, consider the following factors:

(1) the time devoted to the services;

(2) the complexity and importance of the services; and

(3) the responsibility assumed.

45. Geologists may not charge interest on outstanding accounts unless the client has been duly notified. The interest so charged must be reasonable.

46. Geologists who practise within a partnership or joint-stock company must ensure that the fees and expenses relating to the professional services provided by geologists of the partnership or joint-stock company are always indicated separately on every invoice or statement of fees that the partnership or joint-stock company sends the client, except where a lump-sum payment has been agreed upon in writing with the client. Despite the foregoing, in the latter case, the statement or invoice must describe the professional services provided by geologists.

47. Geologists must provide their clients with all the explanations necessary to understand the invoice and the terms of payment.

CHAPTER IV
DUTIES TOWARDS THE PROFESSION

DIVISION I
DEROGATORY ACTS

48. Geologists engage in acts derogatory to the dignity of the profession when they

(1) communicate with a person having lodged a complaint against them without the prior written permission of the syndic or the syndic's assistant;

(2) threaten or otherwise intimidate a person having reported or intending to report a derogatory act or a person having collaborated or intending to collaborate in an inquiry relating to such an act; or

(3) affix their signature or seal to a document relating to the practice of their profession which was not prepared by them or under their immediate supervision.

49. For the purposes of subparagraphs 5 and 6 of the first paragraph of section 45 of the Professional Code, the offences referred to are the following offences:

(1) the contravention of any federal Act to protect intellectual property;

(2) the contravention of the provisions of the Securities Act (R.S.Q., c. V-1.1), in particular the offence of having effected transactions without a prospectus or circular, provided false or misleading information, used privileged information or made irregular take-over bids or issuer bids; and

(3) the contravention of any Québec or federal Act to protect the environment.

DIVISION II
RELATIONS WITH THE ORDER AND OTHER GEOLOGISTS

50. Geologists whose participation on a council for the arbitration of accounts, a disciplinary council, a review or professional inspection committee is requested by the Order may not refuse that function unless they have reasonable grounds for refusing.

51. Geologists must respond as soon as possible to all requests for information or correspondence from the secretary of the Order, the syndic, an assistant or corresponding syndic or members of the professional inspection committee in the performance of their duties.

52. Geologists must, in their relations with the Order and other geologists, behave with dignity, courtesy, respect and integrity.

53. Geologists who have reason to believe that another geologist contravenes this Regulation, the Geologists Act or the Professional Code must immediately notify the Order.

54. Geologists must not betray the good faith of another geologist, breach the person's trust, act unfairly towards him or her or damage the person's reputation. Geologists must not

(1) take credit for work performed by another geologist;

(2) take advantage of their hierarchical status to limit the professional independence of a geologist at their service or under their responsibility;

(3) give their professional opinion on work carried out by another geologist without having first notified the other geologist and making sure that the other geologist's work is completed, unless required to do so by law; or

(4) deliberately harm relationships between other geologists and their clients.

55. If geologists must criticize the work of a geologist or another professional, they must do so in an objective and reasonable manner.

56. Geologists consulted by another geologist must provide the other geologist with their opinion and recommendations as soon as possible.

57. Geologists must preserve their autonomy and recognize that they are not required to perform any task contrary to their conscience or to the principles governing their practice, including informing the Order of the pressures on them that are of a nature such as to interfere with their independence.

58. Geologists must not take legal action against another geologist on a matter relating to the practice of the profession before applying for conciliation to the Order.

DIVISION III
CONTRIBUTION TO THE ADVANCEMENT OF THE PROFESSION

59. Geologists must support every measure likely to improve the quality and availability of the professional services in the field in which they practise.

60. Geologists must, insofar as possible, contribute to the development of geology by sharing their knowledge and experience with colleagues, employees and students, and by contributing to training activities and exchanges of technical and scientific information.

CHAPTER V
PUBLIC STATEMENTS, ADVERTISING AND USE OF THE GRAPHIC SYMBOL OF THE ORDER

61. Geologists must avoid making exaggerated or unfounded statements.

Geologists must also avoid providing inaccurate, incomplete or ambiguous information likely to mislead the public or cause serious harm to the public.

62. Advertising by geologists must be objective and allow the public to make an enlightened choice.

63. Geologists must have their name and professional title appear in their advertising.

64. In all advertising, geologists must refrain from

(1) discrediting the services offered by other geologists; and

(2) claiming to possess experience, professional or academic qualifications or qualities that they are unable to substantiate.

65. Geologists must indicate in all advertising on the cost of their services

(1) the nature and extent of the professional services included; and

(2) whether additional services or expenses which are not included in the fees might be required.

That cost must remain in effect for a period of 60 days following the last broadcast or publication.

66. Geologists who reproduce the graphic symbol of the Order must ensure that the symbol conforms to the original.

Where geologists reproduce the symbol in their advertising, they may not suggest that such advertising emanates from the Order.

67. Geologists must keep a copy of every advertisement for a period of 2 years following the last broadcast or publication. On request, the copy must be given to the syndic.

68. Geologists who carry on their professional activities within a partnership or joint-stock company must ensure that advertising by the partnership or joint-stock company or any other person carrying on activities within the partnership or joint-stock company complies with this Division.

CHAPTER VI
NAMES OF PARTNERSHIPS AND JOINT-STOCK COMPANIES OF GEOLOGISTS

69. Geologists may not practise their profession within a partnership or joint-stock company whose name is a number name, misleading or contrary to the honour or dignity of the profession.

70. Where geologists cease to practise within a partnership or joint-stock company, their name must be removed from the name of the partnership or joint-stock company within 30 days following the cessation of practice, unless geologists or their assigns had made an agreement in writing to the contrary.

CHAPTER VII
FINAL

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

1538

Gouvernement du Québec

O.C. 721-2011, 22 June 2011

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

Wildlife habitats
— Amendment

Regulation to amend the Regulation respecting wildlife habitats

WHEREAS, under paragraphs 1 and 2 of section 128.18 of the Act respecting the conservation and development of wildlife (R.S.Q, c. C-61.1), the Government may make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting wildlife habitats (R.R.Q., c. C-61.1, r. 18);

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 wildlife habitats was published in Part 2 of the *Gazette officielle du Québec* of 3 November 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting wildlife habitats, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wildlife habitats

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 128.18, pars. 1 and 2)

1. The Regulation respecting wildlife habitats (c. C-61.1, r. 18) is amended in section 8 by striking out the third paragraph.

2. Sections 8.1 to 8.5 are revoked.

3. Section 9 is amended by replacing "Gaspésie caribou population, with respect to the territory of the Chic-Chocs Wildlife Sanctuary shown on the chart in Schedule 1" by "woodland caribou, mountain ecotype, Gaspésie population, with respect to the part of that habitat located outside the limits of the Parc national de la Gaspésie".

4. Section 12.1 is amended in the first paragraph

(1) by replacing "In the habitat of the Gaspésie caribou population located in the Chic-Chocs Wildlife Sanctuary and shown on the chart in Schedule 1" in the part preceding subparagraph 1 by "In the part of the habitat of the woodland caribou, mountain ecotype, Gaspésie population, located outside the limits of the Parc national de la Gaspésie";

(2) by striking out "shown in Schedule 1" in subparagraph 4.

5. The Regulation is amended by replacing the expression "Gaspésie caribou population" wherever it appears by "woodland caribou, mountain ecotype, Gaspésie population".

6. Schedule 1 is revoked.

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

1539

Gouvernement du Québec

O.C. 732-2011, 22 June 2011

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

Minister of Health and Social Service
— Information that institutions must provide
— Amendment

Transmission of information on users who are major trauma patients
— Abrogation

Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services and revoke the Regulation respecting the transmission of information on users who are major trauma patients

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

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services and revoke the Regulation respecting the transmission of information on users who are major trauma patients was published in Part 2 of the *Gazette officielle du Québec* of 16 March 2011 with a notice that it could be submitted to the Government to be made on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services and revoke the Regulation respecting the transmission of information on users who are major trauma patients, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services* and revoke the Regulation respecting the transmission of information on users who are major trauma patients**

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

1. The Regulation respecting the information that institutions must provide to the Minister of Health and Social Services is amended by inserting the following after section 5:

"**5.1.** An institution operating a hospital of the general and specialized class of hospitals and a trauma centre must provide the Minister with the information in Schedule V in respect of a user who is a trauma patient and is admitted to or dies in the emergency department.".

2. The following is added after Schedule IV:

"**SCHEDULE V**

1. An institution referred to in section 5.1 of the Regulation must provide the following information:

(1) concerning the user and the traumatic event:

(a) the name and number, on the institution's permit, of the facility that provides the data;

(b) the sequence number assigned to the traumatic event;

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

(d) the geographic code of the user's residence;

(e) the reason for which the health insurance number cannot be provided, where applicable;

(f) the date and time of the trauma;

* The Regulation respecting the information that institutions must provide to the Minister of Health and Social Services, made by Order in Council 103-2009 dated 11 February 2009 (2009, *G.O.* 2, 194), has not been amended since its coming into force.

** The Regulation respecting the transmission of information on users who are major trauma patients, made by Order in Council 981-2000 dated 16 August 2000 (2000, *G.O.* 2, 4411), has not been amended since its coming into force.

(g) the code of the municipality where the trauma occurred;

(h) the geographic code of the place where the trauma occurred;

(i) the cause of the trauma;

(j) the place where the trauma occurred;

(k) an indication that the trauma occurred when the user was at work;

(l) the external cause responsible for the trauma according to ICD-10-CA;

(m) the activity carried on by the user when the trauma occurred, according to ICD-10-CA;

(n) the type of medical insurance under which the user is compensated;

(o) the user's role at the time of the trauma;

(p) the safety equipment used or worn by the user at the time of the trauma, where applicable;

(2) concerning the delivery of prehospital services to the user or prehospital services collected during delivery:

(a) the method of transportation to the first facility of the institution where the user was received;

(b) the date and time of arrival of the ambulance at the scene of the trauma;

(c) the date and time of departure of the ambulance from the scene of the trauma;

(d) an indication that the user had to be extricated from a vehicle that had been in an accident;

(e) the PHI (Prehospital Index) score;

(f) an indication that there was a high-velocity impact during the traumatic event;

(g) the user's level of consciousness at the scene of the trauma according to the AVPU (Alert, Verbal, Pain, Unresponsive) assessment tool;

(h) the user's respiratory rate;

(i) the user's pulse;

(j) the user's systolic blood pressure;

(k) an indication that oxygen was used;

(l) the user's percentage of oxygen saturation;

(m) the name and number, on the institution's permit, of the first facility where the user was received;

(n) the date and time of arrival at that facility;

(o) the number of the user's medical record at the first facility where the user was received;

(3) concerning the user's visits to any emergency department and any consultation requested therein:

(a) the method of transportation to the emergency department;

(b) the user's origin upon arrival in the emergency department;

(c) the name and number, on the institution's permit, of the facility of origin upon arrival in the emergency department, where applicable;

(d) the name and number, on the institution's permit, of the facility where emergency care was provided to the user;

(e) the date and time of the user's arrival in the emergency department;

(f) an indication that the user was alive or dead upon arrival in the emergency department;

(g) the sequence number assigned to the consultation;

(h) the field of consultation;

(i) the date and time of the request for consultation;

(j) the date and time of the consultation;

(k) the date and time of the user's departure from the emergency department;

(l) the user's destination upon departure from the emergency department;

(m) the name and number, on the institution's permit, of the facility that is the user's destination upon departure from the emergency department, where applicable;

(4) concerning the user's admission to and departure from the institution that provides the data:

(a) the method of transportation to the institution where the user was admitted;

(b) the user's origin upon admission;

(c) the name and number, on the institution's permit, of the user's facility of origin upon admission, where applicable;

(d) the date and time of the user's admission;

(e) an indication that the user was transferred to an institution in the user's region of origin for continuity of care;

(f) the sequence number assigned to any service the user was registered for;

(g) the code and description of any service the user was registered for;

(h) the date and time of registration of the user for any service;

(i) an indication that the user was brought directly to the surgical suite upon admission;

(j) the sequence number assigned to any physical care unit in which the user stayed;

(k) a description of the physical care unit in which the user stayed;

(l) the date and time of the user's arrival at any physical care unit in which the user stayed;

(m) the date and time of the user's departure from any physical care unit in which the user stayed;

(n) the date of any application for the user's transfer to another institution operating a hospital of the general and specialized class of hospitals;

(o) the date and time of the user's departure from the institution;

(p) the user's destination upon departure from the institution;

(q) the name and number, on the institution's permit, of the facility that is the user's destination upon departure from the institution, where applicable;

(5) concerning any taking of the user's vital signs in any emergency department or during the user's stay in the institution;

(a) the date and time the user's vital signs were taken;

(b) the degree of eye opening;

(c) the user's verbal response;

(d) the user's motor response;

(e) the score on the GCS (Glasgow Coma Scale);

(f) an indication that the user's level of consciousness was artificially modified;

(g) the type of modification of the user's level of consciousness;

(h) the user's type of respiration;

(i) the user's number of respiratory cycles per minute;

(j) the user's pulse;

(k) the user's systolic blood pressure;

(l) the user's diastolic blood pressure;

(m) an indication that oxygen was administered to the user;

(n) the user's percentage of oxygen saturation;

(o) the user's body temperature;

(p) the score on the RTS (Revised Trauma Score) physiological scale;

(q) the user's intracranial pressure;

(6) concerning any examination requested for the user or any intervention carried out for the user in any emergency department or during the user's stay in the institution:

(a) an indication that a radiographic assessment of the user was conducted;

(b) an indication that alcohol intoxication was suspected;

(c) the result of an alcohol intoxication test;

(d) the result of a drug intoxication test;

(e) the date and time a chest drain was inserted;

(f) the date and time of a FAST (Focused Assessment with Sonography in Traumatology);

(g) the date and time an intravenous line was inserted;

(h) the date and time of an intubation;

(i) the date and time of a gasometry;

(j) the date and time of a lactate measurement;

(k) the sequence number assigned to a medical imaging test;

(l) the type of medical imaging test requested for the user;

(m) the part of the user's body for which a medical imaging test was requested;

(n) the date and time of the request for a medical imaging test;

(o) the date and time a medical imaging test was conducted;

(p) the sequence number assigned to an intervention;

(q) the code and description of an intervention according to the CCI;

(r) the codes of the status, location and extent attributes of an intervention according to the CCI;

(s) the number of interventions carried out for the user;

(t) the date and time of an intervention;

(u) the place where an intervention was carried out;

(v) the date and time of the user's departure from the operating room, where applicable;

(w) the sequence number assigned to mechanical ventilation treatment;

(x) the date and time of the start of mechanical ventilation treatment;

(y) the date and time of the end of mechanical ventilation treatment;

(z) the paramedical consultations conducted for the user;

(aa) the date and time of the first paramedical consultation;

(7) concerning any diagnosis established for the user, as well as the user's death, where applicable:

(a) the sequence number assigned to the AIS (Abbreviated Injury Scale) code;

(b) the AIS code identifying each injury that was diagnosed;

(c) the diagnoses established according to ICD-10-CA;

(d) an indication that there was penetrating trauma and the part of the body affected;

(e) the result of the computation of the ISS (Injury Severity Score);

(f) the result of the computation of the PS_ISS (Probability of Survival Injury Severity Score);

(g) the result of the computation of the NISS (New Injury Severity Score);

(h) the presence of craniocerebral trauma (CCT) and the severity of that trauma;

(i) the presence, in the user, of a medullary injury and the type of medullary injury;

(j) the sequence number assigned to the complications presented by the user;

(k) the code and description of a complication according to ICD-10-CA;

(l) the sequence number assigned when comorbidity was registered for the user;

(m) the nature of the comorbidity;

(n) an indication that an autopsy of the user was conducted;

(o) an indication that it is a coroner's case where there is reason to notify the coroner under the Act respecting the determination of the causes and circumstances of death (R.S.Q., c. R-0.2);

(p) an indication that organs were removed for donation;

(8) concerning users who are serious burn victims:

(a) the circumstances surrounding the user's burn or burns;

(b) the type of burns and a description of the burns;

(c) the user's colour or ethnic origin;

(d) the user's occupation;

(e) the user's weight upon arrival at the facility and upon departure from that facility;

(f) an indication that the user has inhaled fumes that may be made of corrosive or toxic gases;

(g) the user's carboxyhaemoglobin level;

(h) an indication that the use of a cell culture was necessary;

(i) an indication that the user had already suffered burns prior to the traumatic event;

(j) an indication that the user underwent a skin graft during the user's stay at the facility;

(k) an indication that the user was infected with MRSA (methicillin-resistant Staphylococcus aureus);

(l) an indication that the user was infected with VRE (vancomycin-resistant Enterococci);

(m) an indication that an agent was used to increase pressure in the user's blood vessels (vasopressor);

(n) specific interventions carried out for the user.".

3. Section 4 is amended by striking out ", unless the user visits the emergency department for a diagnostic test or to receive outpatient services".

4. Section 6 is amended by replacing "5" by "5.1".

5. The Regulation respecting the transmission of information on users who are major trauma patients, made by Order in Council 981-2000 dated 16 August 2000, is revoked.

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

1540

Gouvernement du Québec

O.C. 745-2011, 22 June 2011

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

Signing by a functionary of certain deeds, documents and writings — Amendment

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS the first paragraph of section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28) provides that no deed, document or writing binds the department or is attributed to the Minister unless signed by the Minister, the Deputy Minister or a functionary but, in the case of such functionary, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994;

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

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports*

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

1. The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports is amended in section 4 by inserting "the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre," after "responsible,".

2. Section 6 is amended by replacing "he is responsible," by "they are responsible, the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre and".

3. Sections 9, 12, 13 and 14 are amended by inserting "the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre," after "responsible,".

4. Section 17 is amended by replacing "A territorial director is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he is" by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre and a territorial director are authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which they are".

5. Section 18 is amended by inserting "the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre," in the first paragraph after "responsible,".

6. Section 19 is amended by replacing "he is responsible," by "they are responsible, the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre,".

7. Section 20 is amended by inserting "the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre," after "responsible," in the part preceding paragraph 1.

8. Section 21 is amended by replacing "he is responsible," in the first paragraph by "they are responsible, the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre and".

9. Section 23 is amended by replacing "he is responsible" in the part preceding paragraph 1 by "they are responsible, the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre and".

10. Section 25 is amended by replacing "A territorial director" by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre, a territorial director".

11. Section 26 is amended by inserting "the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre," after "responsible," in the part preceding paragraph 1.

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* The Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994 (1994, *G.O.* 2, 1939), was last amended by the regulation made by Order in Council 363-2011 dated 30 March 2011 (2011, *G.O.* 2, 904). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2011, updated to 1 April 2011.

12. Section 26.1 is amended by replacing "A territorial director is authorized, for the purpose of carrying out the mandate of the administrative unit for which he is" by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre and a territorial director are authorized, for the purposes of accomplishing the mandate of the administrative unit for which they are".

13. Section 27 is amended by replacing "A territorial director," by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre, a territorial director,".

14. Section 28 is amended by replacing "A territorial director," in the part preceding paragraph 1 by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre, a territorial director,".

15. Section 29 is amended by replacing "A territorial director," by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre, a territorial director,".

16. Section 29.2 is amended by replacing "he is responsible," by "they are responsible, the Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre and".

17. Section 30 is amended by replacing "A territorial director" in the second paragraph by "The Director of the Bureau de la coordination du Nord-du-Québec, the Director of the Bureau de gestion de projet de l'axe routier 73/175, the Director of the Bureau des grands projets, the Director of the Bureau de projet de l'autoroute 30, the Director of the Bureau des projets Turcot et Saint-Pierre, a territorial director".

18. 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. 756-2011, 22 June 2011

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry – Québec — Amendment

Decree to amend the Decree respecting the automotive services industry in the Québec region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the automotive services industry in the Québec region (c. D-2, r. 11);

WHEREAS the contracting parties designated in the Decree have, under section 6.1 of the Act, applied to the Minister of Labour to have amendments made to the Decree;

WHEREAS sections 2 and 6.1 of the Act authorize the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the amending decree was published in Part 2 of the *Gazette officielle du Québec* of 9 February 2011 and, on the same date, in a French language newspaper and in an English language newspaper with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comment was made in respect of the draft Decree;

WHEREAS it is expedient to make the draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Québec region be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Québec region

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, ss. 2 and 6.1)

1. The Decree respecting the automotive services industry in the Québec region (c. D-2, r. 11) is amended in section 1.02

(1) by replacing "Association des ateliers de réparation d'automobiles du Québec (AARAQ) inc." in subsection 1 by "La Corporation des ateliers de réparation d'automobiles du Québec";

(2) by replacing "National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), local 1044" in subsection 2 by "La section locale 4511 du Syndicat national de l'automobile, de l'aérospatiale, du transport et des autres travailleurs et travailleuses".

2. Section 3.01 is amended

(1) by inserting ", within the qualifying period established by the employer for payroll," after "days" in paragraph 2;

(2) by inserting", within the qualifying period established by the employer for payroll," after "days" in paragraph 3.

3. Section 3.05 is revoked.

4. Section 3.06 is amended by replacing "24" by "32".

5. The following is added after section 3.06:

"**3.07.** An employee who is required to appear as a witness before a court or a quasi-judicial body in a case concerning his or her employer, other than a grievance or penal proceedings instituted by the parity committee, where the employee is not one of the interested parties has no reduction in wages for the period during which the employee's presence is required in court.".

6. Section 5.02 is replaced by the following:

"**5.02.** An employee is deemed to be at work

(1) while available to the employer at the place of employment and required to wait for work to be assigned;

(2) during the break periods granted by the employer;

(3) when travel is required by the employer;

(4) during any trial or training period required by the employer.".

7. The following is added after section 5.02:

"**5.03.** An employee may refuse to work more than 4 hours after regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest or, more than 12 working hours per 24-hour period if the employee's daily working hours are flexible or non-consecutive.

5.04. An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training.".

8. Section 6.02 is replaced by the following:

"**6.02.** To benefit from a statutory general holiday referred to in section 6.01, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday.".

9. The following is inserted after section 6.03:

"**6.03.1.** When a holiday falls on a day that is not a regular working day for the employee, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the 12 complete weeks of pay preceding the week of the holiday.".

10. Section 6.07 is revoked.

11. Section 7.03 is amended by adding the following after the third paragraph:

"Such additional leave need not follow immediately a leave under the first paragraph and it may not be divided, or be replaced by a compensatory indemnity.".

12. Section 7.06 is replaced by the following:

"**7.06.** The annual leave must be taken within 12 months following the end of the reference year, except where a collective agreement allows it to be deferred until the following year.

Despite the first paragraph, the employer may, at the request of the employee, allow the annual leave to be taken, in whole or in part, during the reference year.

In addition, if at the end of the 12 months following the end of a reference year, the employee is absent owing to sickness, accident or a criminal offence or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.".

13. Section 8.04 is amended

(1) by replacing "on his wedding day" in the first paragraph by "on the day of his or her wedding or civil union";

(2) by replacing "on the wedding day of one of his children, of his father, mother, brother or sister or a child of his spouse" in the second paragraph by "on the day of the wedding or civil union of his or her child, father, mother, brother or sister or of a child of his or her spouse.".

14. Section 8.05 is replaced by the following:

"**8.05.** An employee may be absent from work for 5 days at the birth of the employee's child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first 2 days of absence must be remunerated if the employee is credited with 60 days of uninterrupted service.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of its father or mother or after the termination of pregnancy.

The employee must advise the employer of his or her absence as soon as possible.".

15. Section 8.06 is replaced by the following:

"**8.06.** An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the custody, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of the employee's spouse, father, mother, brother, sister or one of the employee's grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise the employer of his or her absence as soon as possible and take the reasonable steps within his or her power to limit the leave and the duration of the leave.".

16. Section 8.07 is replaced by the following:

"**8.07.** In accordance with the provisions of the Act respecting labour standards (R.S.Q., c. N-1.1), a pregnant employee is entitled to a maternity leave, an employee is entitled to a paternity leave and the father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave.".

17. The following sections are added after section 8.07:

"**8.08.** An employee may be absent from work without pay for a medical examination related to her pregnancy or for an examination related to her pregnancy carried out by a midwife.

The employee must advise her employer as soon as possible of the time at which she will be absent.

8.09. An employee credited with 3 months of uninterrupted service may be absent from work without pay for a period of not more than 26 weeks over a period of 12 months, owing to sickness or accident.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001).

The employee must advise the employer of his or her absence as soon as possible, giving the reasons for it.

8.10. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment must not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

8.11. At the end of the period of absence referred to in section 8.09, the employer must reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the

position held by the employee no longer exists when the employee returns to work, the employer must recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph prevents an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness, accident or criminal offence or the repetitive nature of the absences constitute good and sufficient cause.

8.12. If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

8.13. Sections 8.09 to 8.12 do not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

8.14. An employee credited with 3 months of uninterrupted service may be absent from work for a period of not more than 12 weeks over a period of 12 months where the employee must stay with the employee's child, spouse, the child of the employee's spouse, the employee's father, mother, the spouse of the employee's father or mother, the employee's brother, sister or one of the employee's grandparents because of a serious illness or a serious accident.

The employee must advise the employer of his or her absence as soon as possible and provide the employer with a document justifying the employee's absence, if the employer so requests.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which must end at the latest 104 weeks after the beginning of the absence. Section 8.10, the first paragraph of section 8.11 and sections 8.12 and 8.13 apply to the employee's absence, adapted as required.

8.15. An employee is entitled to an extension of the period of absence under the first paragraph of section 8.14, which must end not later than 104 weeks after the beginning of that period, if the employee must stay with the employee's minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities.

8.16. In accordance with the provisions of the Act respecting labour standards, an employee may be absent from work

(1) if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position;

(2) if the employee's minor child has disappeared;

(3) if the employee's spouse or child commits suicide;

(4) if the death of the employee's spouse or child occurs during or results directly from a criminal offence; or

(5) if the employee is also a reservist of the Canadian Forces.".

18. Section 9.01 is replaced by the following:

"**9.01.** The minimum hourly wage rates are as follows:

Trades	As of 6 July 2011	As of 6 July 2012	As of 6 July 2013
1. Journeyman*			
Class A	$21.10	$21.63	$22.17
Class A/B	$19.25	$19.73	$20.22
Class B	$18.60	$19.07	$19.54
Class C	$16.55	$16.96	$17.39
Apprentice			
1st year	$12.30	$12.61	$12.92
2nd year	$13.08	$13.41	$13.74
3rd year	$13.77	$14.11	$14.47
4th year	$14.50	$14.86	$15.23
2. Parts Clerk			
Class A	$15.39	$15.77	$16.17
Class A/B	$14.92	$15.29	$15.68
Class B	$14.47	$14.83	$15.20
Class C	$14.03	$14.38	$14.74
Apprentice			
1st year	$10.84	$11.11	$11.39
2nd year	$11.52	$11.81	$12.10
3rd year	$12.29	$12.60	$12.91
4th year	$12.97	$13.29	$13.63
3. Messenger	$10.00	$10.25	$10.51

4. Dismantler			
1st year	$11.80	$12.10	$12.40
2nd year	$12.40	$12.71	$13.03
After 2 years	$13.00	$13.33	$13.66
5. Washer	$10.00	$10.25	$10.51
6. Pump Attendant		Minimum wage	
7. ServiceAttendant			
1st year	$11.00	$11.28	$11.56
2nd year	$12.00	$12.30	$12.61
After 2 years	$13.00	$13.33	$13.66
8. Service Salesperson			
1st year	$11.95	$12.25	$12.55
2nd year	$13.09	$13.42	$13.75
3rd year	$14.29	$14.65	$15.01
4th year	$15.40	$15.79	$16.18
5th year	$15.71	$16.10	$16.50
After 5 years	$16.03	$16.43	$16.84

".

19. Section 9.07 is replaced by the following:

"**9.07.** No employer may make deductions from wages unless the employer is required to do so pursuant to an Act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan, or a supplemental pension plan. The employer must remit the sums so withheld to their intended receiver.".

20. Section 13.01 is amended by replacing "2001", wherever it appears, by "2013".

21. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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* The notion of journeyman includes the trades of mechanic, diesel mechanic, welder, electrician, machinist, bodyworker, wheel aligner, automatic transmission specialist, painter, upholsterer and bodyman.

Gouvernement du Québec

O.C. 757-2011, 22 June 2011

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001)

Medical aid
— Amendment

Regulation to amend the Regulation respecting medical aid

WHEREAS, under subparagraph 3.1 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Commission de la santé et de la sécurité du travail may make regulations determining the care, treatment, technical aid and costs forming part of the medical aid referred to in paragraph 5 of section 189 of the Act and specifying the cases in which, the conditions on which and up to what amount payments may be made as well as the prior authorizations to which such payments may be subject;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q, c. R-18.1) and section 455 of the Act respecting industrial accidents and occupational diseases, a draft of the Regulation to amend the Regulation respecting medical aid was published in Part 2 of the *Gazette officielle du Québec* of 5 January 2011 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation without amendment at its sitting of 25 March 2011;

WHEREAS it is expedient that the Government approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting medical aid, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting medical aid*

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 454, 1st par., subpar. 3.1)

1. The Regulation respecting medical aid is amended in section 11 by replacing "dispenser" by "supplier".

2. The following is inserted after section 17:

"***§3.*** *Special rules for psychology and neuropsychology*

17.1 The Commission assumes the cost of psychological and neuropsychological care administered by a psychologist entered on the roll of the Ordre professionnel des psychologues du Québec.

17.2 The Commission pays the amount in Schedule I for psychological and neuropsychological care if the Commission and the physician in charge of the worker have received, for each worker, an evaluation report and, if treatment is provided, a progress report, where required, and a final treatment report.

A progress report must be prepared for each 10-hour period of treatment. If treatment is completed within or at the end of a 10-hour period, only a final report must be prepared.

The reports must be sent within 15 days of the date of the last meeting giving rise to the report.

17.3 A report referred to in section 17.2 must contain the information prescribed in Schedule IV and be signed by the psychologist who administered the care.".

3. Schedule I is amended by replacing "Psychological care, hourly rate $65.00" under "Psychology" by "Psychological and neuropsychological care, hourly rate $86.60".

4. Schedule III is amended

(1) by replacing "REPORT CONTENT" by "CONTENT OF PHYSIOTHERAPY AND OCCUPATIONAL THERAPY REPORTS";

(2) by replacing "dispenser" in paragraph 3 of section 1 by "supplier".

5. The Regulation is amended by adding Schedule IV:

"**SCHEDULE IV**
(s. 17.3)

CONTENT OF PSYCHOLOGY AND NEUROPSYCHOLOGY REPORTS

(1) An evaluation report, a progress report and a final treatment report must contain

(1) the worker's name, health insurance number, telephone number and address, and the Commission's record number;

(2) the psychologist's name and permit number, the telephone number and services supplier number or, where applicable, the group number;

(3) the signature of the psychologist who administered the care and the date of the signature;

(4) the name of the physician in charge of the worker and the number of the physician's permit to practise;

(5) the date of the employment injury and, where applicable, the date of any relapse, reoccurrence or aggravation; and

(6) the diagnosis by the physician in charge of the worker giving rise to the referral or, where applicable, the reason for the referral.

(2) An evaluation report must also contain

(1) the dates of the evaluation meetings;

(2) the history of the case and the relevant antecedents that may have an impact on the treatment plan;

(3) the factors intrinsic and extrinsic to the employment injury that could have an impact on the worker's psychological and social functioning and his or her return to work;

(4) the worker's perception of his or her situation in relation to the employment injury and his or her capacity to return to work;

(5) the problems associated with the employment injury and their impact on the return to work;

* The Regulation respecting medical aid, approved by Order in Council 288-93 dated 3 March 1993 (1993, *G.O.* 2, 963), was last amended by the regulation approved by Order in Council 368-2009 dated 25 March 2009 (2009, *G.O.* 2, 1276). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2011, updated to 1 April 2011.

(6) the nature, dates and frequency of the activities carried out, including, where applicable, the tests carried out;

(7) an analysis of all the data and observations and, where applicable, of the tests carried out;

(8) the findings of the evaluation and the recommendations;

(9) in the case of a neuropsychological evaluation, the observations on the worker's behaviour during the meetings and when taking the tests, and the evaluation of the worker's behaviour in the following areas: cognitive, motor, somesthetic, affective, personality and perception; and

(10) in the case of treatment, an individualized treatment plan containing, among others things,

i. the clinical approach and the therapeutic methods being considered;

ii. the objectives sought by the treatment;

iii. the therapeutic activities to be implemented;

iv. the participation expected from the worker;

v. the means used to measure the progress made under the individualized treatment plan;

vi. the prognosis regarding the attainment of results;

vii. the date set for the beginning of treatment;

viii. the number and frequency of the meetings scheduled.

(3) A progress report must contain, in addition to the information required by section 1,

(1) the dates of the meetings for each 10-hour period of treatment;

(2) a reminder of the objectives sought by the treatment;

(3) the therapeutic activities implemented in relation to the objectives sought;

(4) the evaluation of the worker's progress in relation to the objectives sought;

(5) the worker's perception of his or her progress in relation to the objectives sought;

(6) where applicable, the changes to be made to the individualized treatment plan and the recommendations; and

(7) the number and frequency of the meetings scheduled.

(4) A final treatment report must contain, in addition to the information required by section 1,

(1) the dates of the meetings since the previous report;

(2) the problems associated with the employment injury identified in the initial evaluation;

(3) the therapeutic activities implemented in relation to the objectives sought;

(4) the worker's perception in relation to the attainment of the objectives;

(5) an analysis and an evaluation of the results in relation to the objectives sought, including the intrinsic and extrinsic factors having contributed to or hindered the attainment of the objectives; and

(6) the grounds for terminating treatment.".

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. 759-2011, 22 June 2011

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Cartage industry – Montréal — Amendment

Decree to amend the Decree respecting the cartage industry in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the cartage industry in the Montréal region (R.R.Q., c. D-2, r. 2);

WHEREAS the contracting parties designated in the Decree have, under section 6.1 of the Act, applied to the Minister of Labour to have amendments made to the Decree;

WHEREAS sections 2 and 6.1 of the Act authorize the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft of the amending decree was published in Part 2 of the *Gazette officielle du Québec* of 16 March 2011 and, on the same date, in a French language newspaper and in an English language newspaper with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comment was made in respect of the draft Decree;

WHEREAS it is expedient to make the draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Montréal region, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif,

Decree to amend the Decree respecting the cartage industry in the Montréal region

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, ss. 2 and 6.1)

1. The Decree respecting the cartage industry in the Montréal region (R.R.Q., c. D-2, r. 2) is amended in section 9.01 by replacing the third, fourth and fifth paragraphs by the following:

"The monthly premium payable by the employer for each insurable employee in the plan is $155 and the monthly premium payable by each insurable employee is $121.49 to which an amount corresponding to 50% of the increase required by the insurer is added, respectively, for 2011.

For each subsequent increase, the monthly premium is determined in accordance with the third paragraph by replacing the amounts of $155 and $121.49 by the amounts of the premium calculated pursuant to the third paragraph. The monthly premiums payable by the employer and by each employee may not exceed $200 and $160, respectively.

For the insurable employee who works less than 40 hours during the month and receives less than $500, the monthly premium payable by the employer for the employee is $145.93 and the monthly premium payable by the employee is $38.94 to which an amount corresponding to 50% of the increase required by the insurer is added, respectively, for 2011.

For each subsequent increase, the monthly premium is determined in accordance with the fifth paragraph by replacing the amounts of $145.93 and $38.94 by the amounts of the premium calculated pursuant to the fifth paragraph.".

2. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

1544

M.O., 2011

Order number 2011-10 of the Minister of Transport dated 20 June 2011

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

Riding of bicycles on shoulders

THE MINISTER OF TRANSPORT,

CONSIDERING section 633.2 of the Highway Safety Code (R.S.Q., c. C-24.2), which provides that the Minister of Transport may, after consultation with the Société de l'assurance automobile du Québec, temporarily suspend the application of a provision of the Code, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that section 633.2 of the Code also provides that the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety;

CONSIDERING that section 633.2 of the Code provides that the publication requirement set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1) does not apply to an order made under section 633.2;

CONSIDERING that, after consultation with the Société, it is advisable to allow a person on a bicycle to ride on the shoulder, rather than compel the person on a bicycle to ride on the extreme right-hand side of the roadway;

ORDERS AS FOLLOWS:

1. The provisions of section 487 of the Highway Safety Code (R.S.Q., c. C-24.2) are suspended for a person on a bicycle riding on the shoulder of the right-hand lane and in the same direction as traffic in that lane, or against the traffic if authorized to do so.

2. This Order ceases to have effect on July 6, 2016.

SAM HAMAD,
Minister of Transport

1530

M.O., 2011

Order of the Minister of Education, Recreation and Sports dated 15 June 2011

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

CONCERNING the Regulation to amend the Regulation respecting safety in Alpine ski centres

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

CONSIDERING paragraph 8 of section 55.1 of the Act respecting safety in sports (R.S.Q., c. S-3.1) concerning the determination of the posters, signs, pictographs and charts which must be displayed on the premises of an Alpine ski centre and the prescription of their content, form, colour, size and location and the size of the characters;

CONSIDERING paragraph 11 of section 55.1 of the Act concerning the prescription of standards relating to the use of vehicles on a ski slope while it is open to skiers and the limitation or, where advisable, prohibition of the use of vehicles on slopes;

CONSIDERING paragraph 12 of section 55.1 of the Act concerning the prescription of standards relating to the practice of a sport, other than Alpine skiing, that is intended to be practised on ski slopes and the prohibition or limitation of the practice of a sport, other than Alpine skiing, that is intended to be practised on ski slopes;

CONSIDERING paragraph 13 of section 55.1 of the Act concerning the prescription of standards as to the minimum age and the qualifications and training of first-aiders and of persons providing instruction in Alpine skiing or in any other sport intended to be practised on ski slopes;

CONSIDERING paragraph 14 of section 55.1 of the Act concerning the prescription of the form and content of the accident report form;

CONSIDERING paragraph 15 of section 55.1 of the Act concerning the prescription of any other safety standard relating to the practice of Alpine skiing or of any other sport intended to be practised on ski slopes, such as standards for the layout, lighting, maintenance and signalization of ski slopes;

CONSIDERING that the Government made the Regulation respecting safety in Alpine ski centres by Order in Council 1788-88 dated 30 November 1988;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 22 December 2010 of a draft of the Regulation to amend the Regulation respecting safety in Alpine ski centres, 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 on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the aforementioned draft Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting safety in Alpine ski centres, attached to this Minister's Order, is hereby made.

Québec, 15 June 2011

LINE BEAUCHAMP,
Minister of Education, Recreation and Sport

Regulation to amend the Regulation respecting safety in Alpine ski centres

An Act respecting safety in sports
(R.S.Q., c. S-3.1, s. 55.1, pars. 8 and 11 to 15)

1. The Regulation respecting safety in Alpine ski centres is amended in section 6 by replacing the introductory paragraph and paragraph 1 by the following:

"**6.** When the centre is open to skiers,

(1) snowmobiles and all-terrain vehicles shall

(a) travel at all times with their lights on;

(b) be equipped with an automatic intermittent horn oriented toward the front, with a sound pressure level of at least 97 dB at a distance of 0.61 m measured in the absence of any reflecting surface and that emits at a frequency of between 700 and 2,800 Hz;

(c) be equipped with an orange flag at least 250 cm² in size or a flashing light device or a rotating amber beacon that shall always be in operation, mounted at least 2 m above the ground;".

2. Section 7.2 is amended

(1) by replacing "issued for 15 months" in the first paragraph by "valid until the end of the ski season during which it is issued or, if it is issued between two seasons, until the end of the ski season after its issue";

(2) by replacing "8" in the second paragraph by "4".

3. Section 7.3 is struck out.

4. Section 14 is amended by inserting ", except those serving exclusively a clearly identified learning area," after "lift" in the first paragraph.

5. Section 15 is amended by adding ", except those serving exclusively a clearly identified learning area" at the end.

6. Section 19 is amended

(1) by inserting "Air and water" before "Hydrants" in the first line;

(2) by replacing "a fluorescent orange flag at least 250 cm²" by "an orange flag at least 250 cm² in size";

(3) by striking out "d'eau" in the last line of the French text;

(4) by adding the following at the end:

"If an air hydrant and a water hydrant are less than one metre apart, a single flag is sufficient to indicate their presence.".

7. The heading "PARKS — PLAY AREAS" of Division V is replaced by "TERRAIN PARKS".

8. Section 21 is amended by replacing "park-play area" by "terrain park, except those in an area reserved for training or competitions".

9. Section 22 is amended by replacing the first sentence by the following: "Access to a terrain park elsewhere than at the entrances shall be prohibited by a permanent physical means.".

10. Section 23 is amended

(1) by replacing "park-play area" wherever it appears by "terrain park";

(2) by replacing "entrances of" by "entrances to".

11. The following is inserted after section 23:

"**24.** Pictograph 252 in Schedule 1 shall be placed at the entrances to the terrain park.".

12. Schedule 1 is amended

(1) by replacing the parenthesis under "SIGNS" by the following:

"(ss. 7, 7.01, 9, 13 to 18, 20, 22 and 24)";

(2) by adding the following in the "Regulatory symbols" section:

"pictograph 252

Helmet mandatory
Dimensions: 45 cm X 60 cm
Border: black
Background: white
Band: green
Symbol: black";

(2) by replacing pictograph 212 and the inscriptions under the pictograph by the following in the "Other symbols" section:

"pictograph 212

TERRAIN PARK
Dimensions: 30 cm X 30 cm
Shape: as illustrated
Colour: orange".

13. Schedule 4 is replaced by Schedule 4 attached to this Regulation.

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

Éducation, Loisir et Sport Québec

Accident report

N°

Space reserved for Department

Ski centre

Date (Year / Month / Day) **Time (24 h)** (Hour / Minutes)

Information on victim

Given name | Family name | Address | City | Province | Postal code | Area code | Telephone | Area code | Telephone (other)

Age

Sex: 1 M, 2 F

Skiing time

This season	Today
1 First day	1 Less than 2 hours
2 2-5 days	2 2-5 hours
3 6-10 days	3 More than 5 hours
4 11-15 days	
5 16 days or more	

Level: 1 Beginner, 2, 3 Intermediate, 4, 5 Expert

Lessons: 1 Never, 2 This year, 3 1-2 years ago, 4 3-4 years ago, 5 5 or more years ago

Type of activity: 1 Recreation, 2 Lesson, 3 School outing, 4 Training, 5 Competition

Information on accident

Location

1- Slope

Type of slope: 1 Standard, 2 Mogul run, 3 Underwood, 4 Outside the slope (prohibited), 5 Closed, 6 Other

Level of difficulty: 1 Easy, 2 Difficult, 3 Very difficult, 4 Extreme

2- Terrain park

Type of feature: 1 Jump, 2 Rail, 3 Box, 4 Half pipe, 5 Closed, 6 Boarder cross, 7 Other

Size of feature: 1 Small (S), 2 Medium (M), 3 Large (L), 4 Extra large (XL)

Area: 1 Approach, 2 Takeoff, 3 Feature, 4 Landing

3- Lift

Type of lift: 1 Surface, 2 Aerial

Area: 1 Loading, 2 Riding, 3 Unloading

4- Other: 1 Sliding area

Activity/Equipment

1- Ski: 1 Standard, 2 Parabolic, 3 Twin-tips, 4 Miniskis (release bindings), 5 Miniskis (non-release bindings)

2- Snowboard: 1 Racing style, 2 Freestyle, 3 Soft boots, 4 Hard boots

3- Cross country skiing

4- Telemark

5- Tubing

6- Other _____

Contributing factor/event

1	2	Contributing factor →	Followed by	Collision between the victim and
01	01	High speed	1 Fall	1 Another person*
02	02	Jump	2 Bad landing on a jump (without falling)	2 Pylon
03	03	Poor visibility	3 Fall followed by a collision	3 Tree
04	04	Misuse of lift	4 Collision	4 Snowmaking machine
05	05	Snow condition		5 Post
06	06	Someone else's fault		6 Fence
07	07	Condition of facility		7 Hydrant
08	08	Equipment failure		8 Motor vehicle
09	09	False manoeuvre		9 Lift
10	10	Handling of equipment		10 Feature
11	11	Other _____		11 Rock
				12 Other _____

* Other person(s) injured ☐ Yes

Environmental conditions

Weather

Sky: 1 Clear, 2 Cloudy, 3 Foggy

Precipitation: 1 Snow, 2 Rain, 3 Sleet

Wind: 1 None to mild, 2 Average to strong, 3 Blowing snow

Surface: 1 Powder snow (0-15 cm), 2 Deep powder, 3 Wet snow, 4 Groomed, 5 Hard pack with possible icy spots, 6 Corn, Crud, 7 Crusty

Visibility: 1 Good, 2 Reduced (field of vision -500 m), 3 Poor (field of vision -50 m)

Temperature: 1 Above 20 °C, 2 10 °C to 20 °C, 3 0 °C to 9 °C, 4 -1 °C to -10 °C, 5 -11 °C to -20 °C, 6 Below -20 °C

Type of light: 1 Artificial light (night), 2 Natural light (day)

Information on equipment

Equipment provided: 1 Victim, 2 Centre rental, 3 Rental elsewhere, 4 Demo, 5 Borrowed

Auto release

Side: 1 Right side, 2 Left side, 3 Both sides, 4 Did not release, 5 Non-release bindings

1 Bindings adjusted this season by a qualified person
2 Bindings adjusted last season by a qualified person
3 Bindings adjusted over a season ago by a qualified person
4 Do not know

Protection equipment worn: 1 Helmet, 2 Wrist guards, 3 Shin guards, 4 Goggles, 5 Sunglasses, 6 Other _____

Transportation of victim

From location of accident to first aid room: 1 In a toboggan, 2 In a motor vehicle, 3 By victim's own means, 4 By lift, 5 No transportation – treated on site, 6 Other _____

Observation after intervention

Level of consciousness victim: 1 Conscious, 2 Unconscious, 3 Period of unconsciousness

Condition of victim: 1 Calm, 2 Confused, 3 Agitated

Other observations: 1 Deformation, 2 Bleeding/hemorrhage, 3 Loss of motricity/sensation, 4 Seizure, 5 Allergic reaction, 6 Diabetic/insulin shock, 7 Epilepsy, 8 Low blood pressure, 9 Hyperventilation or other respiratory problems, 10 Impaired (alcohol or drugs)

Evacuation of victim

Departure of victim: 1 Alone, 2 Accompanied (ex: father, mother, etc.) _____, 3 By ambulance, 4 Return to the slope or the terrain park, 5 Unknown

Information on injury

1	2	3	Suspected injury
01	01	01	Sprain
02	02	02	Simple fracture
03	03	03	Open fracture
04	04	04	Dislocation
05	05	05	Bruise
06	06	06	Cut
07	07	07	Scratch
08	08	08	Frostbite
09	09	09	Hypothermia
10	10	10	Internal injury
11	11	11	Concussion
12	12	12	Dizziness
13	13	13	Heart problem
14	14	14	Stroke
15	15	15	Burn
16	16	16	Other

1	2	3	Part of the body		
01	01	01	Head		
02	02	02	Ear	(L)	(R)
03	03	03	Face		
04	04	04	Eye	(L)	(R)
05	05	05	Nose		
06	06	06	Mouth		
07	07	07	Neck		
08	08	08	Cervical spine		
09	09	09	Ribs	(L)	(R)
10	10	10	Thorax	(L)	(R)
11	11	11	Dorsal spine		
12	12	12	Lumbar spine		
13	13	13	Abdomen	(L)	(R)
14	14	14	Clavicle	(L)	(R)
15	15	15	Shoulder blade	(L)	(R)
16	16	16	Shoulder	(L)	(R)
17	17	17	Arm	(L)	(R)
18	18	18	Elbow	(L)	(R)
19	19	19	Forearm	(L)	(R)
20	20	20	Wrist	(L)	(R)
21	21	21	Hand	(L)	(R)
22	22	22	Thumb	(L)	(R)
23	23	23	Coccyx		
24	24	24	Hip/Pelvis	(L)	(R)
25	25	25	Thigh	(L)	(R)
26	26	26	Knee	(L)	(R)
27	27	27	Leg	(L)	(R)
28	28	28	Ankle	(L)	(R)
29	29	29	Foot	(L)	(R)
30	30	30	Heel	(L)	(R)

Additional information

Brief description of the accident

First aid, if applicable

☐ This part of the body has already sustained an injury ☐ Refusal of treatment

Hospital, CLSC or first-aid centre where victim was taken

Number of responders			
Number of the person completing the report			

Ministère de l'Éducation, du Loisir et du Sport

76-5010-500A (11-04)

ORIGINAL – RETURN TO THE ADDRESS ON THE BACK

Protection of personal information

The Ministère de l'Éducation, du Loisir et du Sport is responsible for supervising personal safety and integrity in the practice of sports under the Act respecting safety in sports (R.S.Q., c. S-3.1).

The information on this form is used for studies, research and statistics to be used to recommend new requirements on prevention in Québec ski centres.

You may therefore be contacted by the personnel of the department responsible for the functions mentioned above. Please note that you may refuse to participate in the inquiry, without consequence.

In accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information, you may access the information concerning you and have the information corrected if necessary.

Information

For further information, please contact the Direction de la promotion de la sécurité at

1 800 567-7902 (toll free) **or** 819 371-6033

Return address

Ministère de l'Éducation, du Loisir et du Sport
Direction de la promotion de la sécurité
100, rue Laviolette, bureau 306
Trois-Rivières (Québec) G9A 5S9

1526

M.O., 2011-03

Order number V-1.1-2011-03 of the Minister for Finance, dated 23 June 2011

Securities Act
(R.S.Q., c. V-1.1)

CONCERNING Regulation to amend Regulation 31-103 respecting Registration Requirements and Exemptions and Regulation to amend Regulation 33-109 respecting Registration Information

WHEREAS subparagraphs 1, 2, 3, 4.1, 8, 9, 11, 26, 27, 27.0.1, 27.0.2 and 34 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS order-in-council no. 55-2011 of February 9, 2011 concerning the Minister for Finance provides that the Minister for Finance exercises, under the supervising of the Minister of Finance, the functions for the application of the Securities Act;

WHEREAS the Regulation 31-103 respecting Registration Requirements and Exemptions has been approved by ministerial order no. 2009-04 dated September 9, 2009 (2009, *G.O.* 2, 3309A);

WHEREAS the Regulation 33-109 respecting Registration Information has been approved by ministerial order no. 2009-05 dated September 9, 2009 (2009, *G.O.* 2, 3362A);

WHEREAS there is cause to amend those regulations;

WHEREAS the draft Regulation to amend Regulation 31-103 respecting Registration Requirements and Exemptions and the draft Regulation to amend Regulation 33-109 respecting Registration Information were published in the *Bulletin de l'Autorité des marchés financiers*, volume 7, no. 25 of June 25, 2010;

WHEREAS the *Autorité des marchés financiers* made, on June 7, 2011, by the decision no. 2011-PDG-0073, Regulation to amend Regulation 31-103 respecting Registration Requirements and Exemptions and, by the decision no. 2011-PDG-0075, Regulation to amend Regulation 33-109 respecting Registration Information;

WHEREAS there is cause to approve those regulations without amendment;

CONSEQUENTLY, the Minister for Finance approves without amendment Regulation to amend Regulation 31-103 respecting Registration Requirements and Exemptions and Regulation to amend Regulation 33-109 respecting Registration Information appended hereto.

June 23, 2011

ALAIN PAQUET,
Minister for Finance

REGULATION TO AMEND REGULATION 31-103 RESPECTING REGISTRATION REQUIREMENTS AND EXEMPTIONS*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (3), (4.1), (8), (9), (11), (26), (27) and (34))

1. Regulation 31-103 respecting Registration Requirements and Exemptions is amended by replacing the title with the following:

"REGULATION 31-103 RESPECTING REGISTRATION REQUIREMENTS, EXEMPTIONS AND ONGOING REGISTRANT OBLIGATIONS".

2. Section 1.1 of the Regulation is amended:

(1) by replacing, in the French text of the definition of the expression "ACCFM", "ACCFM" with "ACFM";

(2) by replacing, in paragraph (d) of the definition of the expression "permitted client", the words "or dealer, other than as a scholarship plan dealer or a restricted dealer" with ", investment dealer, mutual fund dealer or exempt market dealer".

3. Paragraph (1) of section 1.3 of the Regulation is amended by replacing, wherever they occur, the words "registered firm" and the word "firm" with the word "person".

4. Subparagraph (a) of paragraph (1) of section 2.2 of the Regulation is amended by replacing the word "he" with the word "the".

5. Section 3.1 of the Regulation is amended:

(1) in the definition of the expression "PDO Exam":

(a) by replacing, in the French text, "Examen AAD" with "examen AAD";

(b) by replacing, in paragraph (a), the words "Investment Funds Institute of Canada" with the words "IFSE Institute";

(2) by inserting, after the definition of the expression "Canadian Securities Course Exam", the following:

* Regulation 31-103 respecting Registration Requirements and Exemptions, approved by Ministerial Order No. 2009-04 dated September 9, 2009 (2009, *G.O.* 2, 3309A), was amended solely by the regulation to amend the regulation approved by Ministerial Order No. 2010-17 dated December 3, 2010 (2010, *G.O.* 2, 3918).

““Chief Compliance Officers Qualifying Exam” means the examination prepared and administered by CSI Global Education Inc. and so named on September 28, 2009, and every examination that preceded that examination, or succeeded that examination, that does not have a significantly reduced scope and content when compared to the scope and content of the first-mentioned examination;”;

(3) by replacing the definition of the expression “Canadian Investment Funds Exam” with the following:

““Canadian Investment Funds Course Exam” means the examination prepared and administered by the IFSE Institute and so named on September 28, 2009, and every examination that preceded that examination, or succeeded that examination, that does not have a significantly reduced scope and content when compared to the scope and content of the first-mentioned examination;”.

6. Section 3.3 of the Regulation is replaced with the following:

“**3.3. Time limits on examination requirements**

(1) For the purpose of this Part, an individual is deemed to have not passed an examination unless the individual passed the examination not more than 36 months before the date of his or her application for registration.

(2) Subsection (1) does not apply if the individual passed the examination more than 36 months before the date of his or her application and has met one of the following conditions:

(a) the individual was registered in the same category in any jurisdiction of Canada at any time during the 36-month period before the date of his or her application;

(b) the individual has gained 12 months of relevant securities industry experience during the 36-month period before the date of his or her application.

(3) For the purpose of paragraph (2)(a), an individual is not considered to have been registered during any period in which the individual’s registration was suspended.”.

7. Paragraph (1) of section 3.4 of the Regulation is amended by adding, after the word “competently”, “, including understanding the structure, features and risks of each security the individual recommends”.

8. Section 3.5 of the Regulation is amended:

(1) by replacing, in the part preceding paragraph (a), the words "on behalf of the mutual fund dealer unless one or both" with "in respect of the securities listed in paragraph 7.1(2)(b) unless any";

(2) by replacing, in paragraph (a), the words "Funds Exam" with the words "Funds Course Exam";

(3) by replacing, in paragraph (b), the word "representative" with the word "individual";

(4) by adding, after paragraph (b), the following:

"(c) the individual has earned a CFA Charter and has gained 12 months of relevant securities industry experience in the 36-month period before applying for registration;

(d) the individual is exempt from section 3.11 because of subsection 16.10(1).".

9. Section 3.6 of the Regulation is amended:

(1) by replacing, in the French text of the part preceding paragraph (a), the word "désigner" with the word "nommer";

(2) in paragraph (a):

(a) by replacing, in subparagraph (i), the words "Funds Exam" with the words "Funds Course Exam";

(b) by replacing subparagraph (ii) with the following:

"(ii) the PDO Exam, the Mutual Fund Dealers Compliance Exam or the Chief Compliance Officers Qualifying Exam;";

(3) by adding, after paragraph (b), the following:

"(c) section 3.13 does not apply in respect of the individual because of subsection 16.9(2).".

10. Section 3.7 of the Regulation is replaced with the following:

"**3.7. Scholarship plan dealer – dealing representative**

A dealing representative of a scholarship plan dealer must not act as a dealer in respect of the securities listed in section 7.1(2)(c) unless the individual has passed the Sales Representative Proficiency Exam.".

11. Section 3.8 of the Regulation is amended:

(1) by replacing, in the French text of the part preceding paragraph (a), the word "désigner" with the word "nommer";

(2) by replacing paragraph (c) with the following:

"(c) the PDO Exam or the Chief Compliance Officers Qualifying Exam.".

12. Section 3.9 of the Regulation is amended:

(1) by replacing, in the part preceding paragraph (a), the words "act as a dealer on behalf of the exempt market dealer" with the words "perform an activity listed in section 7.1(2)(d)";

(2) by replacing paragraph (c) with the following:

"(c) the individual has earned a CFA Charter and has gained 12 months of relevant securities industry experience in the 36-month period before applying for registration;

(d) the individual satisfies the conditions set out in section 3.11;

(e) the individual is exempt from section 3.11 because of subsection 16.10(1).".

13. Section 3.10 of the Regulation is amended:

(1) by replacing, in the French text of the part preceding paragraph (a), the word "désigner" with the word "nommer";

(2) by replacing paragraph (a) with the following:

"(a) the individual has passed the following:

(i) the Exempt Market Products Exam or the Canadian Securities Course Exam; and

(ii) the PDO Exam or the Chief Compliance Officers Qualifying Exam;";

(3) by adding, after paragraph (b), the following:

"(c) section 3.13 does not apply in respect of the individual because of subsection 16.9(2).".

14. Sections 3.11 and 3.12 of the Regulation are replaced with the following:

"**3.11. Portfolio manager – advising representative**

An advising representative of a portfolio manager must not act as an adviser on behalf of the portfolio manager unless any of the following apply:

(a) the individual has earned a CFA Charter and has gained 12 months of relevant investment management experience in the 36-month period before applying for registration;

(b) the individual has received the Canadian Investment Manager designation and has gained 48 months of relevant investment management experience, 12 months of which was gained in the 36-month period before applying for registration.

"**3.12. Portfolio manager – associate advising representative**

An associate advising representative of a portfolio manager must not act as an adviser on behalf of the portfolio manager unless any of the following apply:

(a) the individual has completed Level 1 of the Chartered Financial Analyst program and has gained 24 months of relevant investment management experience;

(b) the individual has received the Canadian Investment Manager designation and has gained 24 months of relevant investment management experience.".

15. Section 3.13 of the Regulation is amended:

(1) by replacing, in the French text of the part preceding paragraph (a), the word "désigner" with the word "nommer";

(2) in paragraph (a):

(a) by replacing subparagraph (ii) with the following:

"(ii) passed the PDO Exam or the Chief Compliance Officers Qualifying Exam and, unless the individual has earned the CFA Charter, the Canadian Securities Course Exam, and;";

(b) by inserting, in subparagraph B) of subparagraph (iii) and after the word "and", the word "also";

(3) in paragraph (b):

(a) by replacing, in the part preceding subparagraph (i), the words "the PDO" with the words "either the PDO Exam or the Chief Compliance Officers Qualifying";

(b) by inserting, in subparagraph (ii) and after the word "and", the word "also";

(4) by replacing, in paragraph (c), the words "the PDO" with the words "either the PDO Exam or the Chief Compliance Officers Qualifying".

16. Section 3.14 of the Regulation is amended:

(1) by replacing, in the French text of the part preceding paragraph (a), the word "désigner" with the word "nommer";

(2) in paragraph (a):

(a) by replacing subparagraph (ii) with the following:

"(ii) passed the PDO Exam or the Chief Compliance Officers Qualifying Exam and, unless the individual has earned the CFA Charter, the Canadian Securities Course Exam, and";

(b) by inserting, in subparagraph B) of subparagraph (iii) and after the word "and", the word "also";

(3) in paragraph (b):

(a) by replacing, in subparagraph (i), the words "Funds Exam" with the words "Funds Course Exam";

(b) by inserting, in subparagraph (ii) and after the word "Exam", the words "or the Chief Compliance Officers Qualifying Exam";

(4) by adding, after paragraph (c), the following:

"(d) section 3.13 does not apply in respect of the individual because of subsection 16.9(2).".

17. Section 3.15 of the Regulation is replaced with the following:

"**3.15. Who must be approved by an SRO before registration**

(1) A dealing representative of an investment dealer that is a member of IIROC must be an "approved person" as defined under the rules of IIROC.

(2) Except in Québec, a dealing representative of a mutual fund dealer that is a member of the MFDA must be an "approved person" as defined under the rules of the MFDA.".

18. Section 3.16 of the Regulation is amended:

(1) by replacing, in the French text of paragraph (2), "ACCFM" with "ACFM";

(2) by replacing paragraph (3) with the following:

"(3) In Québec, the requirements listed in subsection (2) do not apply to a registered individual who is a dealing representative of a mutual fund dealer to the extent equivalent requirements to those listed in subsection (2) are applicable to the registered individual under the regulations in Québec.".

19. Section 4.1 of the Regulation is replaced with the following:

"**4.1. Restriction on acting for another registered firm**

(1) A registered firm must not permit an individual to act as a dealing, advising or associate advising representative of the registered firm if the individual

(a) acts as an officer, partner or director of another registered firm that is not an affiliate of the first-mentioned registered firm, or

(b) is registered as a dealing, advising or associate advising representative of another registered firm.

(2) Paragraph (1)(b) does not apply in respect of a representative whose registration as a dealing, advising or associate advising representative of more than one registered firm was granted before July 11, 2011.".

20. Paragraph (b) of section 5.2 of the French text of the Regulation is amended by replacing the word "contrôler" with the word "surveiller".

21. Section 6.7 of the Regulation is replaced with the following:

"**6.7. Exception for individuals involved in a hearing or proceeding**

Despite section 6.6, if a hearing or proceeding concerning a suspended registrant is commenced under securities legislation or under the rules of an SRO, the registrant's registration remains suspended.".

22. Section 7.1 of the Regulation is amended:

(1) by deleting, in subparagraph (ii) of subparagraph (b) of paragraph (2), the words "except in Québec,";

(2) by deleting paragraph (3).

23. Section 8.6 of the Regulation is amended:

(1) by replacing the title with the following:

"**8.6. Investment fund trades by adviser to managed account**";

(2) by replacing, in paragraph (1), the words "a non-prospectus qualified investment fund" with the words " an investment fund";

(3) by deleting, in paragraph (2), the words "non-prospectus qualified";

(4) by replacing, in paragraph (3), "7" with "10".

24. Paragraph (1) of section 8.16 of the Regulation is amended by deleting the definition of the expression "control person".

25. Paragraph (5) of section 8.17 of the Regulation is amended by replacing "8.3.1" with "8.4".

26. Section 8.18 of the Regulation is amended:

(1) by replacing paragraph (1) with the following:

"(1) In this section

"Canadian permitted client" means a permitted client referred to in any of paragraphs (a) to (e), (g) or (i) to (r) of the definition of "permitted client" in section 1.1 if

(a) in the case of an individual, the individual is a resident of Canada;

(b) in the case of a trust, the terms of the trust expressly provide that those terms are governed by the laws of a jurisdiction of Canada;

(c) in any other case, the permitted client is incorporated, organized or continued under the laws of Canada or a jurisdiction of Canada;

"foreign security" means

(a) a security issued by an issuer incorporated, formed or created under the laws of a foreign jurisdiction, or

(b) a security issued by a government of a foreign jurisdiction.";

(2) in paragraph (2):

(a) by inserting, in the part preceding subparagraph (a) and after the words "in respect of", the words "any of";

(b) by inserting, in subparagraphs (b), (c) and (d) and after the words "security with a", the word "Canadian";

(3) in paragraph (3):

(a) by replacing, in the part preceding subparagraph (a), the words "The exemptions under subsection (2) are" with the words "The exemption under subsection (2) is";

(b) by replacing subparagraph (d) with the following:

"(d) the person is acting as principal or as agent for

(i) the issuer of the securities,

(ii) a permitted client, or

(iii) a person that is not a resident of Canada;";

(4) by replacing paragraphs (4) and (5) with the following:

"(4) The exemption under subsection (2) is not available to a person in respect of a trade with a Canadian permitted client unless one of the following applies:

(a) the Canadian permitted client is a person registered under the securities legislation of a jurisdiction of Canada as an adviser or dealer;

(b) the person has notified the Canadian permitted client of all of the following:

(i) the person is not registered in the local jurisdiction to make the trade;

(ii) the foreign jurisdiction in which the head office or principal place of business of the person is located;

(iii) all or substantially all of the assets of the person may be situated outside of Canada;

(iv) there may be difficulty enforcing legal rights against the person because of the above;

(v) the name and address of the agent for service of process of the person in the local jurisdiction.

(5) A person that relied on the exemption in subsection (2) during the 12 month period preceding December 1 of a year must notify the regulator or, in Québec, the securities regulatory authority of that fact by December 1 of that year.";

(5) by adding, after paragraph (6), the following:

"(7) The adviser registration requirement does not apply to a person that is exempt from the dealer registration requirement under this section if the person provides advice to a client and the advice is

(a) in connection with an activity or trade described under subsection (2), and

(b) not in respect of a managed account of the client.".

27. Subparagraph (a) of paragraph (2) of section 8.19 of the Regulation is amended by inserting, at the end of subparagraph (i) and after the words "of the mutual fund dealer", the words "in respect of securities listed in paragraph 7.1(2)(b)".

28. Subparagraph (d) of paragraph (2) of section 8.22 of the Regulation is amended by replacing "$25 000" with "$25,000".

29. Section 8.26 of the Regulation is amended:

(1) by replacing, in paragraph (2), the definition of the expression "permitted client" with the following:

"Canadian permitted client" means a permitted client referred to in any of paragraphs (a) to (c), (e), (g) or (i) to (r) of the definition of "permitted client" in section 1.1 if

(a) in the case of an individual, the individual is a resident of Canada;

(b) in the case of a trust, the terms of the trust expressly provide that those terms are governed by the laws of a jurisdiction of Canada; and

(c) in any other case, the permitted client is incorporated, organized or continued under the laws of Canada or a jurisdiction of Canada.";

(2) by replacing paragraph (3) with the following:

"(3) The adviser registration requirement does not apply to a person in respect of its acting as an adviser to a Canadian permitted client if the adviser does not advise that client on securities of Canadian issuers, unless providing that advice is incidental to its providing advice on a foreign security.";

(3) in paragraph (4):

(a) by deleting, in subparagraph (b) and after the word "registered", ",";

(b) by replacing, in subparagraph (d), the word "during" with the words "as at the end of";

(c) by replacing subparagraph (e) with the following:

"(e) before advising a client, the adviser notifies the client of all of the following:

(i) the adviser is not registered in the local jurisdiction to provide the advice described under subsection (3);

(ii) the foreign jurisdiction in which the adviser's head office or principal place of business is located;

(iii) all or substantially all of the adviser's assets may be situated outside of Canada;

(iv) there may be difficulty enforcing legal rights against the adviser because of the above;

(v) the name and address of the adviser's agent for service of process in the local jurisdiction;";

(4) by replacing paragraph (5) with the following:

"(5) A person that relied on the exemption in subsection (3) during the 12 month period preceding December 1 of a year must notify the regulator or, in Québec, the securities regulatory authority of that fact by December 1 of that year.".

30. Section 8.27 of the Regulation is amended by replacing, in the French text of the part preceding paragraph (a), the word "courtier" with the words "gestionnaire de fonds d'investissement".

31. Section 8.29 of the Regulation is amended by adding, after paragraph (2), the following:

"(3) This section does not apply in Ontario.".

32. Section 9.3 of the Regulation is amended:

(1) by replacing, in the title, "**SRO**" with "**IIROC**";

(2) in paragraph (1):

(a) by replacing the part preceding subparagraph (a) with the following:

"(1) Unless it is also registered as an investment fund manager, a registered firm that is a member of IIROC is exempt from the following requirements:";

(b) by inserting, after subparagraph (l), the following:

"(l.1) section 13.15;";

(3) by replacing paragraph (2) with the following:

"(2) Despite subsection (1), if a registered firm is a member of IIROC and is registered as an investment fund manager, the firm is exempt from the following requirements:

(a) section 12.3;

(b) section 12.6:

(c) section 12.12;

(d) subsection 13.2(3);

(e) section 13.3;

(f) section 13.12;

(g) section 13.13;

(h) section 13.15;

(i) subsection 14.2(2);

(j) section 14.6;

(k) section 14.8;

(l) section 14.9;

(m) section 14.12.";

(4) by deleting paragraphs (3) to (6).

33. The Regulation is amended by adding, after section 9.3, the following:

"**9.4. Exemptions from certain requirements for MFDA members**

(1) Unless it is also registered as an exempt market dealer, a scholarship plan dealer or an investment fund manager, a registered firm that is a member of the MFDA is exempt from the following requirements:

(a) section 12.1;

(b) section 12.2;

(c) section 12.3;

(d) section 12.6;

(e) section 12.7;

(f) section 12.10;

(g) section 12.11;

(h) section 12.12;

(i) section 13.3;

(j) section 13.12;

(k) section 13.13;

(l) section 13.15;

(m) subsection 14.2(2);

(n) section 14.6;

(o) section 14.8;

(p) section 14.9;

(q) section 14.12.

(2) If a registered firm is a member of the MFDA and is registered as an exempt market dealer, scholarship plan dealer or investment fund manager, the firm is exempt from the following requirements:

(a) section 12.3;

(b) section 12.6;

(c) section 13.3;

(d) section 13.12;

(e) section 13.13;

(f) section 13.15;

(g) subsection 14.2(2);

(h) section 14.6;

(i) section 14.8;

(j) section 14.9;

(k) section 14.12.

(3) Subsections (1) and (2) do not apply in Québec.

(4) In Québec, the requirements listed in subsection (1) do not apply to a mutual fund dealer to the extent equivalent requirements to those listed in subsection (1) are applicable to the mutual fund dealer under the regulations in Québec.".

34. Section 10.6 of the Regulation is replaced with the following:

"**10.6. Exception for firms involved in a hearing or proceeding**

Despite section 10.5, if a hearing or proceeding concerning a suspended registrant is commenced under securities legislation or under the rules of an SRO, the registrant's registration remains suspended.".

35. Section 11.1 of the Regulation is amended, in the French text of the part preceding paragraph (a), by replacing the word "contrôles" with the word "contrôle".

36. Paragraph (2) of section 11.2 of the Regulation is replaced with the following:

"(2) A registered firm must designate an individual under subsection (1) who is one of the following:

(a) the chief executive officer of the registered firm or, if the firm does not have a chief executive officer, an individual acting in a capacity similar to a chief executive officer;

(b) the sole proprietor of the registered firm;

(c) the officer in charge of a division of the registered firm, if the activity that requires the firm to register occurs only within the division and the firm has significant other business activities.".

37. The title of section 11.4 of the Regulation is replaced with the following:

"**11.4. Providing access to the board of directors**".

38. Subparagraph (a) of paragraph (2) of section 11.5 of the Regulation is amended by inserting, after the words "delivered to", the words "the regulator or, in Québec,".

39. Section 11.6 of the Regulation is amended by inserting, in subparagraph (c) of paragraph (1) and in paragraph (2), after the words "the regulator or", ", in Québec,";

40. Section 11.9 of the Regulation is amended:

(1) in paragraph (3):

(a) by deleting, in subparagraph (a), the words "in connection with an amalgamation, merger, arrangement, reorganization or treasury issue";

(b) by deleting, in subparagraph (b), the words "that are listed and posted for trading on an exchange";

(2) by inserting, in paragraph (4) and after the words "that the regulator", the words "or the securities regulatory authority";

(3) by inserting, in paragraph (6) and after the words "the regulator or", ", in Québec,".

41. Section 11.10 of the Regulation is amended:

(1) by replacing paragraph (3) with the following:

"(3) This section does not apply to an acquisition in which the beneficial ownership of, or direct or indirect control or direction over, a registered firm does not change.";

(2) by replacing, in paragraph (4), the word "transaction" with the word "acquisition".

42. Section 12.1 of the Regulation is amended:

(1) by replacing, in paragraph (1), the word "using" with the words "in accordance with";

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

"(2) The excess working capital of a registered firm, as calculated in accordance with Form 31-103F1 Calculation of Excess Working Capital, must not be less than zero for 2 consecutive days.";

(3) by adding, after paragraph (4), the following:

"(5) This section does not apply to a registered firm that is a member of IIROC and is registered as an investment fund manager if all of the following apply:

(a) the firm has a minimum capital of not less than $100,000 as calculated in accordance with IIROC Form 1 Joint Regulatory Financial Questionnaire and Report;

(b) the firm notifies the regulator or, in Québec, the securities regulatory authority as soon as possible if, at any time, the firm's risk adjusted capital, as calculated in accordance with IIROC Form 1 Joint Regulatory Financial Questionnaire and Report is less than zero;

(c) the risk adjusted capital of the firm, as calculated in accordance with IIROC Form 1 Joint Regulatory Financial Questionnaire and Report, is not less than zero for 2 consecutive days.

(6) This section does not apply to a mutual fund dealer that is a member of the MFDA if it is also registered as an exempt market dealer, a scholarship plan dealer or an investment fund manager and if all of the following apply:

(a) the firm has a minimum capital, as calculated in accordance with MFDA Form 1 MFDA Financial Questionnaire and Report, of not less than

(i) $50,000, if the firm is registered as an exempt market dealer or scholarship plan dealer,

(ii) $100,000, if the firm is registered as an investment fund manager;

(b) the firm notifies the regulator or, in Québec, the securities regulatory authority as soon as possible if, at any time, the firm's risk adjusted capital, as calculated in accordance with MFDA Form 1 MFDA Financial Questionnaire and Report is less than zero;

(c) the risk adjusted capital of the firm, as calculated in accordance with MFDA Form 1 MFDA Financial Questionnaire and Report, is not less than zero for 2 consecutive days.".

43. Section 12.2 of the Regulation is amended by replacing "5" with "10".

44. Paragraph (2) of section 12.3 of the Regulation is amended by deleting, after the words "Appendix A", the word "and".

45. Paragraphs (2) and (3) of section 12.4 of the Regulation are amended by deleting, after the words "Appendix A", the word "and".

46. Paragraph (2) of section 12.5 of the Regulation is amended by deleting, after the words "Appendix A", the word "and".

47. Section 12.8 of the Regulation is amended:

(1) by replacing, in the title, the words "**a regulator or**" with the words "**the regulator or the**";

(2) by replacing, in the part preceding paragraph (a), the word "submit" with the word "deliver";

(3) by replacing, in paragraph (b), "7th" with "10th".

48. Sections 12.10 and 12.11 of the Regulation are amended by inserting, in paragraph (1) and after the word "regulator", the words "or, in Québec, the securities regulatory authority".

49. Section 12.12 of the Regulation is amended:

(1) par inserting, after paragraph (2), the following:

"(2.1) If a registered firm is a member of the MFDA and is registered as an exempt market dealer or scholarship plan dealer, the firm is exempt from paragraphs (1)(b) and (2)(b) if all of the following apply:

(a) the firm has a minimum capital of not less than $50,000 as calculated in accordance with MFDA Form 1 MFDA Financial Questionnaire and Report;

(b) the firm delivers to the regulator or, in Québec, the securities regulatory authority a completed MFDA Form 1 MFDA Financial Questionnaire and Report no later than the 90th day after the end of its financial year that shows the calculation of the firm's risk adjusted capital as at the end of the financial year and as at the end of the immediately preceding financial year, if any;

(c) the firm delivers to the regulator or, in Québec, the securities regulatory authority a completed MFDA Form 1 MFDA Financial Questionnaire and Report no later than the 30th day after the end of the first, second and third quarter of its financial year that shows the calculation of the firm's risk adjusted capital as at the end of the quarter and as at the end of the immediately preceding month, if any.";

(2) by replacing paragraph (3) with the following:

"(3) Subsection (2) does not apply to an exempt market dealer unless it is also registered in another category.".

50. Section 12.14 of the Regulation is amended by adding, after paragraph (3), the following:

"(4) If a registered firm is a member of IIROC and is registered as an investment fund manager, the firm is exempt from paragraphs (1)(b) and (2)(b) if

(a) the firm has a minimum capital of not less than $100,000, as calculated in accordance with IIROC Form 1 Joint Regulatory Financial Questionnaire and Report;

(b) the firm delivers to the regulator or, in Québec, the securities regulatory authority a completed IIROC Form 1 Joint Regulatory Financial Questionnaire and Report, no later than the 90th day after the end of its financial year, that shows the calculation of the firm's risk adjusted capital as at the end of the financial year and as at the end of the immediately preceding financial year, if any, and

(c) the firm delivers to the regulator or, in Québec, the securities regulatory authority a completed IIROC Form 1 Joint Regulatory Financial Questionnaire and Report, no later than the 30th day after the end of the first, second and third interim period of its financial year, that shows the calculation of the firm's risk adjusted capital as at the end of the interim period and as at the end of the immediately preceding month, if any.

(5) If a registered firm is a member of the MFDA and is registered as an investment fund manager, the firm is exempt from paragraphs (1)(b) and (2)(b) if

(a) the firm has a minimum capital of not less than $100,000, as calculated in accordance with MFDA Form 1 MFDA Financial Questionnaire and Report;

(b) the firm delivers to the regulator or, in Québec, the securities regulatory authority a completed MFDA Form 1 MFDA Financial Questionnaire and Report, no later than the 90th day after the end of its financial year, that shows the calculation of the firm's risk adjusted capital as at the end of the financial year and as at the end of the immediately preceding financial year, if any, and

(c) the firm delivers to the regulator or, in Québec, the securities regulatory authority a completed MFDA Form 1 MFDA Financial Questionnaire and Report, no later than the 30th day after the end of the first, second and third interim period of its financial year, that shows the calculation of the firm's risk adjusted capital as at the end of the interim period and as at the end of the immediately preceding month, if any.".

51. Section 13.1 of the Regulation is replaced with the following:

"**13.1. Investment fund managers exempt from this Division**

This Division does not apply to an investment fund manager in respect of its activities as an investment fund manager.".

52. Section 13.2 of the Regulation is amended:

(1) in paragraph (3):

(a) by deleting, in the part preceding subparagraph (a), the words "under paragraph (2)(a)";

(b) by replacing, in subparagraph (i) of subparagraph (b), "10%" with "25%";

(2) by adding, after paragraph (6), the following:

"(7) Paragraph (2)(b) does not apply to a registrant in respect of a client for which the registrant only trades securities referred to in paragraphs 7.1(2)(b) and (2)(c).".

53. Paragraph (b) of section 13.6 of the Regulation is amended by inserting, after the words "affiliate of", ", or is managed by an affiliate of,".

54. Sections 13.8 and 13.9 of the Regulation are replaced with the following:

"**13.8. Permitted referral arrangements**

A registered firm, or a registered individual whose registration is sponsored by the registered firm, must not participate in a referral arrangement with another person unless,

(a) before a client is referred by or to the registrant, the terms of the referral arrangement are set out in a written agreement between the registered firm and the person;

(b) the registered firm records all referral fees, and

(c) the registrant ensures that the information prescribed by subsection 13.10(1) is provided to the client in writing before the party receiving the referral either opens an account for the client or provides services to the client.

"**13.9. Verifying the qualifications of the person receiving the referral**

A registered firm, or a registered individual whose registration is sponsored by the registered firm, must not refer a client to another person unless the firm first takes reasonable steps to satisfy itself that the person has the appropriate qualifications to provide the services, and if applicable, is registered to provide those services.".

55. Paragraph (1) of section 13.10 of the Regulation is amended:

(1) by replacing, in subparagraph (a), the words "referral arrangement" with the words "agreement referred to in paragraph 13.8(a)";

(2) by replacing, in paragraph (b), the words "referral arrangement" with the word "agreement";

(3) by replacing, in paragraph (c), the words "referral arrangement" with the word "agreement";

(4) by replacing, in the French text of paragraph (e), the words "à l'entente" with the words "au contrat".

56. Section 13.12 of the Regulation is replaced with the following:

"**13.12. Restriction on lending to clients**

(1) A registrant must not lend money, extend credit or provide margin to a client.

(2) Notwithstanding subsection (1), an investment fund manager may lend money on a short term basis to an investment fund it manages, if the loan is for the purpose of funding redemptions of its securities or meeting expenses incurred by the investment fund in the normal course of its business.".

57. Paragraph (2) of section 13.13 of the Regulation is amended:

(1) by adding, at the end of the part preceding subparagraph (a), the words "one of the following applies";

(2) by deleting, in the French text of subparagraph (a), the word "tôt";

(3) by deleting subparagraph (b).

58. Section 13.14 of the Regulation is amended:

(1) by replacing paragraph (1) with the following:

"(1) This Division does not apply to an investment fund manager in respect of its activities as an investment fund manager.";

(2) by replacing, in paragraph (2), the words "A registered firm in Québec" with the words "In Québec, a registered firm".

59. Section 14.1 of the Regulation is replaced with the following:

"**14.1. Investment fund managers exempt from Part 14**

Other than sections 14.6, 14.12(5) and 14.14, this Part does not apply to an investment fund manager in respect of its activities as an investment fund manager.".

60. Paragraph (2) of section 14.2 is amended:

(1) by replacing subparagraph (j) with the following:

"(j) if section 13.16 applies to the registered firm, disclosure that independent dispute resolution or mediation services are available at the registered firm's expense, to resolve any dispute that might arise between the client and the firm about any trading or advising activity of the firm or one of its representatives;";

(2) by replacing, in subparagraph (k), the word "firm" with the words "registered firm".

61. Section 14.5 of the Regulation is replaced with the following:

"**14.5. Notice to clients by non-resident registrants**

(1) A registered firm whose head office is not located in the local jurisdiction must provide a client in the local jurisdiction with a statement in writing disclosing the following:

(a) the firm is not resident in the local jurisdiction;

(b) the jurisdiction in Canada or the foreign jurisdiction in which the head office or the principal place of business of the firm is located;

(c) all or substantially all of the assets of the firm may be situated outside the local jurisdiction;

(d) there may be difficulty enforcing legal rights against the firm because of the above;

(e) the name and address of the agent for service of process of the firm in the local jurisdiction.

(2) This section does not apply to a registered firm whose head office is in Canada if the firm is registered in the local jurisdiction.".

62. Section 14.12 of the Regulation is amended:

(1) by replacing the part preceding subparagraph (a) of paragraph (1) with the following:

"(1) A registered dealer that has acted on behalf of a client in connection with a purchase or sale of a security must promptly deliver to the client or, if the client consents in writing, to a registered adviser acting for the client, a written confirmation of the transaction, setting out the following:";

(2) by replacing paragraph (3) with the following:

"(3) Paragraph (1)(h) does not apply if all of the following apply:

(a) the security is a security of a mutual fund that is established and managed by the registered dealer or by an affiliate of the registered dealer, in its capacity as investment fund manager of the mutual fund;

(b) the names of the dealer and the mutual fund are sufficiently similar to indicate that they are affiliated or related.";

(3) by adding, after paragraph (4), the following:

"(5) A registered investment fund manager that has executed a redemption order received directly from a security holder must promptly deliver to the security holder a written confirmation of the redemption, setting out the following:

(a) the quantity and description of the security redeemed;

(b) the price per security received by the client;

(c) the commission, sales charge, service charge and any other amount charged in respect of the redemption;

(d) the settlement date of the redemption.

(6) Section 14.12 (5) does not apply to trades in a security of an investment fund made on reliance on section 8.6.".

63. Section 14.13 of the Regulation is amended:

(1) by replacing, in the title, the words "**Semi-annual confirmations**" with the word "**Confirmations**";

(2) by deleting paragraph (d).

64. Section 14.14 of the Regulation is amended:

(1) by replacing the title with the following:

"**14.14. Account statements**";

(2) by deleting, in paragraph (2), ", other than a mutual fund dealer,";

(3) by inserting, after paragraph (2), the following:

"(2.1) Subsection (2) does not apply to a mutual fund dealer in connection with its activities as a dealer in respect of the securities listed in paragraph 7.1(2)(b).";

(4) by inserting, after paragraph (3), the following:

"(3.1) If there is no dealer of record for a security holder on the records of a registered investment fund manager, the investment fund manager must deliver a statement to the security holder at least once every 12 months.";

(5) by replacing paragraph (4) with the following:

"(4) A statement delivered under subsection (1), (2), (3) or (3.1) must include all of the following information for each transaction made for the client or security holder during the period covered by the statement:

(a) the date of the transaction;

(b) the type of transaction;

(c) the name of the security;

(d) the number of securities;

(e) the price per security;

(f) the total value of the transaction.";

(6) by replacing the part preceding subparagraph (a) of paragraph (5) with the following:

"(5) A statement delivered under subsection (1), (2), (3) or (3.1) must include all of the following information about the client's or security holder's account as at the end of the period for which the statement is made:";

(7) by replacing paragraph (6) with the following:

"(6) Subsections (1) and (2) do not apply to a scholarship plan dealer if both of the following apply:

(a) the dealer is not registered in another dealer or adviser category;

(b) the dealer delivers to the client a statement at least once every 12 months that provides the information in subsections (4) and (5).".

65. Paragraph (1) of section 15.1 of the Regulation is amended by inserting, after the words "regulator or", ", in Québec,".

66. Paragraph (3) of section 16.4 of the Regulation is amended by inserting, after the words "registered dealer or", the word "a".

67. Paragraphs (1) and (2) of section 16.5 of the Regulation are replaced with the following:

"(1) A person is not required to register in the local jurisdiction as an investment fund manager if it is registered, or has applied for registration, as an investment fund manager in the jurisdiction of Canada in which its head office is located.

(2) Subsection (1) ceases to have effect on September 28, 2012.".

68. Paragraph (2) of section 16.6 of the Regulation is replaced with the following:

"(2) Subsection (1) ceases to have effect on September 28, 2012.".

69. Section 16.9 of the Regulation is amended by inserting, in the part preceding subparagraph (a) of paragraph (2) and after the words "firm's compliance officer", the words "in a jurisdiction of Canada".

70. Paragraph (1) of section 16.10 of the Regulation is amended by inserting, after the words "is registered", the words "in a jurisdiction of Canada".

71. Section 16.16 of the Regulation is amended:

(1) by inserting, in paragraph (1) and after the word "firm", the words "in a jurisdiction of Canada";

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

"(2) Subsection (1) ceases to have effect on September 28, 2012.".

72. Section 16.17 of the Regulation is replaced with the following:

"**16.17. Account statements – mutual fund dealers**

(1) Section 14.14 does not apply to a person that was, on September 28, 2009, either of the following:

(a) a member of the MFDA;

(b) a mutual fund dealer in Québec, unless it was also a portfolio manager in Québec.

(2) Subsection (1) ceases to have effect on September 28, 2011.".

73. Form 31-103F1 of the Regulation is replaced with the following:

"**FORM 31-103F1**
CALCULATION OF EXCESS WORKING CAPITAL

_____
Firm Name

Capital Calculation
(as at _____ with comparative figures as at _____)

	Component	Current period	Prior period
1.	Current assets		
2.	Less current assets not readily convertible into cash (e.g., prepaid expenses)		
3.	Adjusted current assets Line 1 minus line 2 =		
4.	Current liabilities		
5.	Add 100% of long-term related party debt unless the firm and the lender have executed a subordination agreement in the form set out in Appendix B and the firm has delivered a copy of the agreement to the regulator or, in Québec, the securities regulatory authority		
6.	Adjusted current liabilities Line 4 plus line 5 =		
7.	Adjusted working capital Line 3 minus line 6 =		

8.	Less minimum capital		
9.	Less market risk		
10.	Less any deductible under the bonding or insurance policy required under Part 12 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations		
11.	Less Guarantees		
12.	Less unresolved differences		
13.	Excess working capital		

Notes:

This form must be prepared using the accounting principles that you use to prepare your financial statements in accordance with Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards (M.O. 2010-16, 10-12-03). Section 12.1 of Policy Statement to Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations provides further guidance in respect of these accounting principles.

Line 5. Related-party debt – Refer to the CICA Handbook for the definition of "related party" for publicly accountable enterprises.

Line 8. Minimum Capital – The amount on this line must be not less than (a) $25,000 for an adviser and (b) $50,000 for a dealer. For an investment fund manager, the amount must be not less than $100,000 unless subsection 12.1(4) applies.

Line 9. Market Risk – The amount on this line must be calculated according to the instructions set out in Schedule 1 to this Form.

Line 11. Guarantees – If the registered firm is guaranteeing the liability of another party, the total amount of the guarantee must be included in the capital calculation. If the amount of a guarantee is included in the firm's statement of financial position as a current liability and is reflected in line 4, do not include the amount of the guarantee on line 11.

Line 12. Unresolved differences – Any unresolved differences that could result in a loss from either firm or client assets must be included in the capital calculation.

The examples below provide guidance as to how to calculate unresolved differences:

(i) If there is an unresolved difference relating to client securities, the amount to be reported on Line 12 will be equal to the fair value of the client securities that are short, plus the applicable margin rate for those securities.

(ii) If there is an unresolved difference relating to the registrant's investments, the amount to be reported on Line 12 will be equal to the fair value of the investments (securities) that are short.

(iii) If there is an unresolved difference relating to cash, the amount to be reported on Line 12 will be equal to the amount of the shortfall in cash.

Please refer to section 12.1 of Policy Statement to Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations for further guidance on how to prepare and file this form.

Management Certification

Registered Firm Name: _____

We have examined the attached capital calculation and certify that the firm is in compliance with the capital requirements as at _____.

Name and Title	**Signature**	**Date**
1.		
_____	_____	_____
_____	_____	_____
2.		
_____		
_____		

"SCHEDULE 1 OF FORM 31-103F1 CALCULATION OF EXCESS WORKING CAPITAL
(calculating line 9 [market risk])

For purposes of completing this form:

(1) "Fair value" means the value of a security determined in accordance with Canadian GAAP applicable to publicly accountable enterprises.

(2) For each security whose value is included in line 1, Current Assets, multiply the fair value of the security by the margin rate for that security set out below. Add up the resulting amounts for all of the securities you hold. The total is the "market risk" to be entered on line 9.

(a) Bonds, Debentures, Treasury Bills and Notes

(i) Bonds, debentures, treasury bills and other securities of or guaranteed by the Government of Canada, of the United Kingdom, of the United States of America and of any other national foreign government (provided such foreign government securities are currently rated Aaa or AAA by Moody's Investors Service, Inc. or Standard & Poor's Corporation, respectively), maturing (or called for redemption):

within 1 year:	1% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year to 3 years:	1% of fair value
over 3 years to 7 years:	2% of fair value
over 7 years to 11 years:	4% of fair value
over 11 years:	4% of fair value

(ii) Bonds, debentures, treasury bills and other securities of or guaranteed by any jurisdiction of Canada and obligations of the International Bank for Reconstruction and Development, maturing (or called for redemption):

within 1 year:	2% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year to 3 years:	3% of fair value
over 3 years to 7 years:	4% of fair value
over 7 years to 11 years:	5% of fair value
over 11 years:	5% of fair value

(iii) Bonds, debentures or notes (not in default) of or guaranteed by any municipal corporation in Canada or the United Kingdom maturing:

within 1 year:	3% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year to 3 years:	5 % of fair value
over 3 years to 7 years:	5% of fair value
over 7 years to 11 years:	5% of fair value
over 11 years:	5% of fair value

(iv) Other non-commercial bonds and debentures, (not in default): 10% of fair value

(v) Commercial and corporate bonds, debentures and notes (not in default) and non-negotiable and non-transferable trust company and mortgage loan company obligations registered in the registered firm's name maturing:

within 1 year:	3% of fair value
over 1 year to 3 years:	6 % of fair value
over 3 years to 7 years:	7% of fair value
over 7 years to 11 years:	10% of fair value
over 11 years:	10% of fair value

(b) Bank Paper

Deposit certificates, promissory notes or debentures issued by a Canadian chartered bank (and of Canadian chartered bank acceptances) maturing:

within 1 year:	2% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year:	apply rates for commercial and corporate bonds, debentures and notes

(c) Acceptable foreign bank paper

Deposit certificates, promissory notes or debentures issued by a foreign bank, readily negotiable and transferable and maturing:

within 1 year:	2% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year:	apply rates for commercial and corporate bonds, debentures and notes

"Acceptable Foreign Bank Paper" consists of deposit certificates or promissory notes issued by a bank other than a Canadian chartered bank with a net worth (i.e., capital plus reserves) of not less than $200,000,000.

(d) Mutual Funds

Securities of mutual funds qualified by prospectus for sale in any jurisdiction of Canada:

(i) 5% of the net asset value per security as determined in accordance with Regulation 81-106 respecting Investment Fund Continuous Disclosure (M.O. 2005-05, 05-05-19), where the fund is a money market mutual fund as defined in Regulation 81-102 respecting Mutual Funds (Decision 2001-C-0209, 01-05-22); or

(ii) the margin rate determined on the same basis as for listed stocks multiplied by the net asset value per security of the fund as determined in accordance with Regulation 81-106 respecting Investment Fund Continuous Disclosure.

(e) Stocks

In this paragraph, "securities" includes rights and warrants and does not include bonds and debentures.

(i) On securities including investment fund securities, rights and warrants, listed on any exchange in Canada or the United States of America:

Long Positions – Margin Required

Securities selling at $2.00 or more – 50% of fair value

Securities selling at $1.75 to $1.99 – 60% of fair value

Securities selling at $1.50 to $1.74 – 80% of fair value

Securities selling under $1.50 – 100% of fair value

Short Positions – Credit Required

Securities selling at $2.00 or more – 150% of fair value

Securities selling at $1.50 to $1.99 - $3.00 per share

Securities selling at $0.25 to $1.49 – 200% of fair value

Securities selling at less than $0.25 – fair value plus $0.25 per shares

(ii) For positions in securities that are constituent securities on a major broadly-based index of one of the following exchanges, 50% of the fair value:

(a) Australian Stock Exchange Limited
(b) Bolsa de Madrid
(c) Borsa Italiana
(d) Copenhagen Stock Exchange
(e) Euronext Amsterdam
(f) Euronext Brussels
(g) Euronext Paris S.A.
(h) Frankfurt Stock Exchange
(i) London Stock Exchange
(j) New Zealand Exchange Limited
(k) Stockholm Stock Exchange
(l) Swiss Exchange
(m) The Stock Exchange of Hong Kong Limited
(n) Tokyo Stock Exchange

(f) Mortgages

(i) For a firm registered in any jurisdiction of Canada except Ontario:

(a) Insured mortgages (not in default): 6% of fair value

(b) Mortgages which are not insured (not in default): 12% of fair value of the loan or the rates set by Canadian financial institutions or Schedule III banks, whichever is greater.

(ii) For a firm registered in Ontario:

(a) Mortgages insured under the National Housing Act (R.S.C., 1985, c. N-11) (not in default): 6% of fair value

(b) Conventional first mortgages (not in default): 12% of fair value of the loan or the rates set by Canadian financial institutions or Schedule III banks, whichever is greater.

(g) For all other securities – 100% of fair value.".

74. Form 31-103F2 of the Regulation is replaced with the following:

"**FORM 31-103F2 SUBMISSION TO JURISDICTION AND APPOINTMENT OF AGENT FOR SERVICE**
(sections 8.18 [international dealer] and 8.26 [international adviser])

1. Name of person ("International Firm"):

2. If the International Firm was previously assigned an NRD number as a registered firm or an unregistered exempt international firm, provide the NRD number of the firm.

3. Jurisdiction of incorporation of the International Firm:

4. Head office address of the International Firm:

5. The name, e-mail address, phone number and fax number of the International Firm's chief compliance officer.

Name:
E-mail address:
Phone:
Fax:

6. Section of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations the International Firm is relying on:

☐ Section 8.18
☐ Section 8.26
☐ Other

7. Name of agent for service of process (the "Agent for Service"):

8. Address for service of process on the Agent for Service:

9. The International Firm designates and appoints the Agent for Service at the address stated above as its agent upon whom may be served a notice, pleading, subpoena, summons or other process in any action, investigation or administrative, criminal, quasi-criminal or other proceeding (a "Proceeding") arising out of or relating to or concerning the International Firm's activities in the local jurisdiction and irrevocably waives any right to raise as a defence in any such proceeding any alleged lack of jurisdiction to bring such Proceeding.

10. The International Firm irrevocably and unconditionally submits to the non-exclusive jurisdiction of the judicial, quasi-judicial and administrative tribunals of the local jurisdiction in any Proceeding arising out of or related to or concerning the International Firm's activities in the local jurisdiction.

11. Until 6 years after the International Firm ceases to rely on section 8.18 or section 8.26, the International Firm must submit to the securities regulatory authority

a. a new Submission to Jurisdiction and Appointment of Agent for Service in this form no later than the 30th day before the date this Submission to Jurisdiction and Appointment of Agent for Service is terminated; and

b. an amended Submission to Jurisdiction and Appointment of Agent for Service no later than the 30th day before any change in the name or above address of the Agent for Service.

12. This Submission to Jurisdiction and Appointment of Agent for Service is governed by and construed in accordance with the laws of the local jurisdiction.

Dated: _____

_____
(Signature of the International Firm or authorized signatory)

_____
(Name and Title of authorized signatory)

Acceptance

The undersigned accepts the appointment as Agent for Service of (Insert name of International Firm) under the terms and conditions of the foregoing Submission to Jurisdiction and Appointment of Agent for Service.

Dated: _____

_____
(Signature of Agent for Service or authorized signatory)

_____
(Name and Title of authorized signatory)".

75. Form 31-103F3 of the Regulation is amended:

(1) by replacing, in the French text of the title, "**(articles 2.2)**" with "**(article 2.2)**";

(2) by replacing, in the first paragraph, the words "and Exemptions" with ", Exemptions and Ongoing Registrant Obligations".

76. Appendix B of the Regulation is amended:

(1) by replacing "Regulation 31-103 respecting Registration Requirements and Exemptions " with "Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations";

(2) by replacing, in paragraph (1), the word "owned" with the word "owed";

(3) by replacing, in paragraph (4), the words "prior to" with the words "10 days before".

77. The Regulation is amended by replacing, wherever it occurs in the French text, "ACCFM" with "ACFM".

78. This Regulation comes into force on July 11, 2011.

REGULATION TO AMEND REGULATION 33-109 RESPECTING REGISTRATION INFORMATION*

Securities Act
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (4.1), (26), (27), (27.0.1), (27.0.2) and (34))

1. Section 1.1 of Regulation 33-109 respecting Registration Information is amended:

(1) by deleting, in the definition of the expression "permitted individual", the words "who is not a registered individual and";

(2) by inserting, in the French text of the part preceding paragraph (a) of the definition of the expression "registered individual" and after the word "mobilières", the words "afin d'agir".

2. Paragraph (2) of section 2.3 of the Regulation is amended:

(1) by replacing, in the part preceding subparagraph (a), the words "and Exemptions" with ", Exemptions and Ongoing Registrant Obligations";

(2) by inserting, in the part preceding subparagraph (i) of subparagraph (b) and after "to resign,", the words "resigned voluntarily";

3. Sections 2.5, 3.1 and 3.2 of the Regulation are amended by replacing, wherever they occur, "7 days" with "10 days".

4. Section 4.1 of the Regulation is amended:

(1) by replacing, in paragraph (1), "7 days" with "10 days";

(2) in paragraph (4):

(a) by adding, at the end of the part preceding subparagraph (a), ":";

(b) by replacing, at the end of subparagraph (a), ", or" with ";";

(c) by replacing subparagraph (b) with the following:

"(b) the removal or the addition of a category of registration;

(c) the surrender of registration in one or more non-principal jurisdictions.".

* Regulation 33-109 respecting Registration Information, approved by Ministerial Order No. 2009-05 dated September 9, 2009 (2009, *G.O.* 2, 3362A), was amended solely by the regulation to amend the regulation approved by Ministerial Order No. 2010-17 dated December 3, 2010 (2010, *G.O.* 2, 3918).

5. Section 4.2 of the Regulation is amended:

(1) by replacing subparagraph (b) of paragraph (1) with the following:

"(b) item 5 completed unless the reason for termination under item 4 was death of the individual.";

(2) by replacing, in subparagraph (a) of paragraph (2), "7 days" with "10 days";

(3) by replacing paragraphs (3) and (4) with the following:

"(3) A registered firm must, within 10 days of a request from an individual for whom the registered firm was the former sponsoring firm, provide to the individual a copy of the Form 33-109F1 that the registered firm submitted under subsection (1) in respect of that individual.

(4) If a registered firm completed and submitted the information in item 5 of a Form 33-109F1 in respect of an individual who made a request under subsection (3) and that information was not included in the initial copy provided to the individual, the registered firm must provide to that individual a further copy of the completed Form 33-109F1, including the information in item 5, within the later of

(a) 10 days after the request by the individual under subsection (3), and

(b) 10 days after the submission pursuant to subsection (2)(b).".

6. Section 5.1 of the Regulation is amended:

(1) in paragraph (3):

(a) by replacing, at the end of the part preceding subparagraph (a), "," with "as follows:";

(b) by replacing, at the end of subparagraph (a), "," with ";";

(c) by replacing, at the end of subparagraph (b), ", or" with "; or";

(2) by replacing, in paragraph (5), the words "for an NRD submission" with the words "in respect of an NRD submission".

7. Section 6.2 of the Regulation is amended:

(1) in paragraph (2):

(a) by inserting, in the part preceding subparagraph (a) and after the words "a registered firm that was", the word "first";

(b) by replacing, in subparagraph (a) and in subparagraph (ii) of subparagraph (b), "7 days" with "10 days";

(2) by replacing, in paragraph (3), "7 days" with "10 days".

8. Section 6.3 of the Regulation is amended:

(1) by inserting, in paragraph (2) and after the words "by that date", ",";

(2) by replacing the part preceding subparagraph (i) of subparagraph (a) of paragraph (4) with the following:

"(a) a notice referred to in subsection 4.1(1) if the change relates to previously submitted information about any of the following items of the individual's Form 33-109F4:".

9. Form 33-109F1 of the Regulation is amended:

(1) by replacing, at the end of the paragraph under the title "**GENERAL INSTRUCTIONS**", the words "or permitted person has left their sponsoring firm" with the words "or permitted individual has left their sponsoring firm or has ceased to act in a registerable activity or as a permitted individual";

(2) by replacing, at the end of the paragraph under the title "**Terms**", ";" with ".";

(3) by replacing, in the first paragraph under the title "**When to submit the form**", the words "five business days" with "10 days";

(4) in item 5:

(a) by replacing the first paragraph with the following:

"Complete Item 5 except where the individual is deceased. In the space below:

- state the reason(s) for the cessation / termination and
- provide details if the answer to any of the following questions is "Yes".";

(b) by replacing "Not applicable: completed temporary employment contract, retired or deceased" with "Not applicable: individual is deceased";

(5) by deleting item 6;

(6) by deleting Schedule A.

10. Form 33-109F2 of the Regulation is amended :

(1) by replacing, in the title, "**section 4.2 or 2.2(2) or 2.5(2)**" with "**section 2.2(2), 2.4, 2.6(2) or 4.1(4)**";

(2) by replacing paragraph 1 of item 2 with the following:

"**1.** Are you filing this form under the passport system / interface for registration?

Choose "no" if you are registered in

(a) only one jurisdiction in Canada

(b) more than one jurisdiction in Canada and you are requesting a surrender in a non-principal jurisdiction or jurisdictions, but not in your principal jurisdiction

(c) more than one jurisdiction in Canada and you are requesting a change only in your principal jurisdiction

Yes ☐ No ☐";

(3) by replacing item 4 with the following:

"**Item 4 Adding categories**

1. Categories

What categories are you seeking to add?

_____

2. Professional liability insurance (Québec mutual fund dealers and Québec scholarship plan dealers)

If you are seeking registration as a representative of a mutual fund dealer or of a scholarship plan dealer in Québec, are you covered by your sponsoring firm's professional liability insurance?

Yes ☐ No ☐

If "No", state:

The name of your insurer_____

Your policy number_____

3. Relevant securities industry experience

If you have not been registered in the last 36 months and you passed the required examination more than 36 months ago, do you consider that you have gained 12 months of relevant securities industry experience during the 36 month period?

Yes ☐ No ☐ N/A ☐

If you are an individual applying for IIROC approval, select "Not Applicable" above.

If "yes", complete Schedule A.";

(4) by inserting, after item 8, the following:

"**SCHEDULE A**
Relevant securities industry experience (Item 4)

Describe your responsibilities in areas relating to the category you are applying for, including the title(s) you have held, as well as start and end dates:

_____
_____
_____

What is the percentage of your time devoted to these activities?
___ %

Indicate the continuing education activities which you have participated in during the last 36 months and which are relevant to the category of registration you are applying for:

_____

_____

_____

_____";

(5) in Schedule A

(a) by replacing, in the title, "**SCHEDULE A**" with "**SCHEDULE B**";

(b) by replacing, in the contact information under "**Alberta**", "4th Floor, 300 - 5th Avenue" with "Suite 600, 250 - 5th St." and "3C4" with "0R4";

(c) by replacing, in the contact information under "**Ontario**", the words "FOI Coordinator" with the words "Compliance and Registrant Regulation" and by adding, at the end, "E-mail: registration@osc.gov.on.ca".

11. Schedule A of Form 33-109F3 of the Regulation is amended:

(1) by replacing, in the contact information under "**Alberta**", "4th Floor, 300 - 5th Avenue" with "Suite 600, 250 - 5th St." and "3C4" with "0R4";

(2) by replacing, in the contact information under "**Ontario**", the words "FOI Coordinator" with the words "Compliance and Registrant Regulation" and by adding, at the end, "E-mail: registration@osc.gov.on.ca".

12. Form 33-109F4 of the Regulation is amended:

(1) by replacing, in the definition of the expression "Approved person" under the title "**Terms**", the words "in respect of a member of the IIROC (Member)" with the words "in respect of a member (Member) of the Investment Industry Regulatory Organization of Canada (IIROC)";

(2) by inserting, under the title "**How to submit this form**" and after the words "legal adviser", wherever they occur, the words "with securities regulation experience";

(3) in item 8:

(a) in question 1:

(i) by replacing, in the title, the words "**Course or examination**" with the words "**Course, examination or designation**";

(ii) by replacing, in the first paragraph, the words "course and examination" with the words "course, examination and designation";

(iii) by replacing, in the second paragraph, the words "course or examination" with the words "course, examination or designation";

(b) by adding, at the end of question 2, the following options:

"RESP Dealers Association of Canada:_____

Other: _____"»;

(c) by inserting, in question 3 and after the word "examination", ", designation";

(4) by inserting, after question 3, the following:

"**4. Relevant securities industry experience**

If you are an individual applying for IIROC approval, select "Not Applicable below".

If you have not been registered in the last 36 months and you passed the required examination more than 36 months ago, do you consider that you have gained 12 months of relevant securities industry experience during the 36 month period?

Yes ☐ No ☐ N/A ☐

If "yes", complete Schedule F.";

(5) by inserting, in question 4 of item 9 and after the words "Name of", the word "supervisor";

(6) by inserting, in item 1.3 of Schedule A, under "**Name 1:**" and after "No ☐", "N/A ☐";

(7) under the title "**Categories common to all jurisdictions under securities legislation**" of Schedule C:

(a) by replacing, in the French text of the title "***Individual categories and permitted activities***", "ACCFM" with "ACFM";

(b) by replacing the title "***Investment Industry Regulatory Organization of Canada***" with "***IIROC***";

(8) in item 8.1 of Schedule E:

(a) by replacing, in the title, the words "**Course or examination**" with the words "**Course, examination or designation**";

(b) by replacing, in the heading of the first column in the table, the words "**Course or examination**" with the words "**Course, examination, designation**";

(c) by adding, at the end, the following:

"If you have listed the CFA Charter in Item 8.1, please indicate by checking the box below whether you are a current member of the CFA Institute permitted to use the CFA Charter.

Yes ☐ No ☐

If "no", please explain why you no longer hold this designation:

_____
_____
_____
_____

If you have listed the CIM designation in Item 8.1, please indicate by checking the box below whether you are currently permitted to use the CIM designation.

Yes ☐ No ☐

If "no", please explain why you no longer hold this designation:

_____
_____
_____
_____
_____".

(9) in Schedule F:

(a) by replacing, in the title, "**Item 8.3**" with "**Items 8.3 and 8.4**";

(b) by inserting, in item 8.3 and after the word "examination", wherever it occurs, ", designation";

(c) by adding, after item 8.3, the following :

"**Item 8.4 Relevant securities industry experience**

Describe your responsibilities in areas relating to the category you are applying for, including the title(s) you have held, as well as the start and end dates:

_____
_____
_____

What is the percentage of your time devoted to these activities?
___ %

Indicate the continuing education activities which you have participated in during the last 36 months and which are relevant to the category of registration you are applying for:

_____

_____

_____

_____";

(10) by replacing item 5 of Schedule G with the following:

"**5. Conflicts of interest**

If you have more than one employer or are engaged in business related activities:

A. Disclose any potential for confusion by clients and any potential for conflicts of interest arising from your multiple employment or business related activities or proposed business related activities.

_____
_____
_____

B. Indicate whether or not any of your employers or organizations where you engage in business related activities are listed on an exchange.

_____
_____
_____

C. Confirm whether the firm has procedures for minimizing potential conflicts of interest and if so, confirm that you are aware of these procedures.

_____
_____
_____

D. State the name of the person at your sponsoring firm who has reviewed and approved your multiple employment or business related activities or proposed business related activities.

_____

E. If you do not perceive any conflicts of interest arising from this employment, explain why.

_____
_____
_____ »;

(11) in Schedule O:

(a) by replacing, in the contact information under "**Alberta**", "4th Floor, 300 - 5th Avenue" with "Suite 600, 250 - 5th St." and "3C4" with "0R4";

(b) by replacing, in the contact information under "**Ontario**", the words "FOI Coordinator" with the words "Compliance and Registrant Regulation" and by adding, at the end, "E-mail: registration@osc.gov.on.ca".

13. Form 33-109F5 of the Regulation is amended:

(1) by inserting, after paragraph (b) of the second paragraph under the title "**How to submit this form**", the following:

"Name of firm _____

Registration categories_____

NRD number (firm) _____";

(2) by inserting, in item 1 and under "☐ Form 33-109F6", the following sentence:

"If submitting changes to Form 33-109F6, please attach a blackline of the amended sections of the form.";

(3) by deleting, in question 2 of item 5, the following line:

"Name of firm";

(4) in Schedule A:

(a) by replacing, in the contact information under "**Alberta**", "4th Floor, 300 - 5th Avenue" with "Suite 600, 250 - 5th St." and "3C4" with "0R4";

(b) by replacing, in the contact information under "**Ontario**", the words "FOI Coordinator" with the words "Compliance and Registrant Regulation" and by adding, at the end, "E-mail: registration@osc.gov.on.ca".

14. Form 33-109F6 of the Regulation is amended:

(1) under the title "**Definitions**":

(a) by replacing, in the definition of the expression "NI 31-103", the words "*and Exemptions*" with "*, Exemptions and Ongoing Registrant Obligations*";

(b) by inserting, after the definition of the expression "NI 33-109", the following:

"NI 52-107 – National Instrument 52-107 *Acceptable Accounting Principles and Auditing Standards*";

(c) by inserting, after the definition of the expression "Form", the following:

"Jurisdiction or jurisdiction of Canada – see National Instrument 14-101 *Definitions*";

(d) by inserting, after the definition of the expression "Firm", the following:

"Foreign jurisdiction – see National Instrument 14-101 *Definitions*";

(2) by replacing, in point 2 under the title "**Contents of the form**", the words "and Manitoba" with ", Manitoba and New Brunswick";

(3) under the title "**How to complete and submit the form**":

(a) by deleting, in the next to last paragraph, the words "and fees";

(b) by inserting, after the next to last paragraph, the following:

"In most of this form, answers are required to questions which apply only to Canadian provinces and territories; you will find that the questions are referenced to "jurisdictions" or "jurisdiction of Canada". These refer to all provinces and territories of Canada. However, the questions in Part 4 –Registration History and Part 7 – Regulatory Action are to be answered in respect of any jurisdiction in the world.";

(4) in item 1.3:

(a) by replacing, under "**Complete:**", "Questions 1.1, 1.2, 1.4, 1.5, 2.4, and Part 9" with "Questions 1.1, 1.2, 1.4, 1.5, 2.4, 3.9, 5.4, 5.6* and Part 9" and "Questions 1.1, 1.2, 1.4, 1.5, 5.1, 5.4, 5.5, 5.6, 5.7, 5.8, Part 6 and Part 9" with "Questions 1.1, 1.2, 1.4, 1.5, 3.1, 5.1, 5.4, 5.5*, 5.6*, 5.7, 5.8, Part 6 and Part 9";

(b) by adding, at the end, the following:

"* If the firm is adding Québec as a jurisdiction for registration in the category of mutual fund dealer or scholarship plan dealer, complete question 5.6.";

(5) by inverting, in the table of item 1.4, under the title "Jurisdiction(s) where the firm has applied for the exemption" of item 1.5 and in paragraph (b) of item 2.2, "**NT**" and "**NS**";

(6) by replacing items 2.5 and 2.6 with the following:

"**2.5 Ultimate designated person**

A registered firm must have an individual registered in the category of ultimate designated person.

Legal name	
Officer title	
Telephone number	
E-mail address	
NRD number, if available	
Address ☐ Same as firm head office address	
Address line 1	
Address line 2	
City	Province/territory/state
Country	Postal/zip code

2.6 Chief compliance officer

☐ Same as ultimate designated person

A registered firm must have an individual registered in the category of chief compliance officer.

Legal name	
Officer title	
Telephone number	
E-mail address	
NRD number, if available	
Address ☐ Same as firm head office address	
Address line 1	
Address line 2	
City	Province/territory/state
Country	Postal/zip code

”;

(7) by replacing, in item 3.3, the words “or Manitoba” with “, Manitoba or New Brunswick”;

(8) in Part 4:

(a) by replacing, in the sentence under the title, the word “in the world” with the words “and any foreign jurisdiction”;

(b) by deleting, in item 4.5, the word “ever”;

(9) by replacing item 5.1 with the following:

“**5.1 Calculation of excess working capital**

Attach the firm’s calculation of excess working capital.

- Investment dealers must use the capital calculation form required by the Investment Industry Regulatory Organization of Canada (IIROC).

- Mutual fund dealers must use the capital calculation form required by the Mutual Fund Dealers Association of Canada (MFDA), except for mutual fund dealers registered in Québec only

- Firms that are not members of either IIROC or the MFDA must use Form 31-103F1 *Calculation of Excess Working Capital*. See Schedule C.";

(10) by inverting, in item 5.4, "NT" and "NS";

(11) by replacing items 5.5 and 5.6 with the following:

"**5.5 Bonding or insurance details**

This information is on the binder of insurance or on the financial institution bond.

Name of insurer	
Bond or policy number	
Specific insuring agreements and clauses	
Coverage for each claim ($)	Annual aggregate coverage ($)
Total coverage ($)	
Amount of the deductible ($)	Expiry date (yyyy/mm/dd)

If the firm's insurance or proposed insurance is not in the form of a financial institution bond, explain how it provides equivalent coverage to the bond.

5.6 Professional liability insurance (Québec only)

If the firm is seeking registration in Québec as a mutual fund dealer or a scholarship plan dealer, provide the following information about the firm's professional liability insurance:

Name of insurer	
Policy number	
Specific insuring agreements and clauses	
Coverage for each claim ($)	Annual aggregate coverage ($)
Total coverage ($)	
Amount of the deductible ($)	Renewal date (yyyy/mm/dd)
Jurisdictions covered: AB ☐ BC ☐ MB ☐ NB ☐ NL ☐ NS ☐ NT ☐ NU ☐ ON ☐ PE ☐ QC ☐ SK ☐ YT ☐	
Which insurance policy applies to your representatives? Firm's policy ☐ Individual's policy ☐ Both ☐	

";

(12) by replacing item 5.13 with the following:

"**5.13 Audited financial statements**

(a) Attach, for your most recently completed year, either

(i) non-consolidated audited financial statements; or

(ii) audited financial statements prepared in accordance with subsection 3.2(3) of NI 52-107.

(b) If the audited financial statements attached for item (a) were prepared for a period ending more than 90 days before the date of this application, also attach an interim financial report for a period of not more than 90 days before the date of this application.

If the firm is a start-up company, you can attach an audited opening statement of financial position instead.";

(13) in Part 6:

(a) by adding, under the instructions in the column to the left, the following:

"For guidance regarding whether a firm will hold or have access to client assets see section 12.4 of Companion Policy 31-103CP";

(b) by replacing the sentence under the title of item 6.1 with the following:

"Will the firm hold or have access to client assets?"

(14) in Part 7:

(a) by replacing the sentence under the title with the following:

"The questions in Part 7 apply to any jurisdiction and any foreign jurisdiction. The information must be provided in respect of the last 7 years.";

(b) by deleting, in item 7.1, the word "ever";

(15) by deleting, in the part preceding paragraph (a) of item 7.2, the word "ever";

(16) in Part 8:

(a) by adding, at the end of the sentence under the title, the following:

"The information must be provided in respect of the last 7 years.";

(b) by deleting, in item 8.1, the word "ever";

(17) in Schedule A:

(a) by replacing, in the contact information under "**Alberta**", "4th Floor, 300 - 5th Avenue" with "Suite 600, 250 - 5th St." and "3C4" with "0R4";

(b) by replacing, in the contact information under "**Ontario**", the words "FOI Coordinator" with the words "Compliance and Registrant Regulation" and by adding, at the end, "E-mail: registration@osc.gov.on.ca";

(18) in Schedule B:

(a) by replacing points 1 to 4 with the following:

"1. Name of person or company (the "Firm"):

2. Jurisdiction of incorporation of the person or company:

3. Name of agent for service of process (the "Agent for Service"):

4. Address for service of process on the Agent for Service:

Phone number of the Agent for Service: ";

(b) by replacing, wherever it occurs in point 7, "7th" with "10th";

(19) by replacing Schedule C with the following:

"**SCHEDULE C - FORM 31-103F1**
CALCULATION OF EXCESS WORKING CAPITAL

_____
Firm Name

Capital Calculation
(as at _____ with comparative figures as at _____)

	Component	Current period	Prior period
1.	Current assets		
2.	Less current assets not readily convertible into cash (e.g., prepaid expenses)		
3.	Adjusted current assets Line 1 minus line 2 =		
4.	Current liabilities		
5.	Add 100% of long-term related party debt unless the firm and the lender have executed a subordination agreement in the form set out in Appendix B and the firm has delivered a copy of the agreement to the regulator or, in Québec, the securities regulatory authority		
6.	Adjusted current liabilities Line 4 plus line 5 =		
7.	Adjusted working capital Line 3 minus line 6 =		

8.	Less minimum capital		
9.	Less market risk		
10.	Less any deductible under the bonding or insurance policy required under Part 12 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations		
11.	Less Guarantees		
12.	Less unresolved differences		
13.	Excess working capital		

Notes:

This form must be prepared using the accounting principles that you use to prepare your financial statements in accordance with Regulation 52-107 respecting Acceptable Accounting Principles and Auditing Standards (M.O. 2010-16, 10-12-03). Section 12.1 of Policy Statement to Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations provides further guidance in respect of these accounting principles.

Line 5. Related-party debt – Refer to the CICA Handbook for the definition of "related party" for publicly accountable enterprises.

Line 8. Minimum Capital – The amount on this line must be not less than (a) $25,000 for an adviser and (b) $50,000 for a dealer. For an investment fund manager, the amount must be not less than $100,000 unless subsection 12.1(4) applies.

Line 9. Market Risk – The amount on this line must be calculated according to the instructions set out in Schedule 1 to this Form.

Line 11. Guarantees – If the registered firm is guaranteeing the liability of another party, the total amount of the guarantee must be included in the capital calculation. If the amount of a guarantee is included in the firm's statement of financial position as a current liability and is reflected in line 4, do not include the amount of the guarantee on line 11.

Line 12. Unresolved differences – Any unresolved differences that could result in a loss from either firm or client assets must be included in the capital calculation.

The examples below provide guidance as to how to calculate unresolved differences:

(i) If there is an unresolved difference relating to client securities, the amount to be reported on Line 12 will be equal to the fair value of the client securities that are short, plus the applicable margin rate for those securities.

(ii) If there is an unresolved difference relating to the registrant's investments, the amount to be reported on Line 12 will be equal to the fair value of the investments (securities) that are short.

(iii) If there is an unresolved difference relating to cash, the amount to be reported on Line 12 will be equal to the amount of the shortfall in cash.

Please refer to section 12.1 of Policy Statement to Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations for further guidance on how to prepare and file this form.

Management Certification

Registered Firm Name: _____

We have examined the attached capital calculation and certify that the firm is in compliance with the capital requirements as at _____.

Name and Title	**Signature**	**Date**
1. _____		
_____	_____	_____
2. _____	_____	_____
_____		

SCHEDULE 1 OF FORM 31-103F1 CALCULATION OF EXCESS WORKING CAPITAL
(calculating line 9 [market risk])

For purposes of completing this form:

(1) "Fair value" means the value of a security determined in accordance with Canadian GAAP applicable to publicly accountable enterprises.

(2) For each security whose value is included in line 1, Current Assets, multiply the fair value of the security by the margin rate for that security set out below. Add up the resulting amounts for all of the securities you hold. The total is the "market risk" to be entered on line 9.

(a) Bonds, Debentures, Treasury Bills and Notes

(i) Bonds, debentures, treasury bills and other securities of or guaranteed by the Government of Canada, of the United Kingdom, of the United States of America and of any other national foreign government (provided such foreign government securities are currently rated Aaa or AAA by Moody's Investors Service, Inc. or Standard & Poor's Corporation, respectively), maturing (or called for redemption):

within 1 year:	1% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year to 3 years:	1 % of fair value
over 3 years to 7 years:	2% of fair value
over 7 years to 11 years:	4% of fair value
over 11 years:	4% of fair value

(ii) Bonds, debentures, treasury bills and other securities of or guaranteed by any jurisdiction of Canada and obligations of the International Bank for Reconstruction and Development, maturing (or called for redemption):

within 1 year:	2% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year to 3 years:	3 % of fair value
over 3 years to 7 years:	4% of fair value
over 7 years to 11 years:	5% of fair value
over 11 years:	5% of fair value

(iii) Bonds, debentures or notes (not in default) of or guaranteed by any municipal corporation in Canada or the United Kingdom maturing:

within 1 year:	3% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year to 3 years:	5 % of fair value
over 3 years to 7 years:	5% of fair value
over 7 years to 11 years:	5% of fair value
over 11 years:	5% of fair value

(iv) Other non-commercial bonds and debentures, (not in default): 10% of fair value

(v) Commercial and corporate bonds, debentures and notes (not in default) and non-negotiable and non-transferable trust company and mortgage loan company obligations registered in the registered firm's name maturing:

within 1 year:	3% of fair value
over 1 year to 3 years:	6 % of fair value
over 3 years to 7 years:	7% of fair value
over 7 years to 11 years:	10% of fair value
over 11 years:	10% of fair value

(b) Bank Paper

Deposit certificates, promissory notes or debentures issued by a Canadian chartered bank (and of Canadian chartered bank acceptances) maturing:

within 1 year:	2% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year:	apply rates for commercial and corporate bonds, debentures and notes

(c) Acceptable foreign bank paper

Deposit certificates, promissory notes or debentures issued by a foreign bank, readily negotiable and transferable and maturing:

within 1 year:	2% of fair value multiplied by the fraction determined by dividing the number of days to maturity by 365
over 1 year:	apply rates for commercial and corporate bonds, debentures and notes

"Acceptable Foreign Bank Paper" consists of deposit certificates or promissory notes issued by a bank other than a Canadian chartered bank with a net worth (i.e., capital plus reserves) of not less than $200,000,000.

(d) Mutual Funds

Securities of mutual funds qualified by prospectus for sale in any jurisdiction of Canada:

(i) 5% of the net asset value per security as determined in accordance with Regulation 81-106 respecting Investment Fund Continuous Disclosure (M.O. 2055-05, 05-05-19), where the fund is a money market mutual fund as defined in Regulation 81-102 respecting Mutual Funds (Decision 2001-C-0209, 01-05-22); or

(ii) the margin rate determined on the same basis as for listed stocks multiplied by the net asset value per security of the fund as determined in accordance with Regulation 81-106 respecting Investment Fund Continuous Disclosure.

(e) Stocks

In this paragraph, "securities" includes rights and warrants and does not include bonds and debentures.

(i) On securities including investment fund securities, rights and warrants, listed on any exchange in Canada or the United States of America:

Long Positions – Margin Required

Securities selling at $2.00 or more – 50% of fair value

Securities selling at $1.75 to $1.99 – 60% of fair value

Securities selling at $1.50 to $1.74 – 80% of fair value

Securities selling under $1.50 – 100% of fair value

Short Positions – Credit Required

Securities selling at $2.00 or more – 150% of fair value

Securities selling at $1.50 to $1.99 - $3.00 per share

Securities selling at $0.25 to $1.49 – 200% of fair value

Securities selling at less than $0.25 – fair value plus $0.25 per shares

(ii) For positions in securities that are constituent securities on a major broadly-based index of one of the following exchanges, 50% of the fair value:

(a) Australian Stock Exchange Limited
(b) Bolsa de Madrid
(c) Borsa Italiana
(d) Copenhagen Stock Exchange
(e) Euronext Amsterdam
(f) Euronext Brussels
(g) Euronext Paris S.A.
(h) Frankfurt Stock Exchange
(i) London Stock Exchange
(j) New Zealand Exchange Limited
(k) Stockholm Stock Exchange
(l) Swiss Exchange
(m) The Stock Exchange of Hong Kong Limited
(n) Tokyo Stock Exchange

(f) Mortgages

(i) For a firm registered in any jurisdiction of Canada except Ontario:

(a) Insured mortgages (not in default): 6% of fair value

(b) Mortgages which are not insured (not in default): 12% of fair value of the loan or the rates set by Canadian financial institutions or Schedule III banks, whichever is greater.

(ii) For a firm registered in Ontario:

(a) Mortgages insured under the National Housing Act (R.S.C., 1985, c. N-11) (not in default): 6% of fair value

(b) Conventional first mortgages (not in default): 12% of fair value of the loan or the rates set by Canadian financial institutions or Schedule III banks, whichever is greater.

(g) For all other securities – 100% of fair value.".

15. Form 33-109F7 of the Regulation is amended:

(1) in the general instructions:

(a) by replacing paragraph 1 with the following:

"1. this form is submitted on or before the end of three months after the cessation date of the individual's employment, partnership or agency relationship with the individual's former sponsoring firm:";

(b) by replacing paragraph 3 with the following:

"3. the individual's employment, partnership or agency relationship with their former sponsoring firm did not end because the individual was asked by the firm to resign, resigned voluntarily or was dismissed, following an allegation against the individual of criminal activity, a breach of securities legislation, or a breach of the rules of an SRO.";

(2) by inserting, at the end of the first paragraph under the title "**Terms**", the words "or their status as permitted individual";

(3) by replacing paragraph 5 of item 5 with the following:

"**5.** ☐ Check here if the mailing address of the location is the same as the business address provided above. Otherwise, complete the following:

Mailing address: _____
(number, street, city, province, territory or state, country, postal code)";

(4) by inserting, in subparagraph (b) of paragraph 2 of item 9 and after the words "you were asked by the firm to resign", the words "or resigned voluntarily";

(5) under the title "**Categories common to all jurisdictions under securities legislation**" of Schedule B:

(a) by replacing, under the title "*Catégories de personnes physiques et activités autorisées*" of the French text, "ACCFM" with "ACFM";

(b) by replacing the words "**Investment Industry Regulatory Organization of Canada**" with "**IIROC**";

(6) by replacing item 5 of Schedule D with the following:

"**5. Conflict of Interest**

If you have more than one employer or are engaged in business related activities:

A. Disclose any potential for confusion by clients and any potential for conflicts of interest arising from your multiple employment or business related activities or proposed business related activities.

_____
_____
_____

B. Indicate whether or not any of your employers or organizations where you engage in business related activities are listed on an exchange.

_____
_____
_____

C. Confirm whether the firm has procedures for minimizing potential conflicts of interest and if so, confirm that you are aware of these procedures.

_____
_____
_____

D. If you do not perceive any conflicts of interest arising from this employment, explain why.

_____
_____
_____
_____";

(7) in Schedule F:

(a) by replacing, in the contact information under "**Alberta**", "4th Floor, 300 - 5th Avenue" with "Suite 600, 250 - 5th St." and "3C4" with "0R4";

(b) by replacing, in the contact information under "**Ontario**", the words "FOI Coordinator" with the words "Compliance and Registrant Regulation" and by adding, at the end, "E-mail: registration@osc.gov.on.ca".

16. The Regulation is amended by replacing, wherever they occur, the words "Regulation 31-103 respecting Registration Requirements and Exemptions" with the words "Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations".

17. This Regulation comes into force on July 11, 2011.

1522

Draft Regulations

Draft Regulation

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

Construction Code
— 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 Construction Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 60 days following this publication.

The draft Regulation is to enact the Building Act for amusement rides and devices. It defines the amusement rides and devices concerned and also limits the scope of application of the "amusement rides and devices" chapter of the Construction Code regarding certain types of facilities intended for use by the public in order to renew the current situation.

The draft Regulation also establishes for the whole territory of Québec the measures to be complied with by designers and builders in order to ensure the quality of building work performed on amusement rides and devices. The standards are now made under the Building Act (R.S.Q., c. B-1.1).

The standards constitute Chapter IX of the Construction Code. The Regulation replaces and renews the current technical requirements by the requirements of CSA Standard CAN/CSA-Z267-00, which are generally the same level of technical requirements as those required by the Amusement Rides Regulation, made under the Public Building Safety Act, in order to reduce the impact on owners of amusement rides and devices. The making of the national standard adds clarifications which constitute the industry's good practices. Modifications have been made to ensure compatibility with the policies and enforcement mechanisms provided for in the Building Act as well as coherence with the level of obligation already established for other fields regulated by that Act that may have similarities with the field.

The draft Regulation also includes regulation measures for the verification and control of requirements, in particular by a procedure for the verification of compliance of construction work by means of certificates of conformity that must be produced by persons recognized by the Board and provided by contractors and owner-builders.

The draft Regulation has an economic impact on certain enterprises that will have to provide a certificate of conformity to the Board for all construction work performed on an amusement ride or device. The new scope of the requirement concerns the production of about 10 certificates over a five-year period for new fixed or portable rides or devices. It results in additional expenses for verification of $10,000 per certificate for a total cost of about $100,000.

Further information may be obtained by contacting Stéphane Mercier, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7e étage, Montréal (Québec) H2M 2V2; telephone: 514 864-7249; fax: 514 873-1939.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Michel Beaudoin, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3e étage, Montréal (Québec) H2M 2V2.

LISE THÉRIAULT,
Minister of Labour

Regulation to amend the Construction Code*

Building Act
(R.S.Q., c. B-1.1, ss. 128.4, 173, 176, 176.1, 178, 179, 185, pars. 0.1, 0.2, 1, 2.1, 3, 7, 37 and 38, and s. 192)

1. The Construction Code is amended by inserting the following after section 8.218:

"**CHAPTER IX**
AMUSEMENT RIDES AND DEVICES

DIVISION I
INTERPRETATION

9.01. In this Chapter, unless the context indicates otherwise, "Code" means CSA Standard CAN/CSA Z267-00, Code de sécurité concernant les jeux et les manèges, including Appendix C concerning tests, and

* The Construction Code, approved by Order in Council 953-2000 dated 26 July 2000 (2000, *G.O.* 2, 4437), was last amended by the regulation approved by Order in Council 1062-2010 dated 1 December 2010 (2010, *G.O.* 2, 5495). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2011, updated to 1 April 2011.

CSA Standard CAN/CSA Z267-00, Safety Code for Amusement Rides and Devices, including Appendix C concerning tests, prepared and published by the Canadian Standards Association.

DIVISION II
APPLICATION

9.02. Subject to the exemptions and amendments set out in this Chapter, the Code and provisions of this Chapter apply to the design, construction procedure and all construction work carried out on an amusement ride or device referred to in the Code and designed as facilities intended for use by the public in section 9.03, including their vicinity.

The following are exempted from the application of this Chapter:

(1) amusement rides and devices on a base that are designed to be used as coin-operated rides or devices;

(2) children's playspaces and equipment complying with CSA Standard CSA Z614, Children's Playspaces and Equipment, published by the Canadian Standards Association, in public areas, play spaces and other similar areas;

(3) air-supported amusement devices and structures;

(4) soft contained play systems complying with ASTM Standard ASTM F 1918, Standard Safety Performance Specification for Soft Contained Play Equipment, published by the American Society for Testing and Materials;

(5) recoil tethered rides (bungee);

(6) water slides;

(7) sliding playground and equipment that depend on snow or ice;

(8) dry slides;

(9) aerial courses, track rides and zip-lines;

(10) go-kart tracks, karts and race tracks;

(11) mechanical bulls;

(12) hot-air balloons;

(13) live animal rides; and

(14) haunted houses, labyrinths and rides in darkness with no mechanical devices to move users.

9.03. For the purposes of section 10 of the Act, the amusement rides and devices referred to in CSA Standard CAN/CSA Z267, Safety Code for Amusement Rides and Devices, are facilities intended for use by the public.

DIVISION III
REFERENCES

9.04. A reference in the Code to a standard or another code referred to in Table 1 is a reference to the standard or code referred to in the chapter of the Construction Code referring thereto.

TABLE 1

DESIGNATION	TITLE	CHAPTER of Construction Code
NRCC 38726	National Building Code of Canada	I
CAN/CSA-B44	Safety Code for Elevators	IV
CAN/CSA C22.10	Canadian Electrical Code, Part I, Safety Standard for Electrical Installations	V
CAN/CSA-Z98	Passenger Ropeways	VII

In the Code, a reference to CSA Standard CAN/CSA B51, Boiler, Pressure Vessel, and Pressure Piping Code, is a reference to the edition referred to in the regulation made under the Act respecting pressure vessels (R.S.Q., c. A-20.01).

DIVISION IV
GENERAL

9.05. The design, construction procedure and construction work carried out on an amusement ride or device must be carried out so that the amusement ride or device provides, in normal conditions of use and when used as intended, satisfactory levels of performance while minimizing danger to the public.

9.06. A contractor or owner-builder must, during construction work carried out on an amusement ride or device,

(1) use construction procedures suitable for the work;

(2) use the materials, appliances, equipment or devices designed for that purpose;

(3) take the necessary precautions to prevent risk of accidents; and

(4) comply with the manufacturer's requirements regarding installation and assembly.

DIVISION V
DECLARATION OF WORK

9.07. A contractor or owner-builder must, at least 45 days before the date of the beginning of construction work, except maintenance or repair work, on an amusement ride or device referred to in section 9.02, declare the work to the Board with the following information and documents:

(1) the name, address, telephone number and licence number of the contractor or owner-builder who will carry out the work;

(2) the name, address and telephone number of the person for whom the work is carried out;

(3) the name, address and telephone number of the person who prepared the plans and specifications related to the construction work;

(4) the address of the site and nature of the work;

(5) the type, trademark and model of the amusement ride or device, the name of the manufacturer and the technical specifications of the amusement ride or device;

(6) the date on which, the place where and the list of the tests and inspections were conducted together with the name of the person recognized under section 9.13 who will sign the certificate of conformity required under section 9.12; and

(7) the expected date on which the amusement ride or device will be put into service for the public.

The declaration may be made on the form provided by the Board or on any other document clearly and legibly written for that purpose and updated if any changes are made to the information provided.

Despite the first paragraph of this section, a contractor or owner-builder who carries out demolition work on an amusement ride or device must declare the work to the Board with the information and documents required under subparagraphs 1 to 5.

9.08. Despite the first paragraph of section 9.07, a contractor or owner-builder who carries out alteration work recommended by the manufacturer on an amusement ride or device following an incident or an accident involving a similar amusement ride or device must, within 2 working days after the end of the alteration work, declare the work to the Board with the information required under subparagraphs 1 to 5 of that paragraph, and the nature of the work carried out.

DIVISION VI
PLANS AND SPECIFICATIONS

9.09. A contractor or owner-builder may not begin construction work, except maintenance, repair or demolition work, on an amusement ride or device, referred to in section 9.02, unless plans and specifications have been prepared for the work.

The plans must be drawn to scale and must, with the specifications, indicate the nature and scope of the work. The plans and specifications must include the manufacturer's information and instructions on the erection and assembly of the amusement ride or device.

The plans and specifications must be signed and sealed by an engineer within the meaning of the Professional Code (R.S.Q., c. C-26), authorized to do so.

9.10. Despite section 9.09, a contractor or owner-builder may begin alteration work required following the issue of a bulletin by the manufacturer on an amusement ride or device if the contractor or owner-builder has in his or her possession the manufacturer's instructions, drawings and testing procedures concerning the work.

9.11. A contractor or owner-builder must, at the end of the construction work provided for in section 9.09, give the final plans of the amusement ride or device to the owner.

DIVISION VII
CERTIFICATE OF CONFORMITY

9.12. A contractor or owner-builder must, at the end of the construction work on an amusement ride or device, except maintenance, repair, demolition or alteration work recommended by the manufacturer, provide the Board with a certificate of conformity with this Chapter produced and signed by a person recognized under section 9.13, stating that

(1) the design, construction procedure and construction work on the amusement ride or device were carried out in accordance with the Code and this Chapter, and the amusement ride or device may be safely put into service for the public;

(2) the installations related to the amusement ride or device, in particular, fences, ramps, stairs, guardrails, operator and supervisor stations, signals and signs, comply with the Code and this Chapter;

(3) equipment, wiring and electrical connectors are certified as complying with Chapter V of the Construction Code;

(4) the manufacturer's instructions concerning the assembly have been followed;

(5) the tests and inspections provided for in the Code for the amusement ride or device, by the designer and manufacturer, have been performed and their results are satisfactory;

(6) the information on the maintenance, operation and periodic testing required from the designer and manufacturer by the Code have been provided to the owner; and

(7) the pressure vessels are identified by their registration number.

The certificate must contain a declaration from the manufacturer certifying that the amusement device or its prototype has been designed and manufactured so as to withstand loads and constraints under all loading and operating conditions.

The certificate must also specify the information on the information plate required under Clause 4.1.3. of the Code, the components inspected, the means used and the data used as the basis for drawing up the certificate, the address of the site where the amusement ride or device was installed, the nature of the work, the date of the tests and inspections and the name and title of the person who performed them, the date of signature, name, address and telephone number of the recognized person that produced the certificate and the date of the end of the construction work.

The recognized person must provide the Board with information from the designer and manufacturer on the maintenance, operation and periodic testing of the amusement ride or device to which the certificate applies.

The certificate of conformity may be made on the form provided for that purpose by the Board or on any other document containing the same information clearly and visibly written for that purpose.

9.13. An engineer who is a member of the Ordre des ingénieurs du Québec, or a holder of a temporary licence issued under the Engineers Act (R.S.Q., c. I-9), whose professional activities are related to the field of amusement rides and devices, is a person recognized for producing and signing the certificate of conformity required under section 9.12.

9.14. A person who applies for recognition must

(1) file an application with the Board that contains

(a) the person's name, home address, telephone number and membership number of the person's professional order or the person's temporary licence number; and

(b) the description of the experience acquired in activities related to the field of design, construction or inspection of amusement rides or devices; and

(2) pay the fees of $500.

9.15. The recognition of a person may be revoked by the Board for the following reasons:

(1) the person no longer meets the conditions set out in section 9.13; or

(2) the person has been convicted of an offence under paragraph 2, 3, 4 or 7 of section 194 of the Building Act.

DIVISION VIII
AMENDMENTS TO THE CODE

9.16. The CAN/CSA Z267-00 Code, published by the Canadian Standards Association, is amended

(1) by replacing "inspection", "inspecter" and "inspecté" wherever it appears in the French text by "vérification", "vérifier" and "vérifié" with the necessary modifications;

(2) by revoking Clause 1.4;

(3) by revoking Clause 1.5;

(4) by adding the following at the end of Clause 5.3.2:

"The amusement ride or device must be equipped with a device to restrain passengers under all loading and operating conditions planned for the amusement ride or device, in compliance with ASTM Standard ASTM F2291-04, Standard Practice for Design of Amusement Rides and Devices, published by the American Society for Testing and Materials. The restraining device must be of a type that cannot be inadvertently released when the amusement ride or device is in operation and be inaccessible to passengers.";

(5) by adding the following at the end of Clause 5.3.3:

"The following clearances are considered to comply with the requirements of Clause 5.3.3:

(1) 600 mm between a structural element and any point of the vehicle in contact with the passenger;

(2) 1,200 mm of vertical clearance between the seat and any fixed structural member located above such seat; and

(3) 2,000 mm of vertical clearance between the floor in front of the seat and any fixed structural member located above such floor, where the passenger is not restrained in the vehicle seat.

This section does not apply to a vehicle which is enclosed or has an openwork wire mesh preventing a 38-mm diameter spherical object from going through or 50-mm in the case of an amusement device to be used solely by adults.".

(6) by replacing Clause 5.4.3 by the following:

"**5.4.3** Welding and welding procedures must comply with CSA Standard CSA W59, Welded Steel Construction, or CSA Standard CSA W59.2, Welded Aluminum Construction, published by the Canadian Standards Association.

Welding must be performed by a qualified welder from a company that is certified according to CSA Standard CSA W47.1, Certification of Companies for Fusion Welding of Steel, or CSA Standard CSA W47.2, Certification of Companies for Fusion Welding of Aluminum, published by the Canadian Standards Association.";

(7) by adding the following paragraph at the end of Clause 5.4.5:

"A rope tensioning device must be designed so that it will not release itself during the operation of an amusement ride or device and be equipped with a positive action manual reset slack rope device.";

(8) by revoking Clause 5.4.6;

(9) by adding the following paragraph at the end of Clause 5.5.4:

"Lighting of a minimum of 100 lx at floor level must be installed at the loading and unloading areas and entrances and egresses.";

(10) by adding the following at the end of Clause 5.5.5:

"No part of an amusement ride or device is to come nearer to an electrical conductor of more than 750 V than the distance specified in the following table:

Voltage (in volts)	Distance (in metres)
Less than 125,000	5
125,000 or more	30

.";

(11) by adding the following after Clause 5.7.2:

"**5.7.3** A signal system must be provided during the starting or stopping of an amusement ride or device where the loading or unloading areas cannot be seen from the operating controls.

5.7.4 An amusement ride or device must be equipped with an emergency stop device that causes the stoppage of the amusement ride or device and the application of the brakes that complies with CSA Standard CAN/CSA Z431-M89, Colours of Indicator Lights and Push Buttons, published by the Canadian Standards Association and marked "Arrêt de secours". The device must be of the push-pull type and be provided with contacts which open by positive mechanical separation.";

(12) by adding the following after Clause 5.8.3:

"**5.8.4** An amusement ride or device must be equipped with devices to prevent the vehicles from making translatory or rotary movements when they are at a standstill in the loading or unloading area or be equipped, to that effect, with a parking brake, except in the case of a vehicle composed of a suspended seat.

5.8.5 A vehicle designed to be towed and each drive mechanism of such a vehicle must be equipped with backstop devices preventing any vehicle in the towing zone from moving back more than 150 mm.

5.8.6 An amusement ride or device must be installed so that it does not exceed the operating limits specified by the designer or manufacturer or be equipped, to that effect, with a speed limiting device.";

(13) by adding the following after Clause 5.10:

"**5.11** Where a suspension or coupling device for a vehicle or any other moving part of an amusement ride or device is used as a single retainer, a safety retainer must be installed on the vehicle or the moving part to ensure the safety of passengers, unless the single coupling device has a safety factor of at least 10.

5.12 Glazing used in a vehicle must be certified as complying with CGSB Standard CAN/CGSB B-12.1-M90, Tempered or Laminated Safety Glass, or CGSB Standard CAN/CGSB B-12.12-M90, Plastic Safety Glazing Sheets, published by the Canadian General Standards Board (CGSB).

5.13 Every amusement ride or device equipped with a sloping channel and a receptacle basin, which uses water to generate or reduce the speed of a vehicle must be provided with devices allowing for the control of the water level of the basin and the water flow of the flume's feed pump.

In addition, the devices must automatically stop the operation of the amusement ride or device if the water level or flow does not comply with that required for the operation of the amusement ride or device.

5.14 Every amusement ride or device of the "roller coaster ride" type must comply with the following requirements:

(1) be installed so as to allow for the presence of only one vehicle or only one train of vehicles, at the same time, in the space between each braking system along its path;

(2) the nuts used to lock the wheels of a vehicle must be of the castle type and be locked with split pins;

(3) every coupling device for vehicles must be locked, and any bolts, nuts or locks which are used must be equipped with a wire to prevent loosening or disengaging; and

(4) operating controls must be located so as to allow the operator to monitor the entire loading and unloading area.

5.15 Where users are moved in darkness inside an enclosure or in the case of an amusement ride or device completely enclosed, the enclosure must be equipped with

(1) a smoke alarm bearing a seal of approval from Underwriters' Laboratories of Canada (ULC) and installed in compliance with the manufacturer's instructions. The proper working order of the smoke alarm must be checked at every assembly of a portable amusement ride or device and every month in other cases;

(2) signs, visible from the vehicle, indicating egresses;

(3) an emergency lighting system of not less than 10 lx at floor level and egress signs, activated automatically when the main source of electrical supply is interrupted.

In addition, each egress must bear the inscription "SORTIE" in lettering at least 25 mm high and, if locked, it must be possible to open it from the inside without a key.".

DIVISION IX
OFFENCE

9.17. Every contravention of any of the provisions of this Chapter, except section 9.14, constitutes an offence.".

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

1553

Draft Regulation

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

Safety Code
— 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 Safety Code, appearing below, may be approved by the Government, with or without amendment, on the expiry of 60 days following this publication.

The draft Regulation is to enact the Building Act for amusement rides and devices. It defines the amusement rides and devices concerned and also limits the scope of application of the "amusement rides and devices" chapter of the Safety Code regarding certain types of facilities intended for use by the public in order to renew the current situation.

The draft Regulation also establishes for the whole territory of Québec basic standards applicable to amusement rides and devices as well as administrative measures for regulating and controlling the responsibilities of owners of amusement rides and devices, in particular a procedure for issuing permits to ensure the safety of the public using the rides and devices. The standards are now made by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1).

The standards constitute Chapter VII of the Safety Code. The Regulation replaces and renews the current requirements by the requirements of CSA Standard CAN/CSA-Z267-00, which are generally the same level of requirements as those required by the Amusement Rides Regulation, made under the Public Building Safety Act, in order to reduce the impact on owners of amusement rides and devices. The making of the national standard

adds clarifications which constitute the industry's good practices. Modifications have been made to ensure compatibility with the policies and enforcement mechanisms provided for in the Building Act as well as coherence with the level of obligation already established for other fields regulated by that Act that may have similarities with the field.

Regarding the new administrative measures, the draft Regulation to amend the Safety Code provides that, pursuant to section 35.2 of the Building Act, owners of amusement rides and devices will have to obtain an operating permit for all of their rides and devices before putting them into operation. Prior to the issue of an operating permit by the Board, the owner of a new amusement ride or device will have to provide to the Board a certificate of conformity to the Construction Code and, if applicable, a certificate of conformity for work for the modification of an existing ride or device. In addition, the obligation to produce the itinerary of portable devices is maintained.

The draft Regulation has a positive impact on the safety of the public since it renews the same level of requirement as the current level. The draft Regulation has no impact on enterprises since it more or less renews the same level of requirement as the current regulation made under the Public Building Safety Act (R.S.Q., c. S-3). It will have a certain impact on operators that have not yet implemented the level of follow-up required for the safe operation and maintenance of amusement rides and devices. The introduction of the operating permit and certificates of conformity with the Code represents an increase of annual costs of not more than $35,000 for the industry.

Further information may be obtained by contacting Stéphane Mercier, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 7e étage, Montréal (Québec) H2M 2V2; telephone: 514 864-7249; fax: 514 873-1939.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Michel Beaudoin, Chairman and Chief Executive Officer, Régie du bâtiment du Québec, 545, boulevard Crémazie Est, 3e étage, Montréal (Québec) H2M 2V2.

LISE THÉRIAULT,
Minister of Labour

Regulation to amend the Safety Code*

Building Act
(R.S.Q., c. B-1.1, ss. 175, 176, 176.1, 178, 179, 185, pars. 0.1, 0.2, 1, 5.1, 5.2, 20, 33, 37 and 38, and s. 192)

1. The Safety Code is amended by inserting the following after section 283:

"**CHAPTER VII**
AMUSEMENT RIDES AND DEVICES

DIVISION I
INTERPRETATION

284. In this chapter, unless the context indicates otherwise,

"Code" means CSA Standard CAN/CSA Z267-00, Code de sécurité concernant les jeux et les manèges, including Appendix C concerning tests, and CSA Standard CAN/CSA Z267-00, Safety Code for Amusement Rides and Devices, including Appendix C concerning tests, published by the Canadian Standards Association, referred to in Chapter IX of the Construction Code made under the Building Act (R.S.Q., c. B-1.1) and as amended by Division VIII of that Chapter.

DIVISION II
APPLICATION

285. Subject to the exemptions referred to in Chapter IX of the Construction Code, the Code and this Chapter apply to every amusement ride or device covered by the Code and designated as a facility intended for use by the public in section 9.03 of the Construction Code, including their vicinity.

DIVISION III
PROVISIONS APPLICABLE TO ALL AMUSEMENT RIDES AND DEVICES

§1. General

286. Every amusement ride or device must be used for the use for which it is intended and maintained in proper and safe working order at all times.

* The Safety Code, approved by Order in Council 964-2002 dated 21 August 2002 (2002, *G.O.* 2, 4654), was last amended by the regulation approved by Order in Council 221-2007 dated 21 February 2007 (2007, *G.O.* 2, 1171). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2011, updated to 1 April 2011.

287. The vicinity of an amusement ride or device may not be altered in such manner that the amusement ride or device no longer complies with Chapter IX of the Construction Code.

288. Every amusement ride or device must be used so that it does not constitute a fire or accident hazard that could cause injury or death.

The required rectification must be made if the operating conditions of an amusement ride or device are hazardous due, in particular, to alteration, modification, intensive use, wear and tear, obsolescence or breakdown.

289. The owner of an amusement ride or device must ensure that

(1) the amusement ride or device has protection devices that ensure the safety of persons who have access to the amusement ride or device or who use it; and

(2) no safety device is removed or altered without the manufacturer's authorization.

290. An amusement ride or device must be installed and used so that it does not exceed the operating limits specified by the designer or manufacturer or be equipped, to that effect, with a speed limiting device.

291. No part of an amusement ride or device is to come nearer to an electrical conductor of more than 750 V than the distance specified in the following table:

Voltage (in volts)	Distance (in metres)
Less than 125,000	5
125,000 or more	30

§2. Technical provisions

292. The owner of an amusement ride or device must ensure that the requirements concerning support and blocking referred to in Clause 4.3.2.2 of the Code are complied with during its operation.

293. The owner of an amusement ride or device must ensure that the requirements concerning the seats referred to in Clause 5.3.1 of the Code are complied with during its operation.

294. Amusement rides or devices must be equipped with a device to restrain passengers under all loading and operating conditions planned for the amusement ride or device, in compliance with ASTM Standard ASTM F2291-04, Standard Practice for Design of Amusement Rides and Devices, published by the American Society for Testing and Materials. The restraining device must be of a type that cannot be inadvertently released when the amusement ride is in operation and be inaccessible to passengers.

295. The owner of an amusement ride or device must ensure that the requirements concerning clearance referred to in Clause 5.3.3 of the Code are complied with during its operation. The following clearances are considered to comply with the requirements of Clause 5.3.3:

(1) 600 mm between a structural member and any point of the vehicle in contact with the passenger;

(2) 1,200 mm of vertical clearance between the seat and any fixed structural member located above such seat; and

(3) 2,000 mm of vertical clearance between the floor in front of the seat and any fixed structural member located above such floor, where the passenger is not restrained in the vehicle seat.

This section does not apply to a vehicle which is enclosed or has an openwork wire mesh preventing a 38-mm diameter spherical object from going through or 50-mm in the case of an amusement device to be used solely by adults.

296. A rope tensioning device must be designed so that it will not release itself during the operation of an amusement ride or device and be equipped with a manual reset slack rope device.

297. An amusement ride or device must be equipped with devices to prevent the vehicles from making translatory or rotary movements when they are at a standstill in the loading or unloading area or be equipped, to that effect, with a parking brake, except in the case of a vehicle composed of a suspended seat.

298. A vehicle designed to be towed and each drive mechanism of such a vehicle must be equipped with backstop devices preventing any vehicle in the towing zone from moving back more than 150 mm.

299. Where a suspension or coupling device for a vehicle or any other moving part of an amusement ride or device is used as a single retainer, a safety retainer must be installed on the vehicle or on the moving part to ensure the safety of users, unless the single coupling device has a safety factor of at least 10.

300. Glazing used in a vehicle must be certified as complying with CGSB Standard CAN/CGSB-12.1-M90, Tempered or Laminated Safety Glass, or CGSB Standard CAN/CGSB-12.12-M90, Plastic Safety Glazing Sheets, published by the Canadian General Standards Board (CGSB).

DIVISION IV
SPECIAL PROVISIONS APPLICABLE TO CERTAIN AMUSEMENT RIDES OR DEVICES

§1. Roller coaster rides

301. Every amusement ride or device of the "roller coaster ride" type must comply with the following requirements:

(1) be installed so as to allow for the presence of only one vehicle or only one train of vehicles, at the same time, in the space between each braking system along its path;

(2) the nuts used to lock the wheels of a vehicle must be of the castle type and be locked with cotter pins;

(3) every coupling device for vehicles must be locked, and any bolts, nuts or locks that are used must be equipped with a wire to prevent loosening or disengaging; and

(4) operating controls must be located so as to allow the operator to monitor the entire loading and unloading area.

§2. Flume rides

302. Every amusement ride or device equipped with a sloping channel and a receptacle basin which uses water to generate or reduce the speed of a vehicle must be provided with devices allowing for the control of the water level of the basin and the water flow of the flume's feed pump.

In addition, the devices must automatically stop the operation of the amusement ride or device if the water level or flow does not comply with that required for the operation of the amusement ride or device.

§3. Amusement rides or devices in darkness

303. Where users are moved in darkness inside an enclosure or in the case of an amusement ride or device completely enclosed, the enclosure must be equipped with

(1) a smoke alarm bearing a seal of approval from Underwriters' Laboratories of Canada (ULC) and installed in compliance with the manufacturer's instructions. The proper working order of the smoke alarm must be checked at every assembly of a portable amusement ride or device and every month in other cases;

(2) signs, visible from the vehicle, indicating egresses; and

(3) an emergency lighting system of not less than 10 lx at floor level and egress signs, activated automatically when the main source of power supply is interrupted.

In addition, each egress door must bear the inscription "SORTIE" in lettering at least 25 mm high and, if locked, it must be possible to open it from the inside, by a single manoeuvre, without a key.

DIVISION V
TESTS, INSPECTIONS AND MAINTENANCE

§1. General

304. Every amusement ride or device must undergo tests, inspections and maintenance in compliance with the manufacturer's instructions and the provisions of the Code. If the information is not available from the original amusement ride or device manufacturer, the owner must have a maintenance program approved by a recognized person within the meaning of Chapter IX of the Construction Code.

305. In the case of a portable amusement ride or device, the owner must follow the assembly procedures and instructions and conduct the inspections provided for by the manufacturer and the Code. Before operating the portable amusement ride or device, the owner must make

(1) a visual examination of the condition of electrical wiring, including bonding and weldings, articulations, bearings and driving shafts;

(2) an inspection of the proper working order of brakes and safety devices;

(3) an inspection of the clearances prescribed in section 295;

(4) a visual examination of structural members in order to detect distorted or bent members; and

(5) the correction of any defect identified during the inspections.

§2. Maintenance of ropes and chains

306. Steel wire ropes must be replaced in the following cases:

(1) instructions of the amusement ride or device manufacturer require it;

(2) 6 wires are broken in one rope lay;

(3) 3 wires are broken in one strand of a rope lay;

(4) 2 wires are broken in a suspension rope that supports the total load of a vehicle;

(5) the initial diameter of the rope has decreased by 10%; and

(6) the rope is distorted because of kinking, crushing or untwisting of the rope or a strand.

Steel wire ropes must be repaired where 2 wires are broken near a fastening.

307. A link chain must be replaced when a link is distorted, cracked or when its initial diameter has decreased by 10%.

§3. Log book

308. The owner must record and maintain, for each amusement ride or device, a log book or append thereto, as the case may be, for the life of each amusement ride or device, the following information and documents:

(1) the amusement ride or device name, the manufacturer's name and the serial number;

(2) the number of the identification plate issued by the Board;

(3) the rated capacity and the maximum speed specified by the manufacturer;

(4) a copy of the plans related to all construction work carried out on the amusement ride or device and all technical information relating to the alterations made to the amusement ride or device;

(5) the manufacturer's technical manuals and service, maintenance and safety bulletins and the action taken to implement the recommendations contained in the bulletins;

(6) certificates of conformity or safety produced by a recognized person within the meaning of Chapter IX of the Construction Code;

(7) the compiling of operating dates and hours;

(8) the nature of alterations made to a safety device or its elimination and the manufacturer's authorization to that effect;

(9) the location and nature of alterations and weldings made to a mechanical part or a structural member and the welding procedure used;

(10) a list of the daily inspections planned by the manufacturer and inspections made during the assembly and the identification of the person who made them and all rectifications made following the inspections;

(11) the inspection of every portable fire extinguisher and smoke alarm;

(12) the identification of any safety device having interrupted the operation of an amusement ride or device;

(13) the breakdowns, accidents and evacuations that occurred while operating the amusement ride or device;

(14) the replacement or repair of a steel wire rope;

(15) the replacement of a link chain;

(16) remedial notices issued by the Board under section 122 of the Building Act; and

(17) periods during which the amusement ride or device was not used.

The log book and documents referred to in paragraph 4 of section 12 and section 51 of the Amusement Rides Regulation (R.S.Q., c. S-3, r. 2.001) become, without other formality, an integral part of the log book and schedules provided in this Code.

The log book must be made available to the Board.

DIVISION VI
OPERATION

§1. General

309. The working order and operation of every amusement ride or device must be made in compliance with the manufacturer's instructions and the provisions of the Code. If the information is not available from the original amusement ride or device manufacturer, the owner must have a maintenance program approved by a recognized person within the meaning of Chapter IX of the Construction Code.

§2. Protection of the public and safety of users

310. Fences that meet the requirements of Clause 5.10 (a) of the Code must be installed around every amusement ride or device.

Fences at least 1,000 mm high installed before 1 April 2011 are deemed to comply with the first paragraph.

311. Signs bearing characters at least 25 mm high or pictograms at least 150 x 150 mm must be installed to indicate to users

(1) that smoking and drinking alcohol are prohibited;

(2) that hair and clothing must be confined to prevent entanglement with the installation;

(3) the restrictions provided by the manufacturer regarding size, weight or use and, if applicable, the risk factors associated with the health of users; and

(4) that the smallest user must be placed the nearest to the centre of a centrifugal amusement ride or device.

312. Evacuation procedures for each amusement ride or device must be established by the owner.

313. The owner must have a first-aid kit on the site where the amusement rides or devices are being operated and a means of communication with the emergency services.

The owner must also establish an emergency procedure.

314. Only non-combustible materials necessary for its operation may be stored inside an amusement ride or device or under its structure, and the premises must be kept clean.

§3. Operator and control station

315. The owner must ensure that the operator is familiar with the operation and safety measures of an amusement ride or device before operating it. The operator must be knowledgeable about

(1) the location and use of safety devices;

(2) the loading and unloading procedure;

(3) the signals used;

(4) the evacuation procedure;

(5) the location of emergency and first-aid services or of the means of communication with those services;

(6) how to use portable fire extinguishers; and

(7) the operating instructions.

316. At least 1 operator must remain at the controls when each amusement ride or device is in operation.

317. A signal system must be used during the starting or stopping of an amusement ride or device where the loading or unloading areas cannot be seen from the operating controls.

318. A minimum of 100 lx at floor level must be maintained at the loading and unloading areas, entrances and egresses.

319. An amusement ride or device must be equipped with an emergency stop device and marked “Arrêt de secours”. The device must be of the push-pull type and be provided with contacts which open by positive mechanical separation that causes the amusement ride or device to stop.

320. Where an amusement ride or device has been stopped by the actuation of a safety device or by the interruption of the main source of power supply, the closing or the resetting of the safety device and the restoring of the supply source must not start up the amusement ride or device before the starting device is actuated.

321. A portable fire extinguisher must be near the operating controls of each amusement ride or device.

Such a fire extinguisher must comply with NFPA Standard NFPA-10-1998, Standard for Portable Fire Extinguishers, published by the National Fire Protection Association, and bear a seal of approval from Underwriters’ Laboratories of Canada (ULC).

In addition, the proper working order of the portable fire extinguisher must be inspected at every assembly of a portable amusement ride or device and every month in other cases.

DIVISION VII
IDENTIFICATION PLATE

322. Every amusement ride or device must be provided with an identification plate issued by the Board before it is put into operation.

The identification plate must be attached permanently and prominently on the amusement ride or device.

323. The Board issues the identification plate at the end of the construction work provided for in Chapter IX of the Construction Code and on receiving the certificate of conformity according to section 9.12 of the Code.

Despite the first paragraph, an identification plate may be issued for a portable amusement ride or device if the owner has obtained from a person recognized under Chapter IX of the Construction Code

(1) a certificate of conformity with the Safety Code certifying that the amusement device

(a) has been designed, manufactured and built so as to withstand loads and constraints under all loading and operating conditions;

(b) has undergone tests and inspections to that effect and that their results are satisfactory;

(c) has been altered, if applicable, according to the manufacturer's bulletin recommendations; and

(d) has been delivered with the documents necessary for its operation and maintenance;

(2) a detailed report of the tests and inspections performed on the amusement device that confirms its working order.

The certificate must also indicate the type, trademark, model and serial number of the amusement device, the date on which and the place where the tests and inspections were conducted together with the name, seal and title of the person by whom they were performed.

DIVISION VIII
OPERATING PERMIT

324. The owner of an amusement ride or device must hold an operating permit for all the amusement rides or devices the owner puts into operation.

325. The owner of an amusement ride or device who applies for the issue or renewal of an operating permit must provide the Board with the following information and documents at least 60 days before the date set for the beginning of the activities or the date of renewal:

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

(2) if the application is made on behalf of a partnership or a legal person, the name of the partnership or legal person, the address of its head office and, where applicable, the business number assigned to the owner under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons;

(3) the list of amusement rides or devices to be operated during the validity period of the permit, and for each of them, the manufacturer's name, the manufacturer's serial number, the amusement ride or device's original name, common name and identification plate number;

(4) the list of portable amusement rides or devices, the designation of the period and the list of sites where portable amusement rides or devices will be operated during the year of the validity period of the permit and, where applicable, the identification of the event where the amusement rides or devices will be operated;

(5) an attestation of the insurer required under section 333 for the year of the validity of the operating permit; and

(6) the required certificates of conformity.

Every application must include the fees payable under section 330 and an attestation that the information and documents provided under the first paragraph are true, and be signed by the owner.

326. The holder of a permit who wishes to add amusement rides or devices must apply for modification of a permit. An application for modification of a permit must contain

(1) the information and documents required under subparagraphs 3, 4 and 6 of the first paragraph of section 325; and

(2) a description of the new amusement rides or devices.

327. An application for the issue, renewal or modification of a permit is deemed to be received only if it contains all the required information and documents and includes the fees payable under this Chapter.

328. The holder of a permit must notify the Board immediately of any change in the information or documents provided under section 325 or 326.

329. At the time an application for the issue, modification or renewal of an operating permit is made, all required information and documents previously provided to the Board need not be re-filed.

330. The fee payable for the issue or renewal of an operating permit is $300 to which $337 is added for each portable amusement ride or device and $167 for each fixed amusement ride or device.

The fee payable for the modification of an operating permit regarding an addition to the list of amusement rides or devices is $75.00 to which $337 is added for each new portable amusement ride or device and $167 for each new fixed amusement ride or device.

The fee must be paid to the Board and be attached to the application for the issue, modification or renewal of a permit.

331. The operating permit must contain

(1) the name of the owner of amusement rides or devices and any other business name that the owner is legally authorized to use in Québec and that is related to the operation of an amusement ride or device;

(2) the owner's address;

(3) the list of amusement rides or devices operated during the validity period of the permit and for each of them, the manufacturer's name, the manufacturer's serial number, the amusement ride or device's original name, common name and identification plate number;

(4) the validity period of the permit is from 1 April to 31 March of each year; and

(5) the signature of the president and chief executive officer or of a vice-president and the signature of the secretary of the Board.

332. An operating permit is non-transferable.

333. The owner of an amusement ride or device who applies for the issue or renewal of an operating permit must obtain and maintain in force, during the entire validity period of the permit, civil liability insurance of a minimum amount of $2,000,000 per claim to cover damage caused to another person as a result of fault or negligence in the operation of the amusement rides or devices. The insurance must provide for a commitment by the insurer to inform the Board of the insurer's intention to terminate the contract.

An attestation of the insurer to the effect that the insurance meets the requirements of the first paragraph must, in accordance with subparagraph 5 of the first paragraph of section 325, be provided to the Board with the application for the issue or renewal of the operating permit.

334. The insurer or holder of an operating permit may terminate the insurance only on written notice of at least 60 days to the Board.

335. The Board may suspend or refuse to renew an operating permit where the holder

(1) has not informed the Board of any change, in accordance with section 328 or 334;

(2) has not complied with an order issued under section 123 or 124 of the Building Act (R.S.Q., c. B-1.1);

(3) operates an amusement ride or device that is not provided with the identification plate referred to in section 322 or 323; or

(4) has not complied with a remedial notice issued by the Board under section 122 of the Building Act regarding an amusement ride or device referred to in the permit or in the suppletory measure required in such a notice.

DIVISION IX
OFFENCE

336. Every contravention of any of the provisions of this Chapter, except section 330, constitutes an offence.".

DIVISION X
FINAL

2. Section 308 of the Safety Code relating to the maintenance of a log book for each amusement ride or device, introduced by section 1 of this Regulation, applies to the log books maintained under the Amusement Rides Regulation, made by Order in Council 649-91 dated 8 May 1991, and to the documents that accompany them.

3. The identification plates issued under the Amusement Rides Regulation, made by Order in Council 649-91 dated 8 May 1991, become, without other formality, identification plates issued under section 322 or 323 of the Safety Code, introduced by section 1 of this Regulation.

4. The Regulation respecting fees exigible from owners of passenger ropeways and amusement park rides, approved by Order in Council 941-95 dated 5 July 1995, is to be revoked on 1 April 2012.

5. This Regulation comes into force on the sixtieth day following the date of its publication in the *Gazette officielle du Québec*, except sections 324 to 335 of the Safety Code introduced by section 1 of this Regulation, which come into force on 1 April 2012.

1554

Draft Regulation

Cities and Towns Act
(R.S.Q., c. C-19)

Municipal Code of Québec
(R.S.Q., c. C-27.1)

An Act respecting the Communauté métropolitaine de Montréal
(R.S.Q., c. C-37.01)

An Act respecting the Communauté métropolitaine de Québec
(R.S.Q., c. C-37.02)

An Act respecting public transit authorities
(R.S.Q., c. S-30.01)

Construction contracts of municipal bodies

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 318 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund (S.Q., 2011, c. 18), that the Regulation respecting construction contracts of municipal bodies, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The draft Regulation prescribes the requirements for obtaining, holding and submitting an attestation from Revenu Québec, which must be fulfilled by a contractor interested in entering into a contract with a municipal body, or by a subcontractor interested in entering into a contract with that contractor, in the cases and on the terms and conditions specified therein. The attestation indicates, among other things, that they have filed the returns and reports required under fiscal laws.

The draft Regulation determines, from among the provisions of the Regulation, those the violation of which constitutes an offence. The Regulation provides for a 3-month grace period, starting on the date of coming into force of the Regulation, during which a warning will be issued instead of a statement of offence. Lastly, the draft Regulation identifies the Minister of Revenue as the person responsible for the application and enforcement of the provisions regarding the attestation from Revenu Québec and of penal offences.

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

Further information may be obtained by contacting Marie Pelletier, 10, rue Pierre-Olivier-Chauveau, 3e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2022; fax: 418 644-6725; email: marie.pelletier@mamrot.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 15-day period to the Minister of Municipal Affairs, Regions and Land Occupancy, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

LAURENT LESSARD,
Minister of Municipal Affairs, Regions and Land Occupancy

Regulation respecting construction contracts of municipal bodies

Cities and Towns Act
(R.S.Q., c. C-19, s. 573.3.1.1; 2011, c. 18, s. 41)

Municipal Code of Québec
(R.S.Q., c. C-27.1, s. 938.1.1; 2011, c. 18, s. 43)

An Act respecting the Communauté métropolitaine de Montréal
(R.S.Q., c. C-37.01, s. 113.1; 2011, c. 18, s. 45)

An Act respecting the Communauté métropolitaine de Québec
(R.S.Q., c. C-37.02, s. 106.1; 2011, c. 18, s. 47)

An Act respecting public transit authorities
(R.S.Q., c. S-30.01, s. 103.1; 2011, c. 18, s. 58)

DIVISION I
SCOPE

1. In this Regulation, "municipal body" means a metropolitan community, a municipality, an intermunicipal board or a public transit authority.

This definition also includes any body which, under any provision, is deemed to be a municipality or municipal body for the purposes of this Regulation.

DIVISION II
ATTESTATION FROM REVENU QUÉBEC

2. Every contractor wishing to enter with a municipal body into a construction contract involving an expenditure of $25,000 or more must hold an attestation from Revenu Québec.

Every contractor that, as a subcontractor, wishes to enter into a construction contract with another contractor for an amount of $25,000 or more must hold an attestation from Revenu Québec where that contract is directly related to a contract referred to in the first paragraph and entered into by that other contractor.

3. The attestation of Revenu Québec is issued to every contractor that, on the date indicated therein, has filed the returns and reports that the contractor had to file under fiscal laws and that has no overdue account payable to the Minister of Revenue, in particular when its recovery has been legally suspended or arrangements have been made with the supplier to ensure payment and the contractor has not defaulted.

4. The attestation of a contractor referred to in the first paragraph of section 2 must neither have been issued more than 90 days before the time limit fixed for receiving tenders nor after that time limit or, in the case of a contract by mutual agreement, more than 90 days before the day on which the contract is entered into.

The attestation of a subcontractor referred to in the second paragraph of section 2 must not have been issued more than 90 days before the day on which the subcontract is entered into.

5. Before entering into a contract with a subcontractor referred to in the second paragraph of section 2, a contractor referred to in the first paragraph of section 2 must obtain a copy of the subcontractor's attestation and make sure that it complies with the second paragraph of section 4.

6. A contractor referred to in the first paragraph of section 2 to whom a construction contract was awarded by a municipal body must, before the beginning of the work, send the body a list indicating for each subcontract referred to in the second paragraph of section 2

(1) the name and address of the subcontractor;

(2) the amount and date of the contract; and

(3) the number and date of issue of the subcontractor's attestation from Revenu Québec.

A contractor that, after the beginning of the work, enters into a contract with a subcontractor in connection with the performance of a contract referred to in the first paragraph must so inform the municipal body by filing with it an amended list before the beginning of the work entrusted to that subcontractor.

7. Contractors referred to in section 2 may not forward an attestation from Revenu Québec that contains false or inaccurate information, use the attestation of another contractor or subcontractor as their own or falsely declare that they do not have the required attestation.

8. No one may, by performing or omitting to perform an act, assist another person in contravening the provisions of the second paragraph of section 2 or those of any of sections 5 to 7 or, by encouragement, advice or consent, or by an authorization or an order, induce another person to contravene those provisions.

9. Section 2 does not apply to contractors that do not have an establishment in Québec where they carry on their activities on a permanent basis, clearly identified to their name and accessible during regular business hours.

It does not apply either where a construction contract or subcontract referred to in the second paragraph of section 2 must be entered into by reason of an emergency that threatens human safety or property.

DIVISION III
PENAL

10. A violation of the provisions of the second paragraph of section 2 or those of any of sections 5 to 8 constitutes an offence.

DIVISON IV
MINISTER OF REVENUE

11. The Minister of Revenue is responsible for the application and enforcement of sections 2 to 10.

DIVISION V
TRANSITIONAL AND FINAL

12. Any violation of the provisions of the second paragraph of section 2 or those of any of sections 5 to 8 of this Regulation, observed between 1 January 2012 and 31 March 2012 inclusively, will give rise to the issue of a warning to the offender instead of a statement of offence.

13. This Regulation applies only to calls for tenders issued and contracts entered into by mutual agreement as of 1 January 2012.

14. This Regulation comes into force on 1 January 2012.

1546

Draft Regulation

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

Licences
— 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 licences, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation proposes to introduce a new class of licence for the driving of a 3-wheel motorcycle and defines the rules and conditions to be met for the issue of that licence.

The draft Regulation also provides that the holder of a restricted licence authorizing to drive a road vehicle to carry on his or her principal means of livelihood following the revocation of the driver's licence by reason of the accumulation of demerit points must pay the duties prescribed by regulation upon the issue of that licence, like any other licence holder.

Lastly, the draft Regulation makes it possible to target the clientele that might apply for the issue of a licence that may be presented at the United States border as a travel document.

The measures proposed by the draft Regulation apply to all citizens and have no particular impact besides ensuring traffic safety.

No impact is to be expected on enterprises, including small and medium- sized businesses.

Further information may be obtained by contacting Sylvie Tremblay, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, C.P. 19600, Québec (Québec) G1K 8J6; telephone: 418 528-3333, extension 8132.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29e étage, Québec (Québec) G1R 5H1.

SAM HAMAD,
Minister of Transport

Regulation to amend the Regulation respecting licences*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, pars. 1, 1.1, 3, 6 and 6.0.2 and s. 619.2)

1. The Regulation respecting licences is amended in section 1 by replacing ", learner's licence, probationary licence or restricted licence" in the definition of "driver's licence Plus" by "or a probationary licence".

2. Section 8 is amended by inserting ", 6E" after "6D".

3. Section 14 is amended by inserting ", 6E" after "6D".

4. Section 15 is amended by inserting ", 6E" in paragraphs 5 to 7 after "6D".

5. Section 28 is amended by replacing subparagraph 12 by the following:

"(12) class 6E;

(13) class 8.".

6. The following is inserted after section 28.11:

"**28.11.1.** A class 6E licence authorizes the driving of a 3-wheel motorcycle not equipped with a sidecar and having the following characteristics:

(1) it is designed to move on three wheels in contact with the ground and its wheels remain perpendicular to the road in curves;

(2) it is equipped with seats that occupants must straddle; and

(3) it does not have a structure partially or entirely concealing the driver and passenger, except the part in front of the driver and the seat backrest.

That class also authorizes the driving of a 2-wheel motorcycle on which a conversion kit has been installed, composed of a metal structure and of a pair of auxiliary wheels aligned on the axle of the motorcycle's back wheel.".

7. Section 29 is amended by inserting ", 6E" in paragraphs 8 to 10 after "6D".

* The Regulation respecting licences, made by Order in Council 1421-91 dated 16 October 1991 (1991, G.O. 2, 4146), was last amended by the regulation made by Order in Council 877-2010 dated 20 October 2010 (2010, G.O. 2, 2846). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

8. The following is inserted after section 35:

"**35.1.** To obtain a class 6E driver's licence, a person must

(1) hold a class 5 driver's licence and

(a) submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course for 3-wheel motorcycles; or

(b) submit a certificate from a driving school recognized by a body approved by the Société, showing that the person has successfully completed the theoretical and practical parts of the driving course for motorcycles; or

(2) hold a driver's licence or a probationary licence in class 6A, 6B or 6C.

The holder of a class 6E driver's licence who does not hold a class 6A, 6B or 6C driver's licence may not act as supervisor for the holder of a learner's licence driving a motorcycle.

A class 6E driver's licence is issued to a person referred to in subparagraph 1 of the first paragraph in the form of a certificate in paper form containing the information set out in subparagraphs 1 to 3 of the first paragraph of section 5. Such certificate is valid from the date of issue for the term of the class 5 driver's licence or until a licence that includes class 6E may be issued in plastic form, whichever occurs first.".

9. The heading of Division V.1 of Chapter VIII is amended by striking out "pursuant to section 76.1.1 of the Code".

10. Section 73.3 is amended by striking out "pursuant to section 76.1.1 of the Highway Safety Code (R.S.Q., c C-24.2)" in the first paragraph and by striking out "pursuant to section 76.1.1 of the Highway Safety Code" in the second paragraph.

11. Section 73.4 is amended by striking out "pursuant to section 76.1.1 of the Highway Safety Code (R.S.Q., c C-24.2)" in the first paragraph.

12. Sections 73.8 and 73.9 are amended by striking out ", a restricted licence under section 76.1.1 of the Highway Safety Code (R.S.Q., c. C-24.2)" in the first paragraph.

13. Sections 75.1 and 76 are amended by striking out "issued pursuant to section 76.1.1 of the Code".

14. Section 77 is amended by striking out "issued pursuant to section 76.1.1 of the Code" in the first paragraph.

15. Section 78 is amended in the first paragraph by striking out "issued pursuant to section 76.1.1 of the Code" in the first paragraph.

16. Sections 84.1 to 84.3 are amended by striking out "pursuant to section 76.1.1 of the Highway Safety Code (R.S.Q., c. C-24.2)".

17. This Regulation comes into force on 1 January 2012, except sections 1 and 9 to 16, which come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

1550

Draft Regulation

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

Transportation of dangerous substances — 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 Transportation of Dangerous Substances Regulation, the Regulation respecting safety standards for road vehicles and the Regulation respecting demerit points, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation harmonizes the provisions of the Transportation of Dangerous Substances Regulation with those of the Transportation of Dangerous Goods Regulations, made by the Government of Canada. It also allows for the evolution of the Transportation of Dangerous Substances Regulation. It amends provisions concerning the safe transportation of contaminated soils, petroleum products and liquefied petroleum gases. It also improves the provisions respecting the training of persons who engage in the transportation of dangerous substances, tunnel traffic rules and the various other safety standards and requirements regarding the transportation of dangerous substances. Lastly, the fines are modified to take into account the amendments made to the Regulation and to clarify the scope of their application.

The draft Regulation has little impact on enterprises since most amendments made are meant to relax or specify the provisions of the Transportation of Dangerous Goods Regulation. However, the obligation to equip vehicles carrying liquefied petroleum products in means of containment of more than 450 litres with fire extinguishers in the cab or outside will entail a cost of approximately $40 per truck not already complying with that requirement.

Further information on the draft Regulation may be obtained by contacting Raynald Boies, Service de la normalisation technique, Direction du transport routier des marchandises, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 2e étage, Québec (Québec) G1R 5H1; telephone 418 644-5593, extension 2365; fax: 418 528-5670; email: raynald.boies@mtq.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to the Minister of Transport, 700, boulevard René-Lévesque Est, 29e étage, Québec (Québec) G1R 5H1.

SAM HAMAD,
Minister of Transport

Regulation to amend the Transportation of Dangerous Substances Regulation, the Regulation respecting safety standards for road vehicles and the Regulation respecting demerit points*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 619, par. 9, s. 621, 1st par., subpars. 37 and 38, and s. 622, 1st par., subpars. 1 to 8)

Transportation of Dangerous Substances Regulation

1. The Transportation of Dangerous Substances Regulation is amended in section 1

(1) by replacing "B620-98: Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods, as amended" in the definition of "tank truck" by "B620";

(2) by replacing "tractor" in the definition of "tank truck" by "towing vehicle";

(3) by replacing "who offers dangerous substances for transport" in the definition of "consignor" by "who is present in Canada and who

(1) is designated as the consignor in the shipping document;

(2) imports or will import dangerous substances in Canada;

(3) where paragraphs 1 and 2 do not apply, has possession of dangerous substances immediately before they are transported; or

(4) where paragraphs 1 to 3 do not apply, is the operator or the carrier of dangerous substances;";

(4) by inserting the following after the definition of "handling":

"offer for transport" means, with respect to dangerous substances not being transported,

(1) to choose an operator or a carrier, or to allow such choice, with a view to transporting the substances;

(2) to prepare the substances, or to allow their preparation, so that an operator or a carrier takes possession of them for transportation purposes;

(3) to allow an operator or a carrier to take possession of the substances for transportation purposes;";

(5) by replacing ", SOR/2001-286, dated 1 August 2001, and published in the *Canada Gazette*, Part II, on 15 August 2001, and amended by the regulations made by Order in Council P.C. 2002-1404 dated 8 August 2002, SOR/2002-306, dated 8 August 2002 and published in the *Canada Gazette*, Part II, on 28 August 2002, by the regulations made by Order in Council P.C. 2003-123 dated 14 July 2003, SOR/2003-273, dated 24 July 2003, published in the *Canada Gazette*, Part II, on 13 August 2003 and by the regulations made by Order in Council P.C. 2003-1924, SOR/2003-400 dated 3 December 2003, published in the *Canada Gazette*, Part II, on 17 December 2003" in the definition of "Transportation of Dangerous Goods Regulations" by "(*Canada Gazette*, Part II, Supplement of 15 August 2001, 1)";

* The Transportation of Dangerous Substances Regulation, made by Order in Council 866-2002 dated 10 July 2002 (2002, *G.O.* 2, 4073), was last amended by the regulation made by Order in Council 994-2010 dated 17 November 2010 (2010, *G.O.* 2, 3186). The Regulation respecting safety standards for road vehicles, made by Order in Council 1483-98 dated 27 November 1998 (1998, *G.O.* 2, 4557), was last amended by the regulation made by Order in Council 161-2008 dated 27 February 2008 (2008, *G.O.* 2, 959). The Regulation respecting demerit points, made by Order in Council 1003-2001 dated 29 August 2001 (2001, *G.O.* 2, 4893), was amended once by the Act to amend the Highway Safety Code and the Regulation respecting demerit points (S.Q., 2007, c. 40). For previous amend-ments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

(6) by inserting "1992" in the second paragraph before "Transportation of Dangerous Goods Act";

(7) by striking out ", as they read on 15 August 2002" in the second paragraph;

(8) by inserting ""farmer"," in the second paragraph after "the definitions of";

(9) by replacing "and "order"" in the second paragraph by ", "protective direction" and "person"";

(10) by inserting the following after the second paragraph:

"The provisions of the Transportation of Dangerous Goods Regulations that form an integral part of this Regulation must be interpreted taking into account the definitions in the first paragraph.".

2. Section 2 is amended

(1) by striking out "for transport";

(2) by adding "for transport" at the end.

3. The following is inserted after section 2:

"**2.1.** In this Regulation, a reference to safety standards or safety requirements not cited in section 1.3.1 of the Transportation of Dangerous Goods Regulations, in a regulation or in an Act includes any subsequent amendments made to them.".

4. Section 3 is amended

(1) by replacing "1.3" by "1.3.1";

(2) by replacing "apply to" by "form an integral part of";

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

"The safety standards and requirements are cited in this Regulation in the corresponding short form appearing in Column 1 of the Table in section 1.3.1 of the Transportation of Dangerous Goods Regulations.".

5. Section 4 is replaced by the following:

"**4.** The rules of interpretation provided for in section 1.3 of the Transportation of Dangerous Goods Regulations and in sections 1.5 to 1.29 and 1.31 to 1.47 of those Regulations form an integral part of this Regulation.

Despite sections 1.21 and 1.22 of the Transportation of Dangerous Goods Regulations, the standards referred to in Part 5 of those Regulations apply to large means of containment intended for the transportation of petroleum products referred to in section 19 of this Regulation.

Despite section 1.35 of the Transportation of Dangerous Goods Regulations, sections 3.1, 3.2, 3.4 to 3.7, 3.10 and 3.11 of those Regulations, the requirements concerning the UN number provided for in section 4.15 and sections 6.1, 6.2 and 6.4 to 6.6 of those Regulations apply where the petroleum products referred to in section 1.35 are contained in a large means of containment transported by the trailer or semi-trailer of a combination of road vehicles.".

6. Section 6 is revoked.

7. The words "AND CONTAMINATED SOIL" are struck out in the heading of Division II.

8. Section 7 is amended by inserting "1992" before "Transportation of Dangerous Goods Act".

9. Section 9 is replaced by the following:

"**9.** Contaminated soils also constitute dangerous substances.

Contaminated soil is soil that, without being a dangerous substance referred to in section 7, has a contaminant concentration equal to or in excess of the limit values prescribed in Schedule I or Schedule II to the Land Protection and Rehabilitation Regulation, made by Order in Council 216-2003 dated 26 February 2003.

Only sections 11 and 17 apply to dangerous substances referred to in the first paragraph.".

10. Section 10 is amended

(1) by replacing "1 to 5" by "(1) to (5)";

(2) by replacing "en" in the French version by "pour le".

11. Section 11 is replaced by the following:

"**11.** A shipper must, before offering for transport contaminated soils referred to in the second paragraph of section 9, classify them according to the limit values prescribed in Schedule I or Schedule II to the Land Protection and Rehabilitation Regulation.".

12. Section 12 is amended by replacing "apply to" by "form an integral part of".

13. Section 15 is amended

(1) by replacing "apply to" in the first paragraph by "form an integral part of";

(2) by striking out the second and third paragraphs.

14. Section 16 is revoked.

15. Section 17 is replaced by the following:

"**17.** Contaminated soils referred to in the second paragraph of section 9 must be transported in a closed means of containment or in a dump vehicle.

Where contaminated soils are transported in a dump vehicle, an impermeable tarpaulin must,

(1) if the contaminated soils have a contaminant concentration equal to or in excess of the limit values prescribed in Schedule II to the Land Protection and Rehabilitation Regulation, cover the top of the dumper entirely so that rain or snow cannot fall in and contaminants cannot escape;

(2) in the other cases, keep the contaminated soils inside the dumper.

In all cases, where a liquid can leak from the contaminated soils, the means of containment or the dumper must be watertight.".

16. Section 18 is revoked.

17. Section 19 is amended by replacing the table in the first paragraph by the following:

"**Shipping name**		**UN Number**	**Packing group**
Aviation fuel	UN1863		I or II or III
Gasoline	UN1203		II
Diesel fuel; fuel oil or light heating oil		UN1202	III
Kerosene	UN1223		III
Ethanol and gasoline mix		UN3475	II
Crude oil	UN1267		I or II or III
Petroleum products, N.O.S. or petroleum distillates, N.O.S.		UN1268	I or II or III ".

18. Section 20 is amended by replacing "23 to 30 in addition to the requirements of the safety standards prescribed in Part 5 of the Transportation of Dangerous Goods Regulations" by "24 to 30".

19. Section 21 is replaced by the following:

"**21.** Despite section 15, petroleum products may be loaded for transport in small means of containment with a capacity of 450 litres or less complying with

(1) CGSB-43.150;

(2) CSA B376 "Portable Containers for Gasoline and Other Petroleum Fuels" published by the Canadian Standards Association;

(3) NFPA 30 "Flammable and Combustible Liquids Code" published by the National Fire Protection Association; or

(4) ULC/ORD-C142.13-1997 "Mobile refuelling tanks" published by the Underwriters' Laboratories of Canada, but, in the latter case, only if the means of containment were manufactured before 15 March 2005.".

20. Section 23 is revoked.

21. Section 25 is amended by replacing the first paragraph by the following:

"**25.** The electrical wiring of a tank truck must be covered with a polymer so that it is permanently insulated.".

22. Section 26 is revoked.

23. Section 27 is replaced by the following:

"**27.** One or two dry chemical fire extinguishers with an effective total rating of at least 40 BC must be installed near each tank of a tank truck used to transport petroleum products.

A tank truck used to transport petroleum products or any other motorized road vehicle or combination of road vehicles transporting petroleum products in a means of containment with a capacity of more than 450 litres must be equipped with a fire extinguisher of at least 5 BC installed in the cab or affixed outside the cab.

The fire extinguishers referred to in the first and second paragraphs must be readily accessible.

Those fire extinguishers must also be charged and be inspected each year in accordance with the standard NFPA 10 "Standard for Portable Fire Extinguishers" published by the National Fire Protection Association. An inspection tag must be affixed to the fire extinguisher, except during the first year of use.".

24. Section 29 is replaced by the following:

"**29.** All the valves of a tank truck used to transport petroleum products that are connected to the means of containment must be closed, except during unloading. During unloading, valves must be opened by a person who is adequately trained and holds a training certificate in accordance with Division VI of this Regulation, or be under the supervision of such a person.

29.1. A person who opens the valves of a tank truck used to transport petroleum products must carry the original or a copy of his or her training certificate or be in the presence and under the direct supervision of a person carrying the original or a copy of his or her training certificate.".

25. Section 30 is amended by replacing "The driver of a tank truck may not use it" by "No person may use a petroleum product contained in a tank truck".

26. Section 31 is amended

(1) by inserting, in the table of the first paragraph and after the line

"ISOBUTYLENE	UN1055",

the following line:

"LIQUEFIED PETROLEUM GASES	UN1075 ".

(2) by replacing "31.5 of the Transportation of Dangerous Substances Regulation in addition to complying with the standards prescribed in Part 5 of the Regulations" in the second paragraph by "31.6".

27. Section 31.4 is replaced by the following:

"**31.4.** One or two dry chemical fire extinguishers with an effective total rating of at least 40 BC must be installed near each tank of a tank truck used to transport liquefied petroleum gases.

As of 1 June 2012, a tank truck used to transport liquefied petroleum gases or any other motorized road vehicle or combination of road vehicles transporting liquefied petroleum gases in a means of containment with a capacity of more than 450 litres must be equipped with a fire extinguisher of at least 5 BC installed in the cab or affixed outside the cab.

The fire extinguishers referred to in the first and second paragraphs must be readily accessible.

Those fire extinguishers must also be charged and be inspected each year in accordance with the standard NFPA 10 "Standard for Portable Fire Extinguishers" published by the National Fire Protection Association. An inspection tag must be affixed to the fire extinguisher, except during the first year of use.".

28. The following is inserted after section 31.5:

"**31.6.** No person may use liquefied petroleum gas contained in a tank truck to fill a gas cylinder with a capacity equal to or less than 46 litres, or a liquefied petroleum gas tank that supplies a motorized road vehicle for propulsion purposes.

DIVISION V.IV
EXPLOSIVES

31.7. No person may transport Class 1 explosives when the total net explosives quantity exceeds one of the limits set in section 9.5 of the Transportation of Dangerous Goods Regulations.".

29. Section 32 is replaced by the following:

"**32.** The provisions of this Division do not apply where the handling, offering for transport or transportation of a dangerous substance, as the case may be, is exempted from the application of Part 6 of the Transportation of Dangerous Goods Regulations.

32.1. Sections 6.1, 6.2 and 6.4 to 6.6 of the Transportation of Dangerous Goods Regulations form an integral part of this Regulation.

The employer's obligations provided for in subsection 6.1 (2) of the Transportation of Dangerous Goods Regulations apply to every consignor, operator or carrier of dangerous substances who entrusts, directly or indirectly, the handling, offering for transport or transportation of a dangerous substance to a person who is not the employer's employee.

32.2. The training certificate must be issued in accordance with section 6.3 of the Transportation of Dangerous Goods Regulations, contain the information prescribed in subsection 1 of that section and be signed in accordance with subsection 3 of that section.

32.3. A consignor, operator or carrier of dangerous substances who entrusts, directly or indirectly, the handling, offering for transport or transportation of a dangerous substance to a person who is not his or her employee must have access to a copy of the training certificate of that person and to a copy of the person's record of training or statement of experience.

32.4. The driver of a road vehicle or combination of road vehicles transporting dangerous substances must carry the original or a copy of his or her training certificate or be in the presence and under the direct supervision of a person carrying the original or a copy of his or her training certificate.".

30. Section 33 is replaced by the following:

"**33.** The obligation to have an emergency response assistance plan provided for in section 7.1 of the Transportation of Dangerous Goods Regulations forms an integral part of this Regulation.".

31. Section 34 is replaced by the following:

"**34.** The provisions of this Division do not apply where the transportation of a dangerous substance is exempt from the application of Part 8 of the Transportation of Dangerous Goods Regulations.

34.1. A person who is responsible for dangerous substances at the time of an accidental release of a quantity of dangerous substances or at the time of an emission of radiation that is greater than the quantity or emission level set out in the table in subsection 1 of section 8.1 of the Transportation of Dangerous Goods Regulations must immediately report the emergency to the local police. The foregoing also applies in the case of an imminent accidental release.".

32. Section 35 is amended by replacing "with Part 9" by "with sections 9.1 and 9.4".

33. Section 36 is amended by replacing "with Part 9" by "with sections 9.2 to 9.4".

34. Section 38 is amended

(1) by replacing "all goods or" in the first paragraph by "all dangerous substances, all goods and all";

(2) by replacing "motor road vehicle" in the second paragraph by "motorized road vehicle or, where such vehicle has no bumpers, on the front outside end and in the bucket or on any other part of a tool vehicle that is not designed for the transport of those substances".

35. Section 39 is amended by adding the following at the end of the second paragraph: "if the gross mass of all dangerous substances in the vehicle is greater than 500 kilograms or if, in accordance with Part 4 of the Transportation of Dangerous Goods Regulations, safety placards must be displayed".

36. Section 40 is amended

(1) by replacing "As of 15 August 2006, tank" in the first paragraph by "Tank";

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

"The first paragraph applies to every tank truck, the tractor, towing vehicle or, in the case of a single unit tank truck, truck of which was assembled after 14 August 2006.

A document attesting to the installation of either system required in the first paragraph must be presented to a peace officer upon request.".

37. Section 43 is amended

(1) by replacing "the Louis-Hippolyte-Lafontaine tunnel" in the first paragraph by "the tunnel segment of the Louis-Hippolyte-La Fontaine bridge-tunnel";

(2) by replacing "the Joseph-Samson tunnel" in the first paragraph by "the tunnel segment of the Joseph-Samson bridge-tunnel";

(3) by inserting "or combination of road vehicles" in subparagraphs 2 and 3 of the first paragraph after "road vehicle";

(4) by striking out "water" in subparagraph 3 of the first paragraph;

(5) by inserting "or that contains incandescent solid fuel" in subparagraph 4 of the first paragraph after "flame";

(6) by adding "or complying with the Regulation respecting safety standards for road vehicles, made by Order in Council 1483-98 dated 27 November 1998" at the end of subparagraph 1 of the second paragraph;

(7) by replacing "a tank designed for that purpose by the air conditioning manufacturer" in subparagraph 2 of the second paragraph by "a single tank designed for that purpose by the air conditioning manufacturer the capacity of which does not exceed 450 litres";

(8) by replacing "whose tank capacity does not exceed 75 litres and the flammable liquid is contained in a tank designed for that purpose by the vehicle or equipment manufacturer" in subparagraph 3 of the second paragraph by "if the total capacity of all the equipment's tanks does not exceed 75 litres";

(9) by replacing "tel" in the French version of subparagraph 4 of the second paragraph by "tels";

(10) by inserting "(UN1202) of a capacity not exceeding 450 litres and "in subparagraph 5 of the second paragraph after "diesel fuel tank";

(11) by replacing "vehicles" in subparagraph 6 of the second paragraph by "road vehicles or equipment ";

(12) by inserting the following at the end:

"(7) when the flammable liquid is used to supply a road vehicle or equipment referred to in subparagraph 6 of the second paragraph of that section and is contained in means of containment whose total capacity does not exceed 1,000 litres.".

38. Sections 44 to 53 are replaced by the following:

"**44.** An operator, a carrier of dangerous substances or a consignor that contravenes the provisions of section 1.5, subsection 1 of section 1.5.2, section 1.6, paragraph *a* or *b* of section 1.7, section 1.8, paragraph *a* or *b* of subsection 2 of section 1.42, subsection 2 of section 1.42.2, section 3.11, section 4.1, paragraph *c* of section 4.6 or any of sections 4.7, 4.8, 5.1, 5.7 to 5.10, 5.12 and 5.16 to 5.17 of the Transportation of Dangerous Goods Regulations, the provisions of any of sections 1, 3, 11, 12, 13, 14 and 19, subsection 2 of section 23 or any of sections 28, 38, 41, 59 and 71 of Schedule 2 to those Regulations, or the provisions of section 31.7 or 39 of this Regulation, commits an offence and is liable to a fine of $700 to $2,100.

45. A driver, an operator, a carrier of dangerous substances or a consignor who contravenes the provisions of subsection 2 of section 1.5.2, paragraph *c* of section 1.7, section 4.15, subsection 2 of section 4.17 or any of sections 4.18 to 4.20 and 5.14 of the Transportation of Dangerous Goods Regulations commits an offence and is liable to a fine of $175 to $525 in the case of a driver and of $700 to $2,100 in the other cases.

46. A consignor who contravenes the provisions of subsection 5 of section 1.17, subsection 3 of section 1.32.1, subsection 2 of section 1.42, as regards the obligation to mark a means of containment, any of subsections 1 to 4 of section 3.5, subsection 3 of section 9.2, subsection 3 of section 9.3 or section 9.4 of the Transportation of Dangerous Goods Regulations or the provisions of subsection 1 of section 23, section 72 or subsection 3 of section 74 of Schedule 2 to those Regulations commits an offence and is liable to a fine of $175 to $525.

47. A consignor who contravenes the provisions of section 3.1, subsection 2 of section 3.4 or any of sections 3.6, 4.3, 4.4, 4.10 to 4.14, 4.21, 4.22.1 and 7.1 of the Transportation of Dangerous Goods Regulations, the provisions of section 26, subsection 1 of section 70, subsection 1 or 2 of section 74 or section 79 of Schedule 2 to those Regulations or the provisions of section 10 of this Regulation commits an offence and is liable to a fine of $700 to $2,100.

48. An operator or a carrier of dangerous substances who contravenes the provisions of section 3.2, 3.10 or 4.5 of the Transportation of Dangerous Goods Regulations, the provisions of section 73 of Schedule 2 to those Regulations or the provisions of section 41 of this Regulation commits an offence and is liable to a fine of $700 to $2,100.

49. A driver or a consignor who contravenes the provisions of subsection 1 of section 3.4 of the Transportation of Dangerous Goods Regulations commits an offence and is liable to a fine of $90 to $270 in the case of a driver and of $700 to $2,100 in the case of a consignor.

50. A driver who contravenes the provisions of subsection 5 of section 3.5 of the Transportation of Dangerous Goods Regulations or the provisions of section 28, 29.1, 30, 31.3, 31.6 or 32.4 of this Regulation commits an offence and is liable to a fine of $90 to $270.

51. A driver who contravenes the provisions of section 3.7 of the Transportation of Dangerous Goods Regulations or the provisions of section 29 or 42 of this Regulation commits an offence and is liable to a fine of $175 to $525.

52. A driver, an operator, a carrier of dangerous substances or a consignor who contravenes the provisions of section 4.2 or 6.1 of the Transportation of Dangerous Goods Regulations or the provisions of the second paragraph of section 32.1 and section 32.2 of this Regulation commits an offence and is liable to a fine of $175 to $525 in the case of a driver and of $350 to $1,050 in the other cases.

53. A driver, an operator, a carrier of dangerous substances or a consignor who contravenes the provisions of paragraph *a* or *b* of section 4.6 of the Transportation of

Dangerous Goods Regulations commits an offence and is liable to a fine of $90 to $270 in the case of a driver and of $700 to $2,100 in the other cases.

53.1. A driver, an operator or a carrier of dangerous substances who contravenes the provisions of section 4.9 of the Transportation of Dangerous Goods Regulations commits an offence and is liable to a fine of $175 to $525 in the case of a driver and of $700 to $2,100 in the other cases.

53.2. A driver, an operator, a carrier of dangerous substances or a consignor who contravenes the provisions of section 5.5 of the Transportation of Dangerous Goods Regulations or the provisions of section 17 or 34.1 of this Regulation commits an offence and is liable to a fine of $350 to $1,050 in the case of a driver and of $700 to $2,100 in the other cases.

53.3. A driver, an operator, a carrier of dangerous substances or a consignor who contravenes the provisions of subsection 6 of section 5.11 of the Transportation of Dangerous Goods Regulations commits an offence and is liable to a fine of $90 to $270 in the case of a driver and of $350 to $1,050 in the other cases.

53.4. An operator, a carrier of dangerous substances or a consignor who contravenes the provisions of section 6.6 of the Transportation of Dangerous Goods Regulations or the provisions of section 32.3 of this Regulation commits an offence and is liable to a fine of $350 to $1,050.

53.5. A consignor who contravenes the provisions of section 65 of Schedule 2 to the Transportation of Dangerous Goods Regulations or the provisions of section 11 of this Regulation commits an offence and is liable to a fine of $350 to $1,050.

53.6. An owner who contravenes the provisions of section 24, 25 or 31.2 of this Regulation commits an offence and is liable to a fine of $175 to $525.

53.7. A tank truck owner or, in the case of another motorized road vehicle or combination of road vehicles transporting petroleum products or liquefied petroleum gases, as the case may be, in means of containment of more than 450 litres, an owner, an operator or a carrier of dangerous substances who contravenes the provisions of the first, second or fourth paragraph of section 27 or 31.4 of this Regulation commits an offence and is liable to a fine of $175 to $525.

The driver of a motorized road vehicle or combination of road vehicles referred to in this paragraph, a tank truck owner or, in the case of another motorized road vehicle or combination of road vehicles transporting petroleum products or liquefied petroleum gases, as the case may be, in means of containment of more than 450 litres, an owner, an operator or a carrier of dangerous substances who contravenes the provisions of the third paragraph of section 27 or 31.4 of this Regulation commits an offence and is liable to a fine of $90 to $270 in the case of a driver and of $175 to $525 in the other cases.

53.8. A driver, an owner, an operator, a carrier of dangerous substances or a consignor who contravenes the provisions of section 31.1 of this Regulation commits an offence and is liable to a fine of $90 to $270 in the case of a driver and of $175 to $525 in the other cases.

53.9. A driver, an owner, an operator or a carrier of dangerous substances who contravenes the provisions of section 31.5 of this Regulation commits an offence and is liable to a fine of $90 to $270 in the case of a driver and of $175 to $525 in the other cases.

53.10. A driver, an operator or a carrier of dangerous substances who contravenes the provisions of section 38 of this Regulation commits an offence and is liable to a fine of $350 to $1,050 in the case of a driver and of $700 to $2,100 in the other cases.

53.11. An owner, an operator or a carrier of dangerous substances who contravenes the provisions of section 40 of this Regulation commits an offence and is liable to a fine of $700 to $2,100.

53.12. A driver who contravenes the provisions of section 43 of this Regulation commits an offence and is liable to a fine of $350 to $1,050.".

39. Schedule 1 is revoked.

Regulation respecting safety standards for road vehicles

40. The Regulation respecting safety standards for road vehicles is amended in section 197.1

(1) by replacing "made by Order in Council 674-88 dated 4 May 1988" in the second paragraph by ", made by Order in Council 866-2002 dated 10 July 2002,";

(2) by replacing "Division V" in the second paragraph by "section 14".

Regulation respecting demerit points

41. The Regulation respecting demerit points is amended in the Schedule by replacing "(section 11 of the Transportation of Dangerous Substances Regulation, (O.C. 674-88)" by "(section 43 of the Transportation of Dangerous Substances Regulation, made by Order in Council 866-2002 dated 10 July 2002)" in item 29.

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

1549

Draft Regulation

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

Commission de la construction du Québec — Levy

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Levy Regulation of the Commission de la construction du Québec, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, where applicable, upon the independent contractor, the amounts required for the administration of the Commission and to fix a minimum amount which an employer is bound to pay per monthly period. Such levy, similar to that of the year 2011, constitutes the main source of financing of the Commission.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal, H3R 2G3; telephone: 514 341-7740, extension 6331.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal, H3R 2G3; telephone: 514 341-7740, extension 6331.

LISE THÉRIAULT,
Minister of Labour

Levy Regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 82, 1st par. subpar. *c*)

1. The levy imposed by the Commission de la construction du Québec for the year 2012 is:

(1) in the case of an employer, 0.75 of 1% of the total remuneration paid to his employees;

(2) in the case of an independent contractor, 0.75 of 1% of his remuneration as an independent contractor;

(3) in the case of an employee, 0.75 of 1% of his remuneration.

Notwithstanding the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is $10.

2. The employer shall collect, on behalf of the Commission, the amount levied upon his employees by means of a weekly deduction on their wages.

3. The independent contractor shall deduct weekly, out of the remuneration he received as an independent contractor, the amount levied upon him.

4. The employer and the independent contractor shall remit to the Commission the amount levied for a monthly period in pursuance of this Regulation, not later than the 15th of the following month.

5. This Regulation comes into force on 1 January 2012.

1547

Draft Regulation

An Act respecting the Société des alcools du Québec
(R.S.Q., c. S-13)

Adjustment of fees — 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 duties and costs payable under the Act respecting the Société des alcools du Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec (Order in Council 343-96 dated 21 March 1996 (1996, *G.O.* 2, 2133)) to provide for the annual adjustment of the payable duties and fees.

Study of the matter has shown no major impact on the public and enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Johanne Lamontagne, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3; telephone: 418 643-3626 or 1 800 363-0320; fax: 418 644-0116; email: johanne.lamontagne@racj.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Johanne Lamontagne, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2e étage, Québec (Québec) G1K 3J3.

ROBERT DUTIL,
Minister of Public Security

CLÉMENT GIGNAC,
Minister of Economic Development, Innovation and Export Trade

Regulation to amend the Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec*

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, 1st par., subpar. 9)

1. The Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec is amended by replacing section 5 by the following:

"**5.** The duties and costs prescribed in sections 1, 2 and 3 are adjusted on 1 April of each year, based on the percentage change in the All-Items Consumer Price Index for Canada, for the preceding year. The change is calculated on the basis of the ratio between the index for the preceding year and the index for the year preceding that year. The index for a given year is the average of the monthly indexes published by Statistics Canada. The adjustment rate may not be less than zero.

The adjusted duties and costs are rounded off as follows:

(1) where the annual increase resulting from the adjustment is between $0.01 and $0.25, they are increased by $0.25;

(2) where the annual increase resulting from the adjustment is between $0.25 and $0.50, they are increased by $0.50;

(3) where the annual increase resulting from the adjustment is between $0.50 and $1.00, they are increased by $1.00; and

(4) where the annual increase resulting from the adjustment is greater than $1.00,

(a) they are reduced to the nearest dollar if they contain a fraction of a dollar less than $0.50; or

(b) they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than $0.50.".

2. Section 6 is revoked.

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

1548

* The Regulation respecting the duties and costs payable under the Act respecting the Société des alcools du Québec, made by Order in Council 343-96 dated 21 March 1996 (1996, *G.O.* 2, 2133), has not been amended.

Draft By-law

An Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1)

Casino games

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law respecting casino games, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft By-law is intended to make, like other game by-laws of the Company, a framework by-law for casino games granting it the operational flexibility required to renew its game offer and adapt to new technologies.

Further information may be obtained by contacting Lynne Roiter, Corporate Secretary and Vice-President, Direction juridique, Loto-Québec, 500, rue Sherbrooke Ouest, Montréal (Québec) H3A 3G6; telephone: 514 499-5190; fax: 514 873-8999.

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

RAYMOND BACHAND,
Minister of Finance

By-law respecting casino games

An Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1, s. 13)

DIVISION I
LOTTERY SCHEME

1. A lottery scheme operated in State casinos known by the name of "casino games" is hereby established. It consists of the following types of games: table games, Keno and slot machines.

Games belonging to one of those types may be introduced into casinos.

In this By-law, "Company" means the Société des loteries du Québec, also designated under the name of "Loto-Québec" or one of its subsidiaries whose objects relate to the operation of casino games.

2. The Company must put the rules for each game at the disposal of the public frequenting the premises where casino games are operated.

3. The minimum and maximum wagers established by the Company must be respected.

4. Wagers may be made using Canadian currency, coupons, chips or other objects, according to what is indicated in the rules of the game or on slot machines, as the case may be. No verbal wagers may be accepted.

5. No credit may be given by the Company, in any form whatsoever.

DIVISION II
TABLE GAMES

6. A table game is a casino game other than a slot machine, offered by means of a gaming table and that is played with cards, dice, balls or any other object, according to what is indicated in the rules of the game.

7. The cards must be shuffled in a manner to ensure that they are dealt in an unpredictable manner. They may be shuffled manually or mechanically.

8. The outcome of a game using cards, dice, balls or other objects must rest at all times on randomness, even when the player can make choices.

9. The minimum and maximum wagers permitted by the Company at each gaming table must be indicated and respected.

10. The player is responsible for calculating the point count of his or her hand. The player must check the accuracy of the point count announced by the dealer.

11. The rules of a table game must be indicated in a document placed near the gaming table, and that place must be indicated at the table. The document must contain the conditions specific to each game and include the following information:

(1) the maximum number of players allowed at the table, if applicable;

(2) the possibility to play standing and the manner in which to do so;

(3) the number, the assigned value and specifications, as the case may be, of cards, dice, balls or other objects used;

(4) the object of the game and details on how to play;

(5) the wagers permitted and at what time in the playing of a game each of them may be made;

(6) the cases in which a commission is payable and, if applicable, the amount of the commission and on which wager it is payable;

(7) the player's options in the playing of a game;

(8) the dealer's strategy, if applicable;

(9) the cases in which the bank may be held by a player and, if applicable, the manner to do so;

(10) the applicable conditions relating to the handling of cards, dice, balls or other objects used for a game so that the outcome may be valid;

(11) the conditions for a wager to win, lose or be considered a push;

(12) the payout odds of the winning wagers and the manner in which they are paid.

DIVISION III
KENO

12. At Keno, the winning numbers come either from a draw machine or a computer which chooses them at random.

13. The method of prize allocation and the prizes to win must be accessible to the public at each place where it is possible to play Keno.

14. The selection slip must indicate the number of numbers a player can choose per selection. The place where the Keno rules are available and the maximum amount payable per draw must also be indicated on the slip.

15. A selection can be composed of one number or several numbers, up to the maximum number indicated on the selection slip.

16. The player can make more than one selection per selection slip.

17. On the selection slip, the player must mark, for each selection the player makes, the numbers of his or her selection or if the player wants the computer to select his or her numbers; the player must also indicate the type of selection, the number of draws the player wants to participate in and the amount of the player's wager per selection.

18. Only selections validated on the central computer will be eligible for the draw. A ticket is issued by the terminal to confirm the participation of the player's selection in the draw.

19. The following information must be indicated on the ticket:

(1) the player's selection;

(2) the amount of the wagers;

(3) the draw for which the selection is valid;

(4) the control number;

(5) the total aggregate payout per draw;

(6) the deadline for claim.

20. Every ticket for which payment by the player was not made prior to the draw is void. It is the same for any ticket that is illegible, mutilated, counterfeited, improperly cut or printed, incomplete, erroneously printed or otherwise defective unless it is possible, by the control number, to determine that the ticket is really a winning ticket. The holder of a void ticket is not entitled to a prize.

21. In case of discrepancy between the ticket and the data relating to the ticket recorded by the central computer used for the game, the latter prevails.

22. The return rate set for Keno may not be lower than 65%.

23. The holder of a valid ticket must, if it is a winning ticket, present it for payment at the location and within the time limit stipulated on the ticket. The payment is made to the holder of the valid winning ticket.

DIVISION IV
SLOT MACHINES

24. A slot machine is a video lottery machine within the meaning of subparagraph *a*.1 of the first paragraph of section 1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), which is used in a State casino.

25. The outcome of a game on a slot machine must rest at all times on randomness even when the player can make choices.

26. The name of the game, the unit cost of a wager, the prizes to be won and their mode of allocation must be indicated on the slot machine or be available to the player, on the screen, before the beginning of the game.

27. Where the prize offered is merchandise, a description of the merchandise or the merchandise itself must be displayed near the machine in question.

28. A display board continuously indicating the amount of the progressive jackpot must be placed over the slot machines offering this type of jackpot.

For the purposes of this Division, "progressive jackpot" means a jackpot whose value increases at a pre-established rate with each wager inserted in the slot machines.

29. All slot machines supplying a progressive jackpot must require one or more wagers of the same value to play and must offer the same chances to win the progressive jackpot.

30. The return rate of each game offered by a slot machine may not be lower than 83%.

31. No player may claim a prize following a wager if the player has disrupted the normal operation of the slot machine and the amount the player wagered is not refunded.

32. A wager made on a defective slot machine does not give right to any payment. However, if the defectiveness is not attributable to the player's action, the amount of the player's wager will be refunded.

DIVISION V
TOURNAMENT

33. The Company can offer each casino game in a tournament format.

34. In such a case, instead of paying for each wager, the participant pays an entry fee to the tournament.

In a tournament, casino games are played according to the rules established by this By-law, except with regards to the payment of wagers.

35. The rules of the tournament include the date of the event, the entry fee to be paid, its length, the rules of participation, the method of prize allocation as well as the prizes to be won and they must be accessible to the public at least one week before the start of the tournament, as well as during the tournament.

36. The gaming tables or slot machines which are used for the tournament must be identified for this purpose.

37. The return rate offered to the participants of a tournament may not be less than 30% of the total amount of the entry fees sold for the tournament.

DIVISION VI
FINAL

38. This By-law replaces the By-law respecting casino games, approved by Order in Council 1253-93 dated 1 September 1993.

39. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Notice of the Régie des alcools, des courses et des jeux regarding the By-Law respecting casino games

The Régie des alcools, des courses et des jeux expresses a favorable opinion regarding the By-Law respecting casino games project which was transmitted to it by the Société des loteries du Québec, on 2 June 2011, in conformity with the second paragraph of the section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1). This by-law will replace the By-law respecting casino games (c. S-13.1, r. 3).

CHRISTINE ELLEFSEN,
President of the Régie des alcools, des courses et des jeux

1545

Draft Regulation

An Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001)

Transport infrastructure partnerships — 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 toll road infrastructures operated under public-private partnership agreement, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the maximum amount that the partner may establish for enforcing payment of the toll and the administration fees for the passage of a road vehicle registered in Québec on a toll road infrastructure and increases by $1.00 the additional fees payable to the partner to obtain the photograph showing the road vehicle's registration plate and indicating the place, date and time of its passage on a toll road infrastructure.

Further information may be obtained by contacting Sandra Sultana, Director, Bureau des partenariats public-privé, Ministère des Transports, 500, boulevard René-Lévesque Ouest, bureau 13.40, Montréal (Québec) H2Z 1W7; telephone: 514 873-4377, extension 2200; fax: 514 873-6108; email: sandra.sultana@mtq.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 Transport, 700, boulevard René-Lévesque Est, 29e étage, Québec (Québec) G1R 5H1.

SAM HAMAD,
Minister of Transport

Regulation to amend the Regulation respecting toll road infrastructures operated under a public-private partnership agreement*

An Act respecting transport infrastructure partnerships (R.S.Q., c. P-9.001, s. 11, 1st par., subpar. 1, s. 19, 2nd par., subpar. 2)

1. The Regulation respecting toll road infrastructures operated under a public-private partnership agreement is amended in section 17 by striking out "not registered in Québec".

2. Section 18 is amended by replacing "$2.00" in the first paragraph by "$3.00".

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

1552

* The Regulation respecting toll road infrastructures operated under a public-private partnership agreement was made by Order in Council 283-2011 dated 23 March 2011 (2011, *G.O.* 2, 897).

Notices

Notice

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

Baie-de-Mille-Vaches 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 Longue-Rive, Regional County Municipality of La Haute-Côte-Nord, known and designated as being the lots number 3 807 499, 3 808 473 et 3 809 088, of the Quebec cadastre, Saguenay registry division. This property covering an area of 23,15 hectares.

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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Notice

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

Méandre-de-la-Rivière-Vincelotte 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 which extends of 1,78 hectare. This property, situated on the territory of the Municipality of Cap-Saint-Ignace, Regional County Municipality of Montmagny, known and designated as being the lots 3 250 480 and 3 250 481 of the Québec Land Register, Montmagny registry division.

This recognition 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