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Part

2

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Laws and Regulations

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Contents

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- (2) proclamations of Acts;
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Draft Regulations

Draft Regulation

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

Occupational health and safety in mines — 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 occupational health and safety in mines, appearing below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), on the expiry of 45 days following this publication.

The draft Regulation mainly prescribes standards relating to training, mobile refuge stations, the safety device of mine hoists and the handling and use of explosives, in particular their transport and loading. Provisions relating to the storage of explosives are also reviewed mainly to take into account the differences between a magazine and a chamber.

Further information may be obtained by contacting France Gauthier, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2; telephone: 418 266-4900, extension 2029; fax: 418 266-4698.

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

MICHEL DESPRÉS,
*Chair of the Board and Chief
Executive Officer of the Commission
de la santé et de la sécurité du travail*

Regulation to amend the Regulation respecting occupational health and safety in mines

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1st par., subpars. 7, 19, 41, 42, and 2nd par.)

1. The Regulation respecting occupational health and safety in mines (c. S-2.1, r. 14) is amended by inserting the following after section 27.2:

“**27.3.** Within 12 months after (*insert the date of coming into force of this Regulation*), any person who uses a slusher, pneumatic loader or scooptram must

(1) undergo training in occupational health and safety in accordance with the following modules of the modular course for miners published by the Commission scolaire de l’Or-et-des-Bois: Module 8 for a slusher, Module 9 for a pneumatic loader and Module 10 for a scooptram; and

(2) hold an attestation to that effect issued by the Commission scolaire de l’Or-et-des-Bois.

The conditions prescribed in subparagraphs 1 and 2 of the first paragraph also apply to a person hired after the expiry of the 12-month period provided for in the first paragraph.

A person who has undergone training in accordance with Modules U0000 to U0010 of the Ontario Training and Adjustment Board and the training in accordance with Module I referred to in section 27.1 is exempt from the conditions prescribed in the first and second paragraphs.

A person who holds a vocational studies diploma in mining issued after 1 January 1995 by the Ministère de l’Éducation, du Loisir et du Sport is deemed to have passed the training referred to in subparagraph 1 of the first paragraph and is exempt from the conditions prescribed in the first and second paragraphs.”.

2. The following is inserted after section 128:

“128.1. A mobile refuge station installed on or after (*insert the date of coming into force of this Regulation*), in addition to having the characteristics prescribed by sections 21, 109, 126, 127 and 128, must

(1) ensure its tightness by means of appropriate pressure tests according to the recommendations of the manufacturer, with the results entered in a register;

(2) be the subject of a monthly preventive maintenance program which necessarily includes maintenance every time it is moved and whose results are entered in a register;

(3) be located so that it is impossible for a vehicle to collide with the mobile refuge station.

128.2. No person may park a motorized vehicle less than 60 m (196.9 ft.) from a mobile refuge station.

128.3. A site plan of a mobile refuge station must be designed and updated every time it is moved and a copy of that plan must be kept on the mine site and available at all times.”

3. The following is inserted after section 253:

“253.1. To ensure safety during transportation of personnel, a device which prevents the start-up of the hoist must be installed when the doors of the cage are open.”

4. Section 404.1 is amended by inserting “or sealed” in paragraph 4 after “locked”.

5. Section 410 is amended by adding “or in a box on the surface, reserved for that purpose and identified to that effect, located at a distance of at least 23 m (75.5 ft.) from any building” at the end.

6. Section 415.3 is amended by replacing “magazines” in the second paragraph by “chambers”.

7. Section 418 is amended by replacing the first paragraph by the following:

“418. Where explosives are kept underground, they must be stored in a magazine

(1) constituted of at least one chamber;

(2) having a steel door at least 6 mm (0.23 in.) thick and opening only outwards where the magazine is built on or after 1 April 1993;

(3) mechanically or naturally ventilated by air intakes at least 0.06 m² (93 sq. in.) in area located at the top and bottom of the wall of the magazine; the intakes must be capable of providing at least one change of air per hour and be equipped with a spark arrester;

(4) whose openings, other than those referred to in paragraphs 2 and 3, must be closed by a shotcrete and reinforced concrete wall at least 152 mm (6 in.) thick or by a concrete wall or concrete block wall at least 300 mm (11.8 in.) thick;

(5) whose walls must be lined so as to prevent any rock from coming loose.”

8. Section 420 is amended by striking out “a chamber of”.

9. Section 421 is revoked.

10. Section 426 is amended

(1) by inserting “despite subparagraph *f* of subparagraph 1 of the first paragraph of section 424” after “other types of explosives”;

(2) by adding the following at the end:

“The distance of 8 m (26.3 ft.) must be measured along the longitudinal axis of the drift. That requirement only applies to magazines built on or after (*insert the date of coming into force of this Regulation*).”

11. Section 427 is amended by replacing “lieu d’entreposage” wherever it appears in the French text by “dépôt”.

12. Section 434 is amended by replacing subparagraph 3 of the second paragraph by the following:

“(3) no more than 6,000 kg (13,228 lb.) of explosives may be transported. Despite the foregoing, if detonators or other blasting accessories are transported with explosives, the maximum load must be 3,000 kg (6,614 lb.);”.

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

Decisions

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Electors residing temporarily in Salluit

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning electors residing temporarily in Salluit

WHEREAS Order-in-Council number 810-2012 issued on August 1, 2012, enjoined the Chief Electoral Officer to hold general elections in Québec on September 4, 2012;

WHEREAS, in accordance with section 274 of the Election Act (R.S.Q., c. E-3.3), as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, polling outside the electoral division for electors residing temporarily in an electoral division other than that of their domicile ended on August 30, 2012, at 2:00 p.m.;

WHEREAS electors residing temporarily in Salluit were unable to exercise their right to vote due to the prevailing weather conditions in the region;

WHEREAS section 276 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, provides that section 353 of the said Act shall apply to polling outside the electoral division;

WHEREAS section 353 of the Election Act provides that the Chief Electoral Officer may extend polling hours, in particular where polling has been interrupted by an irresistible force;

WHEREAS this provision does not allow for an extension of polling days;

WHEREAS section 272 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, provides that the board of revisors of the elector's temporary place of residence may enter the elector on the list of electors for the polling subdivision in which the elector is domiciled;

WHEREAS, in compliance with section 222 of the Election Act, the deadline for submission of a request to a special board of revisors ended at 2:00 p.m. on August 30, 2012;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 222, 274 and 353 of this Act as follows:

1. Electors residing temporarily in Salluit who are qualified to exercise their right to vote in accordance with the provisions of sections 269, 270, 272, 275, 276 and 277 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, are authorized to vote on August 31, 2012;
2. The special board of revisors for the electoral division of Ungava is authorized to receive requests from electors residing temporarily in Salluit on August 31, 2012.

This decision shall take effect on August 31, 2012.

Québec, August 31, 2012

JACQUES DROUIN,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

2267

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer — Counting of ballots from the vote of electors in the electoral division in which they are domiciled and the vote of electors outside the electoral division

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning the counting of ballots from the vote of electors in the electoral division in which they are domiciled and the vote of electors outside the electoral division

WHEREAS order-in-council number 810-2012 issued on August 1, 2012, enjoined the Chief Electoral Officer to hold general elections in Québec on September 4, 2012;

WHEREAS, in accordance with the Agreement signed pursuant to section 489 of the Election Act (R.S.Q., c. E-3.3) by the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, voting at the office of the returning officer for electors in the electoral division in which they are domiciled and voting of electors outside their electoral division have both been exercised during the current electoral period;

WHEREAS, according to section 268 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, the counting of ballots for voting by electors in the electoral division in which they are domiciled takes place in the electoral division;

WHEREAS, according to section 280 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, the ballot box containing the ballots of electors who voted outside their electoral division must be sent to the Chief Electoral Officer at the end of the period stipulated for the exercise of the right to vote;

WHEREAS, according to the provisions of sections 360 and 370.9 of the Election Act, the counting of ballots from voting by electors outside their electoral division takes place at the office of the Chief Electoral Officer;

WHEREAS, during verification of the envelopes containing the ballots from voting by electors outside their electoral division, some ballots from voting by electors in the electoral division in which they are domiciled were found in the ballot boxes;

WHEREAS ballots from voting by electors outside their electoral division may, during the counting of votes, be found in ballot boxes containing the ballots from voting by electors in the electoral division in which they are domiciled;

WHEREAS steps must be taken to allow these ballots to be counted and the results to be submitted for the electoral divisions concerned;

WHEREAS section 490 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, allows the Chief Electoral Officer to amend a provision of the Act or of the Agreement where it comes to his attention that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, as amended by the Agreement between the Chief Electoral Officer and the leaders of the authorized parties represented in the National Assembly, has decided to adapt the provisions of subdivision 3 of Division III of Chapter V of the Election Act, concerning the counting of ballots contained in a ballot box and ballots received in envelopes, as follows:

1. The persons who verify the envelopes before counting, the deputy returning officers and the poll clerks appointed to count the ballots from voting by electors in the electoral division in which they are domiciled and the ballots from voting by electors outside their electoral division must apply the procedure attached as an appendix to this decision where the ballots are found in a ballot box that is not the ballot box in which the said ballots should have been placed.

This decision shall take effect on September 3, 2012.

Québec, 3 September, 2012

JACQUES DROUIN,
*Chief Electoral Officer and
Chairman of the Commission de
la représentation électorale*

Instructions for processing regular ballots found in a ballot box from a polling station outside the electoral division

At the Chief Electoral Officer's office, when pre-counting and counting ballots from outside the electoral division

If the person doing the pre-count finds a regular ballot in a ballot box from a polling station outside the electoral division, he or she must apply the following procedure:

— The person responsible for counting the special votes places the ballot in a sealed envelope, and puts it in the ballot box for the electoral division concerned.

— On the evening of the count, the person responsible notifies the counting team concerned that it must count the ballots contained in the envelope.

— To decide on the validity of the ballot, the deputy returning officer refers to the instructions for deputy returning officers and poll clerks on polling day (DGE-60, p. 40 and following), which the person responsible must make available.

— The poll clerk enters the vote, along with the other ballots from the electoral division concerned, on the statement of votes counted.

— The poll clerk writes a note in the counting register to the effect that the team has received and counted the ballots concerned.

— The ballots are placed, with the other ballots from outside the electoral division, in the appropriate envelope (instructions for deputy returning officers and poll clerks for the counting of ballots received in envelopes (DGE-63.6, p.14, F-3).

Instructions for processing ballots from outside the electoral division found in a ballot box from an advance polling station

In the electoral division, on the evening of polling day

The person appointed by the returning officer brings:

— the list of candidates for the 125 electoral divisions

— instructions for deputy returning officers and poll clerks for the counting of ballots received from the returning officer in envelopes (DGE-63.6)

— blank statements of votes counted (DGE-76.2, available from the forms directory on the Extranet)

When a deputy returning officer-poll clerk team finds a ballot from outside the electoral division in a ballot box from a polling station at the office of the returning officer or from a mobile poll, it must apply the following procedure:

— The deputy returning officer counts the ballot before the others.

— The deputy returning officer informs the person appointed by the returning officer that an envelope containing a ballot from outside the electoral division has been found in the ballot box, and mentions the name of the riding shown on the envelope. The person appointed by the returning officer gives the deputy returning officer the list of candidates for that riding.

— To decide the validity of the ballot, the deputy returning officer consults the instructions for deputy returning officers and poll clerks for the counting of ballots received in envelopes (DGE-63.6, p.9).

— The poll clerk completes one or more blank statements of votes counted (DGE-76.2) provided by the person appointed by the returning officer. He or she enters the name of the elector's electoral division (as shown on the envelope and on the ballot).

— The deputy returning officer places the ballots concerned in a special envelope bearing the title "Ballots from outside the electoral division". He or she places this envelope, along with a copy of the statement of votes counted, in the ballot box identified for ballots from outside the electoral division. The deputy returning officer and poll clerk both initial the seal and invite the representatives to do so as well.

— The poll clerk hands the statement of votes counted (DGE-76.2) to the person appointed by the returning officer as soon as it has been completed.

— The person appointed by the returning officer hands the statement of votes counted to the returning officer.

— The returning officer sends the statement of votes counted by fax (1-866-680-1881 pr 418-646-5864) to the Roger-Lefrançois distribution centre, where ballots from outside the electoral division are counted.

Erratum

Decision

Election Act
(R.S.Q., c. E-3.3)

Gazette officielle du Québec, Part 2, 12 September 2012,
Vol. 144, No. 37.

The following three decisions should have been published in English:

“Chief Electoral Officer — Requests for entry on the list of electors and the mobile poll in the electoral division of Jean-Lesage

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act, concerning requests for entry on the list of electors and the mobile poll in the electoral division of Jean-Lesage

WHEREAS Order-in-Council number 810-2012 issued on August 1, 2012, enjoined the Chief Electoral Officer to hold general elections in Québec on September 4, 2012;

WHEREAS, in the electoral division of Jean-Lesage, approximately thirty requests by electors for entry on the list of electors and for the mobile poll were not processed, due to an error;

WHEREAS the said requests were submitted within the timeframes required by the Election Act (R.S.Q., c. E-3.3);

WHEREAS the deadline stipulated in section 194 of the Election Act for processing of the said requests by a mobile board of revisors expired on August 21, 2012;

WHEREAS the period stipulated in section 301.16 of the Election Act for the mobile poll ended at 2:00 p.m. on August 30, 2012;

WHEREAS, pursuant to the provisions of the Election Act concerning the revision of the list of electors by a special board of revisors, a request for entry on the list must be filed in person by the elector, and an elector entered on the list in this way cannot exercise his or her right to vote in the advance poll;

WHEREAS the application of these provisions means that the electors affected by the situation described above must go in person to the special board of revisors to

request entry on the list of electors and cannot exercise their right to vote at the mobile polling station;

WHEREAS the electors in question are unable to travel;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 190, 208, 221, 223 and 225 of this Act as follows:

1. The special board of revisors for the electoral division of Jean-Lesage is authorized to process requests for entry on the list of electors made by the electors to whom this decision applies, without the obligation for the electors to be present in person;

2. The revisors from the special board of revisors for the electoral division of Jean-Lesage are authorized to obtain from the electors concerned all the documents, testimony and oaths required by the special board of revisors;

3. The returning officer for the electoral division of Jean-Lesage must take all the necessary steps to ensure that the electors whose requests for entry on the list of electors are accepted by the special board of revisors are able to exercise their right to vote at the mobile polling station.

This decision shall take effect on August 29, 2012.

Québec, August 29, 2012

JACQUES DROUIN,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

2264

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Counting of advance poll ballots

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the counting of advance poll ballots

WHEREAS Order-in-Council number 810-2012 issued on August 1, 2012, enjoined the Chief Electoral Officer to hold general elections in Québec on September 4, 2012;

WHEREAS the various advance polls have been taking place since August 24, 2012;

WHEREAS the number of people voting in the advance polls on August 26 and 27, 2012, was very high;

WHEREAS, in several polling stations, additional ballot boxes were opened after the first day of the advance poll;

WHEREAS section 361 of the Election Act (R.S.Q., c. E-3.3) states that the deputy returning officer, assisted by the poll clerk, shall count the ballots after the close of polls;

WHEREAS in many electoral divisions, the counting of advance poll ballots risks being significantly delayed due to the high number of electors who exercised their right to vote;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an exceptional circumstance, it does not meet the demands of the situation;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented in the National Assembly of his intention to use the provisions of the said section, and has taken the steps required to inform the other authorized parties, the candidates and the electors in question;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt sections 361 to 370.2 of this Act as follows:

1. The returning officer is authorized, as from 6:00 p.m. on polling day, to have a supplementary deputy returning officer and poll clerk begin counting the advance ballots for the additional ballot boxes opened after the first day of the advance poll.

2. The returning officer is authorized, as from 6:00 p.m. on polling day, to begin counting the advance ballots for ballot boxes containing more than 300 ballots.

3. In the case of ballot boxes containing more than 600 ballots, the returning officer must appoint one or more teams of supplementary deputy returning officers and poll clerks to begin counting the ballots as from 6:00 p.m. on polling day.

4. The returning officer must take all necessary steps to ensure that the personnel assigned to count the ballots from the said ballot boxes are able to communicate the results of the count before the poll closes; the personnel in question and the representatives present must make an oath to this effect.

This decision shall take effect on August 29, 2012.

Québec, August 29, 2012

JACQUES DROUIN,
*Chief Electoral Officer and
Chairman of the Commission
de la représentation électorale*

2265

Decision

Election Act
(R.S.Q., c. E-3.3)

Chief Electoral Officer

— Exercise of the duties of officer assigned to the list of electors on polling day

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 490 of the Election Act concerning the exercise of the duties of officer assigned to the list of electors on polling day

WHEREAS Order-in-Council number 810-2012, issued on August 1, 2012, enjoined the Chief Electoral Officer to hold general elections in Québec on September 4, 2012.

WHEREAS section 310.1 of the Election Act (R.S.Q., c. E-3.3) stipulates that, in every polling station, the returning officer shall appoint one person to act as officer assigned to the list of electors, as recommended by the candidate of the authorized party that came third at the last election;

WHEREAS section 312 of the Election Act provides that recommendations for the appointment of election personnel must be received by the returning officer no

later than the seventeenth day preceding polling day, and that if no recommendations are received, the returning officer shall make the appointment without any other formality;

WHEREAS the Chief Electoral Officer intends to make every effort to fill the positions of deputy returning officer and poll clerk and to build a sufficient reserve in case the persons appointed to those positions should withdraw;

WHEREAS the number of officers assigned to the list of electors available on polling day in certain electoral divisions is insufficient to comply with the provisions of section 310.1 of the Election Act;

WHEREAS special measures may be taken by the returning officers on polling day if it is not possible to place one person assigned to the list of electors at each polling station;

WHEREAS section 490 of the Election Act allows the Chief Electoral Officer to adapt a provision of the Act if it comes to his attention that the said provision does not meet the demands of the situation subsequent to an exceptional circumstance;

WHEREAS the Chief Electoral Officer has informed the authorized parties represented at the National Assembly of his intention to use the provisions of the said section, and has taken the necessary steps to inform the other authorized parties, candidates and electors concerned;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 490 of the Election Act, has decided to adapt section 310.1 of the Election Act to provide that the duties of the officer assigned to the list of electors shall be carried out by the poll clerk in polling stations where the position was not filled as of the date on which this decision was made.

This decision shall take effect on August 29, 2012.

Québec, August 29, 2012

JACQUES DROUIN,
*Chief Electoral Officer and
Chair of the Commission
de la représentation électorale*

2266”.

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

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Occupational health and safety in mines (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	3097	Draft
Occupational health and safety, An Act respecting... — Occupational health and safety in mines (R.S.Q., c. S-2.1)	3097	Draft

