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Part

2

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Laws and Regulations

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Summary

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Part 2 contains:

- (1) Acts assented to, before their publication in the annual collection of statutes;
- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
- (4) decisions of the Conseil du trésor and ministers’ orders whose publications in the *Gazette officielle du Québec* is required by law or by the Government;
- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;

(7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Regulations and other Acts

Gouvernement du Québec

O.C. 670-2012, 27 June 2012

An Act to enable students to receive instruction from the postsecondary institutions they attend (2012, c. 12)

Measures necessary for the application of certain provisions of the Act to enable students to receive instruction from the postsecondary institutions they attend

WHEREAS section 6 of the Act to enable students to receive instruction from the postsecondary institutions they attend (2012, c. 12) provides that a college may take special measures to ensure the validity of the 2012 winter and fall terms, such as organizing a term having less than 82 days allotted to teaching and evaluation but comprising at least the equivalent of 12 weeks of learning, insofar as the course objectives are otherwise met and the number of course credits allocated are the same;

WHEREAS, in accordance with section 9 of the Act, the Government, on the recommendation of the Minister of Education, Recreation and Sports, may take all necessary measures to carry out sections 2 and 4 to 8 of the Act, including specifying certain legislative and regulatory provisions as not applicable and prescribing any other necessary modification to the Act and to any other Act and its regulatory instruments;

WHEREAS it is expedient to allow colleges whose 2012 winter term has been suspended pursuant to the first paragraph of section 2 of the Act to organize a 2013 winter term having less than 82 days allotted to teaching and evaluation but comprising at least the equivalent of 12 weeks of learning, insofar as the course objectives are otherwise met and the number of course credits allocated are the same;

IT IS ORDERED, therefore, on the recommendation of the Minister of Education, Recreation and Sports:

THAT subparagraph 2 of the first paragraph and the second paragraph of section 6 of the Act to enable students to receive instruction from the postsecondary institu-

tions they attend (2012, c. 12) also apply in respect of the 2013 winter term for colleges whose 2012 winter term has been suspended pursuant to the first paragraph of section 2 of the Act.

GILLES PAQUIN,
Clerk of the Conseil exécutif

2204

Gouvernement du Québec

O.C. 677-2012, 27 June 2012

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

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting parental insurance

WHEREAS section 20 of the Act respecting parental insurance (R.S.Q., c. A-29.011) provides that the Conseil de gestion may, by regulation, provide exceptions for the qualifying period of a person;

WHEREAS the second paragraph of section 88 of the Act provides that the regulations of the Conseil de gestion require the approval of the Government which may approve them with or without amendment;

WHEREAS the Conseil de gestion made the Regulation to amend the Regulation under the Act respecting parental insurance by resolution on 17 January 2012;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation made by the Conseil de gestion was published in the *Gazette officielle du Québec* of 18 April 2012 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation under the Act respecting parental insurance be approved without amendment.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting parental insurance

An Act respecting parental insurance
(R.S.Q., c. A-29.011, s. 20)

1. The Regulation under the Act respecting parental insurance (c. A-29.011, r. 2) is amended in the first paragraph of section 31.2

(1) by striking out the portion following “or pregnancy” in subparagraph *a* of subparagraph 1;

(2) by striking out “that are not insurable earnings” in subparagraph 5.

2. Section 1 of this Regulation applies to claims for benefits received from the date of coming into force of this Regulation.

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

2202

Gouvernement du Québec

O.C. 719-2012, 27 June 2012

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

Information that institutions must provide to the Minister of Health and Social Services — Amendment

Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services

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 of Health and Social Services concerning the 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 was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2012 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 Health and Social Services and the Minister for Social Services:

THAT the Regulation to amend the Regulation respecting the information that institutions must provide to the Minister of Health and Social Services, attached to this Order in Council, be made.

GILLES PAQUIN,
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

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 (c. S-4.2, r. 23) is amended by inserting the following after section 5.1:

“**5.2.** An institution operating both a child and youth protection centre and a rehabilitation centre for young persons with adjustment problems must provide the Minister with the information required under Schedule VI, provided that the information cannot be connected with a user of the institution.”

2. The following is added after Schedule V:

“SCHEDULE VI

An institution referred to in section 5.2 of the Regulation must provide the following information:

- (1) concerning any user:
- (a) the user’s sex and year of birth;
- (b) an indication that the user is a Native and, if applicable, whether the user is a beneficiary under the Agreement concerning James Bay and Northern Québec or under the Northeastern Québec Agreement or whether the user lives on an Indian reserve;
- (c) the code corresponding to the natural person who has *de facto* custody of the user;
- (d) the sequence number assigned to the user upon receipt of a request for services concerning the user;
- (e) the language used during the intervention and that used in daily activities;
- (f) the sequence number assigned to the user’s home address and the first three characters of the user’s postal code;
- (g) the code of the regional county municipality where the user’s residence is located and, if the residence is located in another province, territory or country, the code of that province, territory or country;
- (h) the dates on which the association, by the institution, of the home address with the user begins and ends;
- (i) the code of the territory of the local community service centre that serves the area where the user’s residence is located; and
- (j) if the user receives services required by the user’s situation under the Youth Criminal Justice Act (S.C. 2002, c. 1):
- i. the user’s country of birth and year of arrival in Québec if the user was born outside Canada; and
- ii. an indication that the user has reoffended;
- (2) concerning any request for services:
- (a) the age of the user at the time of the request;
- (b) the type of services concerned by the request;
- (c) the means of communication used to file the request with the institution;

(d) an indication that the request was received during regular working hours;

(e) the date of receipt of the request;

(f) the date as of which the user ceases to receive the services related to the request; and

(g) the sequence number assigned to the request;

(3) concerning specifically any request for services required by the situation of a child under the Youth Protection Act (R.S.Q., c. P-34.1), and any related request for services:

(a) an indication that no other service is already being provided to the child by the institution, where applicable;

(b) the identification of other services received from the institution by the child at the time of the request for services; and

(c) the identification of the service that is most important for the child, when more than one service is provided;

(4) concerning specifically any request for services required by an adolescent under the Youth Criminal Justice Act:

(a) the code of the territorial division where the offence concerned by the request was committed;

(b) the code of the institution to which the adolescent is referred, if applicable;

(c) the sequence number assigned to the most serious offence associated with the request for services; and

(d) the reason for which the service request file was closed;

(5) concerning any request for information or consultation made to the institution:

(a) an indication of whether it is a request for information or a request for consultation;

(b) an indication that the person concerned by the request is a Native and, if applicable, whether the person is a beneficiary under the Agreement concerning James Bay and Northern Québec or under the Northeastern Québec Agreement or whether the person lives on an Indian reserve;

(c) the means of communication used to file the request with the institution;

- (d) an indication that the request was received during regular working hours;
- (e) the date of receipt of the request;
- (f) the date on which the request ends;
- (g) the age group of the person concerned by the request;
- (h) the sequence number assigned to the request;
- (i) the class of the person who made the request, based on the person's relationship to the person concerned by the request or the person's occupation; and
- (j) the nature of the response to the request;
- (6) concerning any service rendered:
- (a) the institution to which the user is referred, where applicable;
- (b) the date on which the service is first assigned;
- (c) the date of the provider's first significant contact with the user, the user's family or an interlocutor from the living environment for the purpose of initiating the service;
- (d) the dates on which the service begins and ends;
- (e) the age of the user when the service is provided;
- (f) the sequence number assigned to the service;
- (g) the date on which the service is first assigned to a provider;
- (h) an indication of whether the service is assigned to a provider from the institution or to a third person;
- (i) the type of responsibility assumed by the provider in regard to the service;
- (j) the date on which a clinical activity is performed by the provider;
- (k) the type of clinical activity performed as part of the service, the duration of the activity and an indication of whether the child, the child's mother, the child's father or any other person took part in the activity, if applicable;
- (l) the sequence number assigned to the clinical activity; and
- (m) the action to be taken following the end of the service;
- (7) concerning specifically any service rendered under the Youth Criminal Justice Act and the information gathered at that time:
- (a) regarding any situation of neglect, sexual abuse or physical abuse of a child within the meaning of subparagraph *b*, *d* or *e* of the second paragraph of section 38 of the Youth Protection Act, or any disclosure of that situation:
- i. the age group of the person presumed to have neglected the child or committed the abuse and the person's sex and assigned sequence number;
- ii. an indication of whether the person was living with the child at the time of the situation of neglect or abuse and the person's relationship to the child at that time;
- iii. the date on which the director of youth protection decided whether or not to disclose the situation and, where applicable, the date on which the director disclosed it;
- iv. an indication of whether the child or one of the child's parents agreed to the disclosure;
- v. of subparagraphs *b*, *d* and *e* of the second paragraph of section 38 of the Youth Protection Act, the subparagraph that corresponds to the situation that led to the disclosure;
- vi. the sequence number assigned to the disclosure made to the police;
- vii. an indication that the director of youth protection decided to postpone the disclosure;
- viii. an indication that the disclosure was made by a person other than the director of youth protection and whether the disclosure was made following the intervention of the director of youth protection;
- ix. an indication of whether the disclosure was deemed inappropriate or unnecessary and the reasons for that decision; and
- x. the code of the service during which the recording of information related to the disclosure began and the code of the service during which the disclosure process ended;

(b) regarding any report received by the institution's director of youth protection or any transfer of a child from another territory:

i. the final decision on whether or not to accept the report, the type of reasons that justified the decision and the date on which the decision was made;

ii. the level of priority of the accepted report;

iii. the class of the person who made the report, based on the person's relationship to the child or on the person's occupation;

iv. an indication of whether a provider made the verifications to obtain additional information when the information provided by the person who reported the child's situation does not allow a final decision to be made on whether or not to accept the report;

v. an indication of whether the child and the child's parents received information on the services and resources available in their community or were referred to the institutions, organizations or persons best suited to assist them and, where applicable, the date on which they were referred and the type of institution, organization or person to which they were referred;

vi. the reason why the child and the child's parents were not referred in accordance with subparagraph *v*;

vii. the code of the institution that filed an application for transfer; and

viii. the last youth protection service completed by the institution that transferred the child, if applicable;

(c) regarding any service for assessing the situation of a child following the acceptance of a report:

i. the final decision on whether the security or development of the child is in danger and the date of the decision; and

ii. the information required under subparagraphs *v* and *vi* of subparagraph *b*;

(d) the subparagraph of the second paragraph of section 38 or the subparagraph of section 38.1 of the Youth Protection Act that corresponds to the situation justifying the provision of a service and whether that subparagraph is the primary or secondary reason for providing the service;

(e) regarding any additional assessment:

i. the date of the request for an additional assessment;

ii. the type of additional assessment requested and the sequence number assigned to it;

iii. the code of the applicant;

iv. an indication of whether the additional assessment was performed by the institution or by a third person;

v. an indication of whether the additional assessment concerns the child, the child's mother, the child's father or another person; and

vi. the date of receipt of the report filed following the additional assessment;

(f) regarding any direction service following the assessment of a child:

i. the initial decision proposed by the director of youth protection regarding the implementation of voluntary measures or referral to the tribunal, and the date of the decision;

ii. the date on which the director of youth protection made the final decision to direct the child toward voluntary measures or to refer the child's situation to the tribunal;

iii. the final decision made by the competent authorities regarding the measures to be implemented and the date of the decision;

iv. the date on which a decision is made to proceed with a final intervention before the service ends, the date on which the intervention begins and the duration of the intervention; and

v. the information required under subparagraphs *v* and *vi* of subparagraph *b*;

(g) regarding the end of services provided to the child in implementing a measure and the date and type of the final decision made by the competent authorities to end the services;

(h) regarding any measure implemented under the Youth Protection Act:

i. the type of regime, based on whether it involves voluntary measures or court-ordered measures, and the sequence number assigned to it;

ii. the regime's start date, scheduled end date and actual end date;

iii. the type of measures, the start date, scheduled end date, actual end date and assigned sequence number;

iv. an indication of whether the child, the child's mother or the child's father is opposed to the regime or the measures proposed;

- v. an indication that the measures must continue until the child reaches full age;
 - vi. an indication that the emergency measures and the immediate protective measures were taken during regular working hours; and
 - vii. the code of the reason provided for in the fourth paragraph of section 91.1 of the Youth Protection Act for which the tribunal disregarded the maximum total period of foster care for a child and an indication that an order provided for in the fifth paragraph of that section was issued;
- (i) regarding any review of the situation of a child under section 57 of the Youth Protection Act:
- i. the type of review; and
 - ii. the information required under subparagraphs *i* to *iii* and *v* of subparagraph *f*, adapted as required;
- (j) regarding any review of the situation of a child under section 57.1 of the Youth Protection Act:
- i. the institution to which the request for services was referred, if applicable; and
 - ii. all of the information required under subparagraph *c*;
- (k) regarding any social assessment of a prospective tutor with a view to recommending the tutor to the tribunal:
- i. the legal context that led to the request for a social assessment; and
 - ii. the tribunal's final decision on the recommendation of a person to act as tutor under section 70.1 of the Youth Protection Act and the date of the decision;
- (l) regarding any tutorship assumed by the director of youth protection, the final decision on the tutorship and the date of the decision;
- (8) concerning specifically any service rendered under the Youth Criminal Justice Act, and the information gathered at that time:
- (a) regarding any service, the sequence number assigned to the most serious offence associated with the service;
- (b) regarding any assessment-guidance service;
- i. the initial decision proposed to the adolescent by the provincial director in regard to measures or services suited to the adolescent's situation;
 - ii. the date on which the provincial director decided to direct the adolescent toward measures or services;
 - iii. an indication of whether the provincial director proposed an agreement on extrajudicial sanctions and the adolescent's response to the proposal, where applicable; and
 - iv. an indication of whether the decision made by the provincial director was based on an individual interview or a group interview with the adolescent;
- (c) regarding any alternative justice organization consulted at the time of the assessment-guidance service, the identification of the organization and the sequence number assigned to the consultation at the time of the adolescent's assessment-guidance;
- (d) regarding any category of measures, the type of category, the sequence number assigned to it, the start date, scheduled end date and actual end date;
- (e) regarding any measure applied in regard to the adolescent:
- i. the dates on which the measure begins and ends and the sequence number assigned to it; and
 - ii. the type of measure and, where applicable, its duration or monetary value;
- (f) regarding the follow-up of extrajudicial sanctions:
- i. the dates on which the follow-up begins and ends;
 - ii. the decision on the measures to be applied following an assessment of the implementation of extrajudicial sanctions and the date of the decision; and
 - iii. the date on which the provincial director is informed of the result of mediation with the victim;
- (g) regarding any reassessment of the agreement on extrajudicial sanctions:
- i. the circumstances that warrant it; and
 - ii. the final decision transmitted to the adolescent by the provincial director in regard to appropriate measures or services following the reassessment, and the date of the decision;
- (h) regarding any request by the court under section 35 of the Youth Criminal Justice Act, the agency's decision on whether the adolescent needs such services and the date of the decision;

(i) regarding any service rendered following the filing by the police of a request for the detention of an adolescent prior to the adolescent's appearance before the court, the decision by the provincial director to agree or refuse to authorize the detention prior to the adolescent's appearance before the court and the date of the decision;

(j) regarding any offence committed by the adolescent:

i. the offence the adolescent is alleged to have committed and the date on which it was committed;

ii. the decision of the provincial director with regard to the directing of the adolescent;

iii. the final decision of the court, the offence for which the adolescent is found guilty and the date of the judgment; and

iv. the sequence number assigned to the offence;

(k) regarding any victim:

i. the sequence number assigned to the victim; and

ii. the type of harm suffered by the victim;

(l) regarding any consultation of a victim by an alternative justice organization:

i. the date on which the institution transmitted information on the victim to the organization;

ii. an indication that the organization contacted the victim, the action taken afterwards and, if applicable, the victim's response regarding the mediation process;

iii. the date on which the institution received the victim's response from the organization;

iv. the sequence number assigned to the consultation;

v. an indication of whether the victim wants to know the extrajudicial measures taken with respect to the adolescent; and

vi. the victim's reason for refusing to take part in the mediation process;

(m) regarding the filing of a pre-sentence report:

i. the date on which the report was requested by the court and the date on which the request was received by the institution;

ii. the type of report requested by the court;

iii. the means of communication used to file the report and the date on which it was sent to the court; and

iv. the final decision made following the filing of the report and the date of the decision;

(n) regarding any follow-up prior to sentencing and any sentencing follow-up:

i. the final decision concerning follow-up and the date of the decision; and

ii. the final decision concerning sentencing and the date of the decision;

(o) concerning any review of the court judgment as part of sentencing follow-up:

i. the date on which the review was requested;

ii. the code of the applicant;

iii. the code indicating the legal justification for conducting a review;

iv. the professional opinion given by the youth worker in the progress report requested by the court as part of the review;

v. the means of communication used to file the progress report and the date on which the report was sent to the court; and

vi. the final decision of the court on changing or continuing the adolescent's sentence following the review and the date of the decision;

(p) regarding any partnership between the provincial director and an organization as part of the follow-up of extrajudicial sanctions or sentencing follow-up:

i. the date on which the institution made the partnership request to the partner organization;

ii. the sequence number assigned to the partnership; and

iii. the code of the partner organization;

(q) concerning any information laid regarding a breach of probation conditions, the date on which the information was laid and the sequence number assigned to the information;

(r) regarding any filing of an expert report:

i. the date on which the report was requested by the court and the date on which the request was received by the institution;

ii. the type of report requested by the court;

iii. an indication of whether the report was prepared by the institution or by a third person;

iv. the date on which the institution received the report and the date on which the report was sent to the court; and

v. the final decision made following the filing of the report and the date of the decision;

(s) regarding any absence of an adolescent who escapes or is unlawfully at large while committed to custody, the dates on which the absence begins and ends, the type of absence and the sequence number assigned to it; and

(t) regarding any sentence calculation:

i. the sequence number assigned to the sentence;

ii. the dates on which conditional supervision, suspension of conditional supervision, the issue of an arrest warrant, transfer to a correctional facility or a penitentiary, supervision in the community, suspension of supervision in the community, committal to intermittent custody, committal to secure custody or committal to open custody begins and ends, and such dates following the calculation of the sentence;

iii. the date on which the sentence is calculated;

iv. the sequence number assigned to the sentence calculation;

v. the sequence number assigned to the absence or review that leads to the sentence calculation; and

vi. the number of days to be served in custody and the number of days to be served in custody in the community, as well as the number of such days after the sentence has been calculated.”.

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

Gouvernement du Québec

O.C. 733-2012, 27 June 2012

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

**Cargo Securement Standards
— Amendment**

Regulation to amend the Cargo Securement Standards
Regulation

WHEREAS, under subparagraph 23 of the first paragraph of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, establish norms for the securing of loads and determine, among the provisions of the regulation, those the violation of which constitutes an offence and indicate according to parameters specified by law, for each offence, the minimum and maximum amounts to which the offender is liable;

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 Cargo Securement Standards Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 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 Transport:

THAT the Regulation to amend the Cargo Securement Standards Regulation, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Cargo Securement Standards Regulation

Highway Safety Code

(R.S.Q, c. C-24.2, s. 621, 1st par., subpar. 23)

- 1.** The Cargo Securement Standards Regulation (R.R.Q., c. C-24.2, r. 30) is amended by replacing “sections 3, 6, 13, 15 and 16” in section 18 by “section 3, subsections 2 and 3 of section 4, section 6, subsection 4 of section 11, sections 13, 15 and 16”.
- 2.** Section 19 is amended by striking out “subsections 2 and 3 of section 4,”.
- 3.** Section 20 is amended by replacing “sections 6, 13 and 16” by “subsections 2 and 3 of section 4, section 6, subsection 4 of section 11, sections 13 and 16”.
- 4.** Section 21 is amended by striking out “subsections 2 and 3 of section 4,”.
- 5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2203

Draft Regulations

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 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 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 2013.

2200

Draft Regulation

Parks Act
(R.S.Q., c. P-9)

Parks

— 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 Parks Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the zoning for Parc national du Mont-Saint-Bruno. The park, whose area will be 884.2 ha, will be divided into five zones, that is: a maximum preservation zone (45.8 ha) to ensure integral protection of the natural environment; a preservation zone (580.9 ha) to protect the natural environment in general; a natural environment zone (179.5 ha) for the discovery and exploration of the natural and historical environment; a services zone (41.7 ha) for reception and management; an intensive recreation zone (36.3 ha) for alpine skiing.

To that end, the draft Regulation amends the Parks Regulation by replacing Schedule 14 with a new schedule that updates the zoning. In addition, a section is introduced to limit fishing in Parc national du Mont-Saint-Bruno to the holders of a fishing servitude.

Further information may be obtained by contacting Bernard Désorcy, Service des parcs, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 4^e étage, boîte 21, Québec (Québec) G1R 5V7; telephone: 418 521-3907, extension 4839; fax: 418 646-6169; email: bernard.desorcy@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Serge Alain, Director, Service des parcs, Direction du patrimoine écologique et des parcs, Ministère du Développement durable, de l'Environnement et des Parcs, 675, boulevard René-Lévesque Est, 4^e étage, boîte 21, Québec (Québec) G1R 5V7.

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

Regulation to amend the Parks Regulation

Parks Act
(R.S.Q., c. P-9, s. 9, pars. b and g)

1. The Parks Regulation (c. P-9, r. 25) is amended by adding the following after section 10:

“**10.1.** No authorization to fish may be issued in the territory of Parc national du Mont-Saint-Bruno except in favour of the owners of landlocked parcels who benefit from a fishing servitude on lakes Seigneurial and du Moulin.

The said owners are exempted from payment of the fees provided for in the second paragraph of section 10.”.

2. Schedule 14 is replaced by Schedule 14 attached hereto.

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

Draft By-law

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

Sûreté du Québec

— Internal discipline of members

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 the internal discipline of members of the Sûreté du Québec, appearing below, may be made by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft By-law determines the duties and standards of conduct to ensure the effectiveness and quality of the services provided by Sûreté du Québec police officers, and respect for the authorities over them. In addition, the draft By-law determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the authorities with regard to discipline and establishes penalties.

Study of the matter has shown no impact on the public and enterprises.

Further information on the draft By-law may be obtained by contacting Claude Levac, Chief Inspector, Direction des normes professionnelles, Sûreté du Québec, 1701, rue Parthenais, Montréal (Québec) H2K 3S7; telephone: 514 598-4900; fax: 514 596-3537.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Katia Petit, Secretary General, Ministère de la Sécurité publique, 2525, boulevard Laurier, 5^e étage, Québec (Québec) G1V 2L2; telephone: 418 646-6777, extension 10000; fax: 418 643-0275.

ROBERT DUTIL,
Minister of Public Security

By-law respecting the internal discipline of members of the Sûreté du Québec

Police Act
(R.S.Q., c. P-13.1, s. 257, 1st par.)

CHAPTER I SCOPE AND PURPOSE

1. This By-law applies to police officers who are members of the Sûreté du Québec. It determines the duties and standards of conduct to ensure the effective-

ness and quality of the services provided and respect for the authorities over them. It is also intended to promote the maintenance of the discipline and ethics required to ensure organizational integrity.

In addition, this By-law determines the types of behaviour that constitute breaches of discipline, establishes a disciplinary procedure, determines the powers of the authorities with regard to discipline and establishes penalties.

CHAPTER II DUTIES AND STANDARDS OF CONDUCT OF MEMBERS OF THE SÛRETÉ DU QUÉBEC

2. Members of the Sûreté du Québec must behave in a dignified manner. To that end, they must refrain from any behaviour lacking in respect towards any person, adversely affecting the effectiveness or honour of the Sûreté or discrediting it.

The following in particular constitute breaches of discipline:

- (1) the use of obscene or insulting language;
- (2) misuse of authority, intimidation or harassment;
- (3) recourse to greater force than necessary to accomplish what they are ordered or permitted to do;
- (4) lack of respect and courtesy towards a person or a member;
- (5) causing a person to get into a vehicle of the Sûreté unless so permitted;
- (6) consorting or fraternizing without a satisfactory reason with persons they know to have a criminal reputation;
- (7) consuming alcoholic beverages in public without authorization while on duty, or in uniform whether on duty or not;
- (8) while on duty, being under the influence of alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance capable of causing intoxication, weakening or disturbance of the faculties or unconsciousness;
- (9) keeping alcoholic beverages without authorization in a vehicle or on premises of the Sûreté;
- (10) drinking alcoholic beverages immoderately in a public place;

(11) being dressed during working hours in a manner not complying with the instructions in force;

(12) buying, selling or possessing narcotics or any similar product whose sale is prohibited or regulated, or being involved as intermediary in a transaction involving one of those substances, except where authorized by their superior within the scope of their duties.

3. Members must respect the rights of any person in their custody and refrain from any indulgence towards that person.

The following in particular constitute breaches of discipline:

(1) being negligent in the custody or supervision of a person in their custody;

(2) furnishing a person in their custody with alcoholic beverages, narcotics, hallucinogenic drugs, narcotic or anaesthetic preparations or any other substance capable of causing intoxication, weakening or disturbance of the faculties or unconsciousness;

(3) doing business of any kind with a person in their custody or attempting to obtain any benefit from that person or to give that person any benefit;

(4) except in an emergency, searching a person of the opposite sex;

(5) failing to search any person confined in their custody or, in the case of a confined person of the opposite sex, failing to have a search made by a person of the same sex;

(6) failing to keep in a safe place anything taken from a person in their custody;

(7) failing to make entries in the prison register and the register of confiscated objects;

(8) interfering in communications between a person in their custody and that person's attorney;

(9) using greater force than necessary in dealing with a person in their custody;

(10) failing to watch over the safety and health of a person in their custody;

(11) permitting the incarceration of a young offender with an adult or of a female person with a male person, except in cases provided for by law.

4. Members must use a service weapon carefully and with discretion.

The following in particular constitute breaches of discipline:

(1) not maintaining or keeping in good operating condition a service weapon, or the ammunition entrusted to them;

(2) showing, handling or pointing a service weapon without justification;

(3) failing to report to their superior each time they use a service weapon in the performance of their duties;

(4) failing to take reasonable means to prevent the loss or theft of a service weapon or its use by a third person;

(5) lending or transferring a service weapon;

(6) lacking care in the use and handling of a service weapon, particularly with unnecessary danger to the life or the safety of another person;

(7) carrying or using, without authorization in the performance of their duties, a firearm other than that issued to them by the Sûreté.

5. Members must respect the authority of the law and the courts and must collaborate in the administration of justice.

The following in particular constitute breaches of discipline:

(1) contravening any law enacted by a legally constituted authority in a manner likely to compromise the performance of their duties;

(2) preventing or contributing to preventing justice from taking its course;

(3) concealing evidence or information in order to benefit or harm any person, in particular an accused, a complainant or a witness;

(4) omitting or unduly delaying sending to their superior any information concerning crimes and offences of which they are a witness or of which they have knowledge.

6. Members must obey the requests, instructions and oral or written orders of their superiors.

The following in particular constitute breaches of discipline:

(1) refusing or failing to give an account to the Director General of the Sûreté or his or her representative of their activities in the performance of their duties;

(2) refusing or failing to furnish a report in accordance with a superior's order concerning the activities they performed during their work;

(3) not performing the work assigned or not being in the place assigned by their superior.

7. Members must perform their duties conscientiously and diligently.

The following in particular constitute breaches of discipline:

(1) refusing or inciting to refuse to perform duties;

(2) being negligent or careless in performing duties.

8. Members must be regular at work.

The following in particular constitute breaches of discipline:

(1) not observing the working hours;

(2) being absent from work without permission;

(3) making a false statement or using any trick to extend a leave, to delay the return to work or to be absent from work;

(4) exchanging with another member work or a shift to which they were assigned without the permission of their superior.

9. Members must perform their duties with probity.

The following in particular constitute breaches of discipline:

(1) maliciously damaging or destroying, losing through negligence or illegally transferring public or private property;

(2) failing to report any destruction, loss or damage of property for the use of the Sûreté;

(3) using or authorizing the use of property for the use of the Sûreté for personal or unauthorized uses;

(4) lending, selling or transferring an item of the uniform or equipment provided by the Sûreté;

(5) falsifying, removing or destroying documents of the Sûreté or documents in the custody of the Sûreté or other official documents;

(6) filing or signing a report or other writing, knowing it to be false or inaccurate;

(7) claiming or authorizing, without making the necessary checks, reimbursement of expenses not incurred, payment for hours of work not done or payment of unwarranted premiums;

(8) failing or neglecting to account for or to remit within a reasonable time any sum of money or property received in their capacity of member of the Sûreté.

10. Members must perform their duties with impartiality and integrity and avoid any situation where they would be in a conflict of interest of a nature to compromise their impartiality in the performance of their duties or of a nature to influence adversely their judgment and loyalty.

The following in particular constitute breaches of discipline:

(1) directly or indirectly, exerting undue influence or obtaining or attempting to obtain a sum of money or any other benefit in return for a favour;

(2) accepting, soliciting or demanding, directly or indirectly, a sum of money, a favour or any other benefit or consideration of a nature to compromise their impartiality in the performance of their duties;

(3) paying, offering to pay or agreeing to offer a sum of money, a favour or any other benefit or consideration to a person, whether or not a member of the Sûreté, of a nature to compromise their impartiality in the performance of their duties or for the person to intercede in their favour to obtain a promotion, a transfer or any change in their status as member of the Sûreté;

(4) using for personal purposes, or for the purpose of obtaining a benefit or a profit, information obtained while performing their duties or as a result of their position in the Sûreté;

(5) recommending to a person who has been accused or with whom the member has been in contact in performing their duties the services of a particular attorney;

(6) standing surety in a case under the jurisdiction of a court of criminal or penal jurisdiction, except where warranted by family relations with the accused;

(7) signing a letter of recommendation or other certificate knowing it to be false or inaccurate;

(8) holding employment or carrying out an activity incompatible with the function of police officer.

Despite the foregoing, members may solicit or collect money from the public by the sale of advertisements or tickets or by any other means for the benefit of a person or a community organization, to the extent that they do not thereby place themselves in a situation of conflict of interest.

11. As soon as members are in a situation of incompatibility referred to in section 117 of the Police Act or believe to be in a situation that places them or is likely to place them in a conflict of interest, compromise their impartiality or influence adversely their judgment and loyalty, they must so inform their immediate superior who will inform them of the measures to be taken.

12. Members must obey their oath of office and oath of discretion.

Revealing information respecting an inquiry or the activities of the Sûreté to persons not authorized by the Director General or the Director General's representative, in particular, by transmitting documents, constitutes a breach of discipline.

13. Members must be politically neutral in the performance of their duties.

The following in particular constitute breaches of discipline:

(1) being present in uniform at a political meeting, unless they are on duty at that place;

(2) failing to show moderation in publicly expressing their political opinions;

(3) during an electoral period, publicly expressing their political opinions, soliciting funds for a candidate for election, a political office or a political party, or publicly expressing their support for a candidate for election or for a political party, within the territory where members usually perform their duties.

14. Members may not wear their uniforms, badges or service weapons or use other items belonging to the Sûreté when, while on duty, they engage in activities that are not part of the duties of a police officer.

15. Members who are aware of the commission of a breach of discipline affecting the protection and the safety of the public, who are informed of such breach of

discipline, or who have reasonable and probable grounds for believing that such breach of discipline has been committed, must inform their immediate superior or the person in charge of processing complaints. The requirement does not apply to a member who is informed of such conduct when acting in the capacity of a union representative.

CHAPTER III DISCIPLINARY PROCESS

DIVISION I BREACHES OF DISCIPLINE

16. Any failure related to a duty or standard of conduct provided for in this By-law constitutes a breach of discipline and may entail the imposition of a penalty.

17. An immediate superior observing that a breach of discipline is being committed, who is informed or has reasonable and probable grounds for believing that a breach of discipline has been committed or is about to be committed, is authorized to give members an oral warning immediately or to impose a warning in writing subject to any other disciplinary penalty that may be imposed in accordance with this By-law.

A written warning imposed under this section that is not followed by a disciplinary complaint is removed from the member's personal file 12 months after its imposition, except for a subsequent offence of the same nature.

DIVISION II DISCIPLINARY COMPLAINT

18. The Director General designates an officer within the Sûreté as person in charge of processing disciplinary complaints. The officer may designate another officer to exercise the powers conferred on the officer by this By-law.

The Director General may also exercise the powers conferred on the person in charge of processing complaints by this By-law.

19. Any person may lodge a complaint against a member's conduct by sending it in writing to the member's immediate superior. The complaint must be in writing and signed.

A complaint may also be sent to every member of the Sûreté or the person in charge of processing complaints.

A complaint may originate from a competent authority of the Sûreté.

20. Any person who receives a complaint must send it to the person in charge of processing complaints.

The person in charge of processing complaints sends a complaint concerning the Director General to the Minister of Public Security and a complaint concerning a deputy director, the person in charge of processing complaints or a member of the personnel of that person to the Director General.

The Minister or the Director General who receives a complaint in accordance with the second paragraph plays the role entrusted to the person in charge of processing complaints by this By-law.

21. The person in charge of processing complaints must acknowledge receipt of a complaint from a person of the public.

22. The right to lodge a complaint in disciplinary matters against a member is prescribed 2 years after the date of the event or, in the case of a contravention of section 5, knowledge by the authorities of the Sûreté of the event that gave rise to the complaint.

23. A member may be the subject of a disciplinary complaint despite the fact that the member has been acquitted or convicted by a court of criminal or penal jurisdiction of an offence for which the facts giving rise to the accusation are the same as the facts of the alleged breach of discipline.

24. A member may not be the subject of a disciplinary complaint where the Comité de déontologie policière rendered a decision on similar conduct at the time of the same event.

A member may, however, be the subject of a disciplinary complaint for a violation committed during the same event that was not dealt with by the Police Ethics Commissioner.

25. For the purposes of this By-law, a member is not required to make a statement in relation to a complaint, but the member must provide, at the superior's request, a report concerning the activities performed during the member's work.

DIVISION III EXAMINATION OF COMPLAINTS

26. Within 40 days of receiving the complaint, the person in charge of processing complaints must, after a preliminary analysis,

(1) dismiss the complaint if it appears on its face frivolous, vexatious, unfounded or made in bad faith;

(2) assign the case to an investigator for an investigation to be carried out.

The person in charge of processing complaints must inform in writing the member concerned that a complaint has been lodged against the member and inform the member of the nature of the complaint and of the decision taken under the first paragraph within 10 days of that decision, except if the fact of informing the member is likely to interfere with the conduct of the investigation. The person also notifies the complainant of the decision.

Failure to notify the member concerned in accordance with this section may not lead to a dismissal of the complaint, unless the member establishes that he or she was prevented from the possibility to present a full and complete defence.

27. Before the beginning of the investigation or while the investigation is in progress, the person in charge of processing complaints may dismiss the complaint if, in the person's opinion,

(1) the complaint is frivolous, vexatious, unfounded or made in bad faith;

(2) the complainant refuses to cooperate in the investigation.

The person in charge of processing complaints must inform in writing the member concerned by the complaint and the complainant of the decision taken under the first paragraph.

28. When meeting a member against whom a disciplinary complaint has been made, the investigator has the hierarchical authority necessary to perform his or her duties.

29. The investigation report must be submitted to the person in charge of processing complaints within 120 days, except where exceptional circumstances warrant otherwise.

30. After analyzing the investigation report, the person in charge of processing complaints may

(1) dismiss the complaint if the person is of the opinion that it is frivolous, vexatious, unfounded, made in bad faith or that the evidence is insufficient;

(2) refer the complaint to conciliation;

(3) cite the member with a breach of discipline, except in the case of the Director General or a deputy director, in which case the complaint is sent to the Associate Secretary General responsible for senior positions at the Ministère du Conseil exécutif.

The person in charge of processing complaints informs the member concerned and the complainant of the decision taken under the first paragraph, including reasons.

31. Where the person in charge of processing complaints dismisses a complaint under section 30, he or she may, in the interest of the public, the Sûreté or the member who is the subject of the complaint,

(1) communicate to the member comments or observations of a nature to improve the member's professional conscience or to avert the commission of a breach of discipline;

(2) submit the member to a medical examination;

(3) order the member to undergo training or take a refresher course provided by a police training institution.

The comments or observations communicated to the member in accordance with subparagraph 1 of the first paragraph do not constitute a disciplinary action. They must be sent to the member by an officer and no copy is to be entered in the member's personal file.

32. The person in charge of processing complaints may suspend the disciplinary procedure where the member against whom a disciplinary complaint has been made is the subject of an investigation or criminal proceeding.

DIVISION IV CONCILIATION

33. The person in charge of processing complaints, when referring a complaint to conciliation in accordance with section 30, designates a conciliator and sends a copy of the file to the conciliator.

The member concerned and the complainant may also, with the authorization of the person in charge of processing complaints, have recourse to conciliation in every step of the disciplinary process. The person in charge of processing complaints designates a conciliator and sends of copy of the file to the conciliator.

34. The object of conciliation is to resolve the complaint lodged against one or more members through a settlement accepted by the complainant and the member and approved by the person in charge of processing complaints.

The complainant and the member must collaborate during the conciliation proceedings.

35. The conciliator serves a notice of meeting to the member and complainant indicating the date, time and place of the conciliation session at least 7 days before it is held.

The complainant may be accompanied by the person of his or her choice and the member may be accompanied by a member of his or her union or professional association.

36. At the end of conciliation, the settlement reached must be recorded in writing by the conciliator, signed by the complainant and the member, and approved by the person in charge of processing complaints. The complaint is deemed to have been withdrawn and no mention of the complaint is to be entered in the member's personal file.

37. A settlement must be reached within 45 days as of the date on which the file is sent to the conciliator by the person in charge of processing complaints who may authorize an extension of that period and fix the terms and conditions of any extension.

38. As soon as the conciliator concludes that conciliation will not lead to a settlement, the conciliator reports to the person in charge of processing complaints. The file is then returned to the person in charge of processing complaints so that the person may make a new decision under section 30.

39. The person in charge of processing complaints may terminate conciliation, if deemed necessary. The file is then returned to the person in charge of processing complaints so that the person may make a new decision under section 30.

40. No answer given and statement made by the complainant or member during conciliation may be used or admitted as evidence in judicial or quasi-judicial proceedings.

DIVISION V DISCIPLINARY CITATION

§1. *General*

41. A disciplinary citation is a proceeding subsequent to a complaint concerning the conduct of a member, the purpose of which is to decide whether the conduct is a violation of this By-law which may entail the imposition of a penalty.

The citation contains as many counts as there are alleged violations. Each count of a citation must describe the conduct constituting a violation of this By-law and indicate what provision has allegedly been violated, as well as the time and place of the alleged violation. The citation is served on the member concerned.

42. A breach of discipline with which a member is charged gives rise to a single violation per citation and is liable to a single penalty, except if that breach also constitutes a violation of subparagraph 1 of the second paragraph of section 5.

This section does not prevent a member from being charged with more than one breach of discipline committed at the time of the same event.

43. Where the person in charge of processing complaints cites a member with a breach of a discipline in accordance with section 30, the person must decide whether the citation will be heard before an officer designated in accordance with subdivision 2 or before the discipline committee in accordance with subdivision 3.

In addition, if the member is cited before the discipline committee, the person in charge of processing complaints determines whether the committee must sit at 1 or 3 members.

For the purposes of this section, the person in charge of processing complaints must consider whether the alleged violation involves a member of the public or not and the seriousness of the alleged violation, the complexity of the legal issues or the alleged facts, and whether the member has been previously disciplined.

44. Despite section 43, an officer must be cited before 3 members of the discipline committee.

45. The person in charge of processing complaints acts as the complainant where the member is cited with a breach of discipline.

The person in charge of processing complaints and the cited member are parties to the discipline proceedings.

46. After the filing of a disciplinary citation, the person in charge of processing complaints sends to the union or professional association representing the cited member all the evidence relating to the disciplinary complaint.

47. The person in charge of processing complaints may withdraw at all times a disciplinary citation that the person filed.

§2. Provisions relating to a citation before a designated officer

48. Where the person in charge of processing complaints cites a member before an officer, the person designates an officer from the district or management to which the cited member belongs and sends the file of the disciplinary complaint and the citation to the officer.

49. The designated officer serves on the cited member a notice of meeting indicating the date, time and place of the disciplinary interview at least 7 days before it is held.

Where the member does not present himself or herself at the date, time and place fixed, the file is then returned to the person in charge of processing complaints so that the person may make a new decision under section 30.

50. The member may be accompanied by a representative of his or her union association, which may intervene and make representations.

The member may rebut all the allegations contained in the investigation report and produce any document or transmit any information to explain the member's conduct.

Only the cited member is heard by the designated officer.

51. Unless the member's explanations require a supplementary investigation, the designated officer informs the member, within 7 days of the disciplinary interview and after consultation of the person in charge of processing complaints, of the decision he or she intends to render, which includes, as the case may be, the penalty that would be imposed.

Where the member acknowledges having committed the alleged breach, the designated officer informs the member of the penalty that would be imposed.

52. The designated officer may impose on the member one of the following penalties for each alleged breach:

(1) an order imposing that the member comply with reasonable conditions considered by the designated officer desirable to ensure the member's good conduct and prevent any repetition of the offence;

(2) a warning;

(3) a reprimand;

(4) a suspension without salary for a maximum period of 5 days.

Members who fail to comply with the conditions of an order rendered under subparagraph 1 of the first paragraph commit a breach of discipline.

53. Not later than 15 days after the designated officer has presented the proposed decision or penalty, as the case may be, the member must indicate to the designated officer whether or not he or she agrees.

Members who do not indicate within that period whether or not they agree with the proposal are deemed not to agree.

54. Where members agree with the proposal, the designated officer drafts, gives reasons for and signs the decision, which is then sent to the member, the person in charge of processing complaints and the Director General within 10 days of acceptance of the proposal by the member.

55. Where the member does not agree with the proposal, the designated officer reports to the person in charge of processing complaints. The file is then returned to that person's authority so that the person may make a new decision under section 30.

56. No answer given and statement made by the member and no proposal made by the designated officer may be used or admitted as evidence in judicial or quasi-judicial proceedings.

57. The disciplinary procedure before the designated officer must be terminated within 45 days of the date on which the file is sent to the designated officer by the person in charge of processing complaints who may authorize an extension of that period and fix the terms and conditions of any extension.

§3. Provisions relating to a citation before the discipline committee

58. A discipline committee consisting of not more than 10 officers appointed by the Director General and 5 persons, who are not police officers, appointed by the Minister of Public Security is hereby established.

59. The Director General designates, among the officers, a chair and a vice-chair of the discipline committee.

If the chair is absent or unable to act, the chair is replaced by the vice-chair.

60. Members of the discipline committee are appointed for a term of 2 years. Their term may be renewed.

Despite the foregoing, the member of the committee seized of a matter in accordance with section 62 may continue to examine and decide the matter, despite the expiry of the member's term.

Where a member seized of a matter is absent or unable to act, the chair of the committee may designate another member in accordance with section 62 to continue to examine and decide the matter.

61. The discipline committee is under the Director General's authority in the performance of its duties.

62. On receipt of a citation, the chair of the discipline committee designates from among the members of the committee, as the case may be,

(1) 1 member who must be an officer and who acts alone and as chair of the hearing;

(2) 3 members, 1 of whom is not a police officer, specifying which of the members, who must be an officer, acts as chair of the hearing.

63. If the cited member is an officer, the chair of the hearing must be of a rank equal to or greater than the rank of the cited officer.

64. The cited member must inform the person in charge of processing complaints of his or her plea within 10 days of service of the disciplinary citation. The person in charge of processing complaints sends the plea to the chair of the discipline committee.

The member who does not inform of his or her plea within that period is presumed to have denied committing the alleged breach.

65. On receipt of a plea, the chair of the discipline committee sets the date, time and place of the hearing and serves a notice on the parties at least 7 days before the date set for the hearing.

66. At the hearing, the cited member may be represented by an advocate of his or her choice, at the member's expense, an advocate designated by the member's union or professional association, a member of that association or a member of the Sûreté.

If the person representing the cited member is not a representative of the member's association, the association may be represented by an observer.

67. The discipline committee may, if it is considered relevant, summon as witnesses members of the Sûreté at the request of one of the parties.

This provision must not be construed as restricting the power of the parties to have relevant witnesses be heard.

68. The cited member or the person representing the member may apply for the recusation of one of the members of the discipline committee for a ground of reasonable cause to fear that the member will not be impartial, in particular where the member

- (1) could be called as a witness in the case;
- (2) was directly or indirectly involved in the event that gave rise to the disciplinary complaint or in the processing of that complaint;
- (3) was involved in a personal civil, criminal or family matter as regards the cited member.

69. A member presiding a hearing may convene the parties to a preparatory conference which may be held by means of a conference telephone call.

70. The discipline committee may, of its own authority or upon application by a party, for serious and valid reasons, postpone a hearing on the conditions it determines.

71. Where a cited member refuses or neglects, without valid reasons, to appear before the discipline committee or leaves the hearing room without authorization, the discipline committee may proceed in the member's absence.

72. At the hearing, the discipline committee must

- (1) read the disciplinary citation to the cited member;
- (2) allow the cited member to alter his or her plea;
- (3) allow the cited member to present a full and complete defence;
- (4) accept any evidence that it considers appropriate and relevant to ensure disclosure of the truth;
- (5) call, administer oath, question and discharge witnesses.

73. At the hearing, the person in charge of processing complaints must

- (1) describe the alleged breach of discipline;
- (2) submit evidence and make appropriate representations.

74. The disciplinary citation may be amended at any time as may be required to protect the rights of the parties. The discipline committee may not allow any amendment which would result in an entirely new citation having no relation to the original citation, except with the consent of the parties.

75. The depositions of witnesses before the discipline committee are recorded.

76. Hearings before the discipline committee are public. Despite the foregoing, the discipline committee may, of its own initiative or upon request, order that a hearing be held *in camera* or ban the publication or release of any information or document it indicates, in the interest of morality or public order, in particular to protect a person's privacy or reputation or the confidentiality of a police investigation procedure, a source of information or a police operation procedure.

77. At the hearing, the discipline committee may be assisted by a legal counsel who advises the committee on all questions of law or procedure, but abstains from taking part in deliberations and decisions.

78. The discipline committee decides whether the conduct of the member constitutes a violation of this By-law and, if so, imposes a penalty.

Before imposing a penalty, the discipline committee must allow the parties to be heard on the penalty.

79. The disciplinary penalty must be proportionate to the seriousness of the alleged violation, considering the circumstances of the event, the general conduct of the member and the contents of the member's disciplinary file.

80. Where the discipline committee decides that the member's conduct constitutes a violation of this By-law or that the member acknowledges having committed the alleged violation, the committee imposes one of the following penalties to the member for each violation within 20 days or, as the case may be, within 20 days following the submissions on penalty:

- (1) a warning;
- (2) a reprimand;
- (3) a disciplinary suspension without pay for a period not exceeding 15 working days, if the committee sits at 1 member, or not exceeding 60 working days, if the committee sits at 3 members.

Where the discipline committee sits at 3 members, it may also impose one of the following penalties for each violation:

- (1) a demotion;
- (2) dismissal.

81. The discipline committee may, if it considers it warranted by the interest of the public, the Sûreté or the cited member, order the member to comply with reasonable conditions considered by it desirable to ensure the member's good conduct and prevent any repetition of the offence. A member who fails or refuses to comply with such conditions commits a breach of discipline.

82. The discipline committee renders a decision based on the evidence collected during the hearing. The decision must be in writing, with reasons and signed by the participating members and sent to the cited member, the person in charge of processing complaints and the Director General within 30 days of the imposition of the penalty. The complainant is also informed of the discipline committee's decision.

The decision of the committee that sits at 3 members is made by a majority of the members.

DIVISION VI REVIEW AND EXECUTION OF A DISCIPLINARY DECISION

83. A review by the Director General may be made from a final decision of a designated officer or the discipline committee subsequent to the filing of a citation, at the request of a party within 15 days of the decision.

The Director General may also review such a decision of his or her own initiative within 30 days of the decision.

84. Before reviewing a decision, the Director General must so inform the parties and give them an opportunity to make representations in writing.

85. The Director General may confirm, cancel or amend the decision reviewed by the Director General and substitute therefor one of the penalties provided for in section 52 or 80, as the case may be.

The decision of the Director General is sent without delay to the member concerned and to the person in charge of processing complaints. The complainant is also informed of the Director General's decision.

86. Every disciplinary decision from a designated officer or the discipline committee becomes executory on the expiry of the period provided for in the second paragraph of section 83.

A review decision from the Director General is executory immediately.

87. Despite section 86, a disciplinary penalty of dismissal imposed on a member becomes executory on the Minister's decision.

88. A member on whom suspensions without pay have been imposed after more than one violation serves the penalties consecutively or concurrently, according to the decision of the designated officer or the discipline committee.

89. On a written application by a member on whom a suspension without pay has been imposed by a designated officer or the discipline committee, the Director General may determine that the number of days during which the member would thus be without pay be reduced totally or partially by the member's annual vacation, statutory holidays or future weekly leave at the rate of 1 per week.

On a written application by a member on whom a suspension without pay has been imposed by a designated officer or the discipline committee, the Director General may reduce the member's salary class for a duration equivalent to the number of days of the suspension.

The member must file those applications with the Director General not later than 7 days after the disciplinary decision has become executory.

90. No reference to a breach of discipline found not proved against a member may be entered in the member's personal file.

DIVISION VII STRIKING OFF OF A DISCIPLINARY PENALTY

91. A member on whom a disciplinary penalty other than dismissal has been imposed may, after 3 years in the case of a disciplinary suspension without pay or of a demotion and after 2 years in the case of a warning or a reprimand, apply in writing to the Director General for the penalty to be dismissed.

92. If the Director General grants the dismissal application, no reference to the disciplinary penalty may be kept in the member's personal file.

CHAPTER IV INTERPRETATION

93. The powers assigned to the Director General by this By-law may also be exercised by an officer designated by the Director General.

94. This By-law must not be construed as restricting the administrative power of the Director General to suspend temporarily with or without pay a member suspected of having committed a criminal or penal offence or a serious breach of discipline where the Director General is of the opinion that it is expedient to remove such member temporarily from the Sûreté.

CHAPTER V TRANSITIONAL AND FINAL

95. Every disciplinary complaint whose process is in progress on (*insert the date preceding the date of coming into force of this By-law*) is continued in accordance with this By-law, with the necessary modifications.

The periods for the striking off of a penalty in section 91 apply to the disciplinary penalties imposed before the coming into force of this By-law.

96. The members of the discipline committee appointed in accordance with section 54 of the Regulation respecting the discipline of members of the Sûreté du Québec (R.R.Q., c. P-13.1, r. 2) become members of the discipline committee constituted in accordance with section 58 of this By-law.

97. This By-law replaces the Regulation respecting the discipline of members of the Sûreté du Québec (R.R.Q., c. P-13.1, r. 2).

98. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2197

Draft Regulation

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

Medical technologists — Code of ethics — 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 Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec, made by the board of directors of the Ordre des technologistes médicaux du Québec and appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation specifies certain sections and determines new derogatory acts to the dignity of the profession.

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

Further information may be obtained by contacting Alain Collette, Director General and Secretary, Ordre professionnel des technologistes médicaux du Québec, 281, avenue Laurier Est, Montréal (Québec) H2T 1G2; telephone: 514 527-9811, extension 3005; fax: 514 527-5314.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice; they may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

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

Regulation to amend the Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec

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

1. The Code of ethics of the members of the Ordre professionnel des technologistes médicaux du Québec (c. C-26, r. 243) is amended by replacing section 1 by the following:

“**1.** This Code determines, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), the duties and obligations to be discharged by every member of the Ordre professionnel des technologistes médicaux du Québec.”

2. Section 2 is amended by replacing “and integrity” by “, integrity and based on the interest of his or her clients.”

3. Section 4 is amended by adding the following sentence: “If the interest of the client so requires, the medical technologist must consult another member of the Order, a member of another professional order or any other competent person, or refer the client to one of those persons.”

4. The heading of Division VII is replaced by the following: “INFORMATION, CHOICE AND CONSENT OF THE CLIENT”.

5. Section 22 is amended by replacing “his client’s right” by “the right of the client or the client’s legal representative” and by adding the following sentence: “The medical technologist must not, by any means, interfere with the client’s freedom of choice.”.

6. Section 23 is replaced by the following:

“**23.** A medical technologist must, except in an emergency, obtain free and enlightened consent from the client or the client’s legal representative before undertaking any action.”.

7. Section 24 is amended by inserting “or the client’s legal representative” after “client”.

8. The following section is inserted after section 24:

“**24.1.** A medical technologist must declare in writing, to the service head or the director of the laboratory or, where there is no service head or director of the laboratory, to a person designated by them, any incident, accident or non-compliant process that could be detrimental to the adequate conduct of the analysis, accuracy of the result, diagnosis, therapeutic follow-up and health of the client.”.

9. Section 25 is amended by adding the following paragraphs:

“(5) failing to notify the Order or allowing that activities reserved for medical technologists are carried out by a person who is not authorized to practise the profession;

(6) failing to notify the Order of the incompetence of a medical technologist or the practice of the profession in a detrimental manner;

(7) communicating with the complainant without the prior written permission from the syndic or assistant syndic, where the medical technologist is informed of an inquiry into his or her professional conduct or competence or where the medical technologist has received notice of a complaint against him or her;

(8) intimidating a person or taking reprisals or threatening to take reprisals against any person who

(a) has reported derogatory behaviour or conduct or intends to do so; or

(b) has taken part or cooperated in an inquiry into derogatory conduct or behaviour or intends to do so.”.

10. Section 26 is amended

(1) by replacing paragraph 3 by the following:

“(3) may consider that the medical technologist is released from professional secrecy with the written or express authorization of the client or where so ordered or expressly authorized by law;”;

(2) by adding the following paragraph:

“(4) must refrain from using his or her position to obtain information irrelevant to the practice of the profession in the record of clients.”.

11. The heading of Division X is replaced by the following: “ACCESSIBILITY AND RECTIFICATION OF RECORDS”.

12. Section 47 is amended by adding “by the Order or any other authority offering training recognized by the Order” at the end.

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

2193

Draft Regulation

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

Occupational therapists — Professional activities that may be engaged in by persons other than occupational therapists

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the professional activities that may be engaged in by persons other than occupational therapists, appearing below and made by the board of directors of the Ordre des ergothérapeutes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines the professional activities that, pursuant to the terms and conditions set out in the Regulation, may be engaged in by persons other than occupational therapists.

According to the Ordre des ergothérapeutes du Québec, the draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Fortier, Legal Advisor, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation, that is the Ordre des ergothérapeutes du Québec, and to interested persons, departments and bodies.

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

Regulation respecting professional activities that may be engaged in by persons other than occupational therapists

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

1. Students registered in an occupational therapy educational program may engage in, among the professional activities that may be engaged in by occupational therapists, those that are required to complete the program, provided that the students engage in the activities under the supervision of an occupational therapist and that the program

(1) leads to a diploma giving access to the permit issued by the Order;

(2) leads to a diploma in occupational therapy issued by a Canadian university outside Québec; or

(3) leads to a diploma in occupational therapy issued by an educational institution outside Canada that has entered into an agreement on the terms and conditions of admission of a foreign student with an educational institution that has a program leading to a diploma giving access to the permit issued by the Order.

2. A person referred to in the third paragraph of section 7 or the second paragraph of section 8 of the Regulation respecting the standards for equivalence for the issue of a permit by the Ordre des ergothérapeutes du Québec (c. C-26, r. 117), may engage in, among the professional activities that may be engaged in by occupational therapists, those that are required to complete the training that would enable the person to be granted an equivalence, provided that the person engages in those activities.

(1) in an environment appropriate to the person's training needs and approved by the Order;

(2) under the supervision of an occupational therapist:

(a) who practices clinical activities and has pertinent professional experience;

(b) who has not been the subject of any penalty imposed by the disciplinary committee of the Order or by the Professions Tribunal during the last five years preceding acceptance as a supervisor;

(c) who has not been required to serve a refresher training period, whose right to practice has not been limited or suspended, who has not been struck off the roll, and whose permit has not been revoked in the five years preceding acceptance as a supervisor.

3. All persons referred to in sections 1 and 2 must engage in these activities in compliance with the rules applicable to occupational therapists, including those relating to the code of ethics as well as the keeping of records and consulting-rooms.

4. This Regulation replaces the Regulation respecting professional activities that may be engaged in by persons other than occupational therapists (c. C-26, r. 107).

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

2205

Draft Regulation

Public Service Act
(R.S.Q., c. F-3.1.1)

Appeals procedure for public servants not governed by a collective agreement — Amendment

Notice is hereby given, in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 128 of the Public Service Act (R.S.Q., c. F-3.1.1), that the Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement, appearing below, may be made by the Government, with or without amendment, on the expiry of 30 days following this publication.

The draft Regulation updates the list of directives of the Conseil du trésor under which a public servant not governed by a collective agreement who considers himself or herself aggrieved by a decision rendered in his or her respect may appeal to the Commission de la fonction publique. The update follows the abolition of directives dealing with the class of positions and the remuneration and conditions of employment of labour commissioners in the public service.

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

Further information on the draft Regulation may be obtained by contacting Dave Blackburn, Secrétariat du Conseil du trésor, édifice H, secteur 700, 875, Grande Allée Est, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4619; fax: 418 642-0865 or email: dave.blackburn@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, secteur 100, 4^e étage, Québec (Québec) G1R 5R8.

MICHELLE COURCHESNE,
*Minister responsible for Government Administration
and Chair of the Conseil du trésor*

Regulation to amend the Regulation respecting an appeals procedure for public servants not governed by a collective agreement

Public Service Act
(R.S.Q., c. F-3.1.1, s. 127)

1. The Regulation respecting an appeals procedure for public servants not governed by a collective agreement (R.R.Q., c. F-3.1.1, r. 5) is amended by striking out paragraph 5 of section 2.

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

2198

Erratum

Erratum

Bill 7

(2011, chapter 26)

An Act to amend various legislative provisions mainly concerning the financial sector

Gazette officielle du Québec, Part 2, January 11, 2012,
Vol. 144, No. 2, page 19.

The French text of section 88 of the Act to amend various legislative provisions mainly concerning the financial sector, as published in the *Gazette officielle du Québec*, Part 2, January 11, 2012, must be read as though “30 novembre 2012” in the first paragraph were replaced by “30 novembre 2011”.

The French text of section 88 of the Act to amend various legislative provisions mainly concerning the financial sector so corrected is republished and reads as follows:

“**88.** Un membre du conseil d’administration de la Chambre de l’assurance de dommages en fonction le 30 novembre 2011 demeure en fonction jusqu’à son remplacement par un membre nommé par le ministre des Finances ou élu par les membres de la chambre.

Tous les membres du conseil d’administration issus de l’industrie doivent être élus au plus tard le 30 novembre 2012. De même, le conseil d’administration doit, avant cette date, recommander au ministre des Finances des membres qui se qualifient d’indépendants.

Toute vacance au sein du conseil d’administration, entre le 30 novembre 2011 et la date du remplacement des membres, y compris celle d’un membre nommé par le ministre des Finances, est comblée par le conseil d’administration.”

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

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