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Part

2

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Laws and Regulations

Volume 145

Summary

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Contents

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 (chapter 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;
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- (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. 476-2013, 8 May 2013

An Act respecting occupational health and safety
(chapter S-2.1)

Occupational health and safety

— Amendment

Safety Code for the construction industry

— Amendment

Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry

WHEREAS, under subparagraphs 7, 10, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply;

WHEREAS, under the third paragraph of section 223, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2012 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation without amendment at its sitting of 26 March 2013;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 is to be submitted to the Government for approval;

WHEREAS it is expedient for the Government to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry, attached to this Order in Council, be approved.

JEAN ST-GELAIS,

Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety and the Safety Code for the construction industry

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 10, 19 and 42, and 2nd and 3rd pars.)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended by revoking section 61.

2. Section 62 is amended by inserting the following after the first paragraph:

“For the purposes of this section, the second paragraph of section 69.5 applies.”.

3. The following Division is inserted after section 69:

“DIVISION IX.1 PROVISIONS ON THE SAFE MANAGEMENT OF ASBESTOS

69.1. Definitions: In this Division,

“flocking” means a mixture of friable materials applied by spray to cover a surface; (*flocage*)

“heat insulating material” means insulating material that covers a facility or equipment to prevent heat loss. (*calorifuge*)

69.2. Concentration: For the purposes of this Division, a material, product, flocking or heat insulating material contains asbestos where the asbestos concentration is at least 0.1%.

§1. Flocking and heat insulating material

69.3. Inspection: Every building built before 15 February 1990 must be inspected in order to locate flocking containing asbestos.

Every building built before 20 May 1999 must be inspected in order to locate heat insulating material containing asbestos.

It is the employer's responsibility to locate flocking and heat insulating material in respect of any building under the employer's authority.

69.4. Demonstration: Flocking and heat insulating material are presumed to contain asbestos unless demonstrated otherwise by

(1) verifiable documentary information, such as a technical description or a material safety data sheet, which establishes the composition of flocking and heat insulating material or the date of their installation; or

(2) a sampling report complying with section 69.7 including the results of an analysis carried out on a sufficient number of representative samples so that the presence of asbestos on flocking and heat insulating material may be shown in accordance with section 69.5.

69.5. Analysis: The analysis of samples must be carried out according to one of the methods specified in the Sampling Guide for Air Contaminants in the Workplace, published by the Institut de recherche Robert-Sauvé en santé et en sécurité du travail, as it reads at the time that it is applied, or according to a method enabling to obtain an equivalent accuracy.

Depending on the analysis method used, a concentration result greater than trace is equivalent to an asbestos concentration of at least 0.1%.

The laboratory that carries out the analysis must participate in an interlaboratory quality control program.

69.6. Results: Flocking or heat insulating material from which a sample was taken is deemed to contain asbestos if the sample's asbestos concentration is at least 0.1%.

69.7. Sampling report: The employer must obtain a sampling report where samples are taken for analysis from flocking and heat insulating material.

Such a report must contain the following information:

(1) the name and qualification of the person responsible of the sampling report;

(2) for each flocking and heat insulating material, a list of the samples taken and their location;

(3) the analysis report of the samples;

(4) the analysis method used; and

(5) the name and address of the laboratory having carried out the analyses and the identification of the interlaboratory quality control program in which the laboratory participates.

69.8. Frequency of inspections: The employer must check, during the initial inspection and every two years thereafter, flocking and heat insulating material containing asbestos, except if they are entirely enclosed in a permanent structure resistant to fibres and access to flocking and heat insulating material is only possible by a destructive operation of the structure.

For the purposes of this section, the protective coating of heat insulating material does not constitute a permanent structure.

69.9. Corrective measures: Where flocking or heat insulating material is liable to produce asbestos dust emissions, the employer must, taking into account the degradation and dispersal factors, remove it, enclose it entirely in a permanent structure resistant to fibres, coat it with or soak it in a binder, or cover it with material resistant to fibres.

§2. Materials and products containing asbestos

69.10. Exclusions: For the purposes of this subdivision, gypsum boards and joint compounds manufactured after 1 January 1980 are presumed not to contain asbestos.

69.11. Verification: Before undertaking work liable to generate dust by a direct or indirect action on or inside a building or any civil engineering works under the employer's authority, the employer must check for the presence of asbestos in the materials and products likely to contain some.

Depending on the availability of information, the employer must also check for the presence of asbestos when purchasing those materials or products.

The employer may be exempted from the obligation imposed by the first paragraph if the employer shows that the work to be carried out is not liable to produce asbestos dust emissions.

69.12. Applicable provisions: Sections 69.4 to 69.7 apply to a material or product likely to contain asbestos, adapted as required.

69.13. Corrective measures: Where an interior finish likely to contain asbestos may emit dust because of its state, the employer must repair it or remove it taking into account the degradation and dispersal factors.

69.14. Control of dust emissions: The employer must take the required measures to control the emission of asbestos dust before undertaking work on materials or products, including flocking and heat insulating material, containing asbestos. The employer has, in that respect, the same obligations as those provided for in the Safety Code for the construction industry (chapter S-2.1, r. 4) as it reads at the time it applies.

The employer may be exempted from the obligations imposed by the first paragraph if the employer shows that the work to be carried out is not liable to produce asbestos dust emissions.

69.15. Training and information: Before undertaking work liable to produce asbestos dust emissions, the employer must train and inform the worker of the risks, prevention methods and safe working methods relevant to the work to be carried out.

§3. *Recording and disclosure of information*

69.16. Register: The employer must keep and update a register that must contain the following entries and documents:

(1) the location of flocking and heat insulating material that were inspected and the location of the materials and products that were checked;

(2) the presence and type of asbestos or the absence of asbestos, in flocking and heat insulating material, materials and products, and the verifiable documentary information or sampling reports carried out by the employer indicating the types of asbestos or showing the absence of asbestos;

(3) the dates and results of the inspections of flocking and heat insulating material containing asbestos conducted in accordance with sections 69.3 and 69.8 and the dates and results of any other verification of materials and products; and

(4) the nature and the date of the work carried out on flocking, heat insulating material, materials and products containing asbestos.

The employer must keep the register provided for in the first paragraph for as long as the building or civil engineer works are under the employer's authority.

The employer must put the register at the disposal of workers and their representatives who work in the employer's establishment.

69.17. Disclosure of information: The employer must disclose to every person who plans to or will carry out work liable to produce asbestos dust emissions the entries relevant to that work that are noted in the register provided for in section 69.16, so that the person may plan and implement the required measures.

Every person who plans to or will carry out work liable to produce asbestos dust emissions must so inform all the workers likely to be exposed to asbestos dust.”

4. The Safety Code for the construction industry is amended by revoking paragraph 12 of section 1.1.

5. The following is inserted after the heading of subdivision 3.23 of Division III:

“**3.23.0.1.** For the purposes of this subdivision, any material and product contains asbestos where the asbestos concentration is of at least 0.1%.

In that respect, the second paragraph of section 69.5 of the Regulation respecting occupational health and safety applies.”

6. The location of flocking and heat insulating material of the buildings referred to in section 69.3 of the Regulation respecting occupational health and safety must be carried out within 2 years of the coming into force of this Regulation.

7. 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. 482-2013, 15 May 2013

An Act respecting contracting by public bodies
(chapter C-65.1)

Integrity in Public Contracts Act
(2012, chapter 25)

Certain contracts of Ville de Montréal

Certain contracts of Ville de Montréal

WHEREAS the Integrity in Public Contracts Act (2012, chapter 25) was assented to on 7 December 2012;

WHEREAS the Act amends in particular the Act respecting contracting by public bodies (chapter C-65.1) and other Acts respecting the municipal sector;

WHEREAS, under section 21.17 of the Act respecting contracting by public bodies, an enterprise that wishes to enter into a contract with a public body involving an expenditure equal to or greater than the amount determined by the Government or that wishes to enter into a subcontract that involves an expenditure equal to or greater than that amount and that is directly or indirectly related to the contract must obtain an authorization from the Autorité des marchés financiers;

WHEREAS, under section 573.3.3.3 of the Cities and Towns Act (chapter C-19), sections 21.17 to 21.20, 21.25, 21.34, 21.38, 21.39, 21.41, 27.6 to 27.9, 27.11, 27.13 and 27.14 of the Act respecting contracting by public bodies apply, with the necessary modifications, in respect of any municipal contract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and pertains to the performance of work or the supply of insurance, equipment, materials or services and, for the purposes of those sections, any such contract is deemed to be a public contract, any subcontract that involves an expenditure equal to or greater than the amount determined by the Government under section 21.17 of that Act and is directly or indirectly related to such a contract is deemed to be a public subcontract and every municipality is deemed to be a public body;

WHEREAS, under section 85 of the Integrity in Public Contracts Act, from 15 January 2013, for the purposes of section 21.17 of the Act respecting contracting by public bodies, the contracts and subcontracts to which that section applies are construction contracts and subcontracts and service contracts and subcontracts that involve an

expenditure equal to or greater than \$40,000,000 and for which the award process is underway on or begins after that date;

WHEREAS, under section 86 of the Integrity in Public Contracts Act, despite the expenditure amount specified in section 85 of the Act or determined by the Government under section 21.17 of the Act respecting contracting by public bodies, the Government may, before 31 March 2016, determine that Chapter V.2 of that Act applies to groups of public contracts or subcontracts or to groups of contracts or subcontracts deemed to be public contracts or subcontracts under that Act, whether or not they are of the same category, even if they involve a lower expenditure amount and the Government may also determine special terms for the applications for authorization that enterprises must file with the Autorité des marchés financiers in respect of such contracts or subcontracts;

WHEREAS Ville de Montréal has cancelled, extended or postponed a number of calls for tenders since the fall of 2012 and it wishes, in addition, to initiate new calls for tenders;

WHEREAS Ville de Montréal applies to the Government to have the contracts concerning calls for tenders it wishes to pursue or initiate that involve an expenditure amount lower than \$40,000,000 governed by the new authorization regime introduced by Chapter V.2 of the Act respecting contracting by public bodies;

WHEREAS section 100 of the Integrity in Public Contracts Act provides that a decision of the Government made under section 86 of the Act comes into force on the date of its adoption or on any later date specified in it, must be published in the *Gazette officielle du Québec* as soon as possible and sections 4 to 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to that decision;

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

THAT Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1) apply, with the necessary modifications, to the group of contracts listed in the Schedule to this Order in Council;

THAT a preliminary application for authorization with respect to a contract be submitted by each tenderer to the Autorité des marchés financiers not later than the deadline for submitting bids;

THAT the preliminary application for authorization be considered completed for each of the two tenderers that are the highest ranked following the analysis of bids, by the transmission by Ville de Montréal of the ranking of the tenderers;

THAT, where the contract cannot be awarded to either tenderer, the other preliminary applications be considered completed for the subsequent tenderers on the basis of their ranking, until the contract can be awarded;

THAT the preliminary applications for authorization of tenderers that were not processed be returned to the tenderers free of charge;

THAT this Order in Council come into force on 15 May 2013.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE

	BID	TITLE OF PROJECT	BOROUGH
1	231501	Construction and reconstruction of sidewalks, medians, roadways, traffic lights and lighting system, where required, in boulevard Lacordaire, between boulevard Couture and a point to the south of the Canadian National overpass. (Realization of east train – 2013).	SAINT-LÉONARD
2	CDN-NDG-13-AOP-BT- 006	Reconstruction of sidewalks and curbs, where required, on the various streets of the borough of Côte-des-Neiges –Notre-Dame-de-Grâce (2013 road repair program).	CÔTE-DES-NEIGES – NOTRE-DAME-DE-GRÂCE
3	2013-139	Leveling and surfacing, roadway reconstruction and heat patching on various streets of the Mercier–Hochelaga-Maisonneuve borough under the 2013 road repair program.	MERCIER–HOCHELAGA-MAISONNEUVE
4	895	Spraying and leveling for pavement repair and sidewalk reconstruction on various streets of the Montréal-Nord borough (2013 corporate road repair program).	MONTRÉAL-NORD
5	894	Spraying and leveling for the pavement repair and sidewalk reconstruction in various streets of the Montréal-Nord borough (2013 local road repair program).	MONTRÉAL-NORD
6	RP-ING13-06	MACADAM 2013 Work to stabilize roadway by spraying) / 2013 road repair program / Repair of car ramps, sidewalks and curbs / Construction of a sidewalk – Promenades du Cristallin and opening of the median of Cristallin du Golf.	RIVIÈRE-DES-PRAIRIES–POINTE-AUX-TREMBLES
7	13-027	Roadway repair work at various places in the Saint-Laurent borough.	SAINT-LAURENT
8	13-028	Sidewalk and curb repair work at various places in the borough.	SAINT-LAURENT
9	VMP-13-010	Reconstruction of a combined sewer and of a secondary water main in rue Saint-Christophe, from rue Ontario to rue Sherbrooke.	VILLE-MARIE
10	PRR-13-02	Roadway repair work and reconstruction of sidewalks, where required, on various streets of the Villeray–Saint-Michel–Parc-Extension borough (2013 local road network repair program).	VILLERAY–SAINT-MICHEL–PARC-EXTENSION

BID	TITLE OF PROJECT	BOROUGH
11 2065-AE	Performance of internally controlled work on equipment of the Direction de l'épuration des eaux usées.	RIVIÈRE-DES-PRAIRIES- POINTE-AUX-TREMBLES
12 3276-AE	Upgrade of the Charles-Renard regulation structure.	RIVIÈRE-DES-PRAIRIES- POINTE-AUX-TREMBLES
13 3277-AE	Electricity, control, civil engineering and mechanical work for the construction of 8 environmental follow-up systems.	RIVIÈRE-DES-PRAIRIES- POINTE-AUX-TREMBLES/ MONTRÉAL-NORD AHUNTSIC- CARTIERVILLE
14 10095	Installation of a ventilation system at the Atwater plant, Interconnection sector 1.	LE SUD-OUEST
15 10065	Construction of a tunnel water main of 2 100 mm from the intersection Notre-Dame / A.D.-Roy to the Rosemont reservoir.	ROSEMONT- LA PETITE-PATRIE
16 10089	Closse pumping station: electric and mechanical upgrade and automation (Project R-2012-09).	VILLE-MARIE
17 906	Reconstruction of a combined sewer and a secondary water main in rue Belleville; from rue Monselet to boulevard Gouin.	MONTRÉAL-NORD
18 S13-001	Reconstruction of boulevard LaSalle between rue Brault and rue Bannantyne (water system-sewer-roadway).	VERDUN
19 S13-002	Reconstruction of rue Rielle between boulevard LaSalle and rue de Verdun (water system-sewer-roadway) and partial reconstruction of rue Beatty between rue Bannantyne and rue Beurling (water system-sewer-roadway).	VERDUN
20 VMP-13-009	Reconstruction of a combined sewer and of a secondary water main in rue Saint-Mathieu, from boulevard De Maisonneuve to rue Sainte-Catherine.	VILLE-MARIE
21 13-6550	Mont-Royal – Redevelopment of the west sector of the glade.	VILLE-MARIE
22 255801	Reconstruction of the flexible roadway, sidewalks and the secondary water main, where required, in rue Chénier, from boulevard Louis-H.-La Fontaine to the borough boundary. (Road repair program 2012-Feeders).	ANJOU
23 278501	Reconstruction of a secondary water main in avenue Bloomfield, from rue Beaumont to rue Jean-Talon.	VILLERAY- SAINT-MICHEL- PARC-EXTENSION
24 265201	Construction of a bicycle path and a secondary water main in the extension of rue St-Viateur, between avenue De Gaspé and rue Henri-Julien.	PLATEAU-MONT-ROYAL
25 264102	Supply and installation of guardrails, impact attenuators and curb reconstruction, where required, in rue Saint-Patrick, rue Saint-Rémi and boulevard De La Vérendrye. (Road repair program 2011 – Arterial system).	SEVERAL

Gouvernement du Québec

O.C. 492-2013, 15 May 2013

Youth Protection Act
(chapter P-34.1)

Financial assistance to facilitate tutorship to a child — Amendment

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

WHEREAS, under subparagraph *i* of the first paragraph of section 132 of the Youth Protection Act (chapter P-34.1), the Government may make regulations to determine the terms and conditions on which financial assistance may be granted to facilitate tutorship to a child;

WHEREAS, under that power, the Government made the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child was published in Part 2 of the *Gazette officielle du Québec* of 19 December 2012 with a notice that it could be submitted to the Government to be made on the expiry of 60 days following that publication;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

WHEREAS, under the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and 15 days after that date where the authority that is making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying a shorter period must be published with the regulation;

WHEREAS the urgency due to the following circumstances justifies that the Regulation attached to this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*:

— the financial assistance to facilitate tutorship to a child is based on the group agreements entered into in August 2012 under the Act respecting the representation of family-type resources and certain intermediate

resources and the negotiation process for their group agreements (chapter R-24.0.2), which provide substantial increases of the amounts paid to foster families;

— most amounts were paid to foster families retroactively to 1 January 2012;

— it is important that the new amounts for the financial assistance of tutors may be paid to them as soon as possible in order to reduce the difference between the amounts granted to foster families and the financial assistance granted to tutors;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

Youth Protection Act
(chapter P-34.1, s. 132)

1. The Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5) is amended by replacing “from the first day of the month following” in the fourth paragraph of section 1 by “as of”.

2. Section 3 is amended by replacing “13” by “14”.

3. Section 4 is amended by replacing “as of the first day of the month that follows” in the first paragraph by “as of”.

4. Section 5 is amended by replacing “from the first day of the month following” in the second paragraph by “as of”.

5. Section 6 is amended by replacing “from the first day of the month following” by “as of”.

6. Section 7 is amended by replacing the second paragraph by the following:

“In case of partial suspension, the tutor is only entitled to 60% of what constitutes reasonable operating expenses referred to in subparagraph 2 of the first paragraph of section 13, as financial assistance which is granted to the tutor as of the date of suspension.”

7. Section 9 is amended by replacing “as of the first day of the month following” in the second paragraph by “as of”.

8. Section 10 is amended by replacing “on the first day of the month following” in the third paragraph by “as of”.

9. Section 12 is amended by replacing “as of the first day of the month following” by “as of”.

10. Section 13 is replaced by the following:

“**13.** A tutor is entitled, as financial assistance, to an amount obtained by adding the following amounts:

(1) an amount determined by subtracting the amount to stand in lieu of monetary compensation provided for in subparagraph *a* of paragraph 4 of section 34 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) from the net remuneration, established pursuant to paragraph 3 of section 34, and to which the tutor would be entitled under a group agreement entered into in accordance with the provisions of that Act as a foster family within the meaning of the Act respecting health services and social services;

(2) the amount determined as what constitutes reasonable operating expenses in accordance with paragraph 3 of section 34 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements;

(3) a daily amount of \$5 to cover the child’s personal expenses.

A daily lump sum of \$2.16 is added to the amount obtained pursuant to the first paragraph as special compensation. The lump sum is adjusted on 1 January of each year, in relation to the preceding year, based on the percentage change in the All-Items Consumer Price Index for Canada, published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19). To that end, the consumer price index for a year is the annual average calculated from the monthly indexes for the 12 months ending on 30 September of the preceding year.

An electronic version of the content of the group agreement provided for in subparagraph 1 of the first paragraph, updated by the Ministère de la Santé et des Services sociaux, is available on the department’s website at www.msss.gouv.qc.ca”.

11. Section 14 is replaced by the following:

“**14.** The level of services required to determine the amount of compensation provided for in subparagraph 1 of the first paragraph of section 13 is established at the time of the initial application for financial assistance. Despite the foregoing, it may be reviewed by the institution upon request by the tutor if a significant change, either permanent or chronic, occurs in the condition of the child. Such a situation must be certified by a physician who is a member in good standing of the Collège des médecins du Québec.

For such purposes, the institution uses the Form for the determination and classification of support and assistance services provided for as a schedule to the Regulation respecting the classification of services offered by an intermediate resource and a family-type resource (chapter S-4.2, r. 3.1).

The amount adjusted following a review is granted as of the date of receipt of the duly completed application for review.”

12. Not later than 6 months after the coming into force of this Regulation, an institution referred to in the first paragraph of section 1 of the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5) must, in respect of any tutor receiving financial assistance under the Regulation, reassess the level of services required by a child of whom the person is the tutor by means of the form referred to in the second paragraph of section 14 of the Regulation, enacted by section 11. The tutor is entitled to financial assistance, adjusted after the reassessment, as of the coming into force of this Regulation.

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

Gouvernement du Québec

O.C. 493-2013, 15 May 2013

Youth Protection Act
(chapter P-34.1)

Financial assistance to facilitate the adoption of a child

— Amendment

Regulation to amend the Regulation respecting financial assistance to facilitate the adoption of a child

WHEREAS, under subparagraph *f* of the first paragraph of section 132 of the Youth Protection Act (chapter P-34.1), the Government may make regulations to determine in what cases, according to what criteria and on what conditions an institution operating a child and youth protection centre may grant financial assistance to facilitate the adoption of a child;

WHEREAS, under that power, the Government made the Regulation respecting financial assistance to facilitate the adoption of a child (chapter P-34.1, r. 4);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting financial assistance to facilitate the adoption of a child was published in Part 2 of the *Gazette officielle du Québec* of 19 December 2012 with a notice that it could be submitted to the Government to be made on the expiry of 60 days following that publication;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made;

WHEREAS, under the first paragraph of section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and 15 days after that date where the authority that is making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying a shorter period must be published with the regulation;

WHEREAS the urgency due to the following circumstances justifies that the Regulation attached to this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*:

— the Regulation to amend the Regulation respecting financial assistance to facilitate tutorship to a child must come into force on the date of its publication in the *Gazette officielle du Québec* for the reasons provided for in the Order in Council making it;

— this Regulation to amend the Regulation respecting financial assistance to facilitate the adoption of a child refers directly to the new provisions of the Regulation respecting financial assistance to facilitate tutorship to a child for calculating the financial assistance to an adopting parent;

— both Regulations must come into force at the same time in order to avoid questions and ambiguities that could result from a different date of coming into force;

WHEREAS it is expedient to make the Regulation with amendments to take into account certain comments received;

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

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting financial assistance to facilitate the adoption of a child

Youth Protection Act
(chapter P-34.1, s. 132)

1. The Regulation respecting financial assistance to facilitate the adoption of a child (chapter P-34.1, r. 4) is amended by replacing “and may be renewed for 2 consecutive years following the date of the order. Notwithstanding the foregoing, financial assistance shall cease when the child reaches 18 years of age.” in the first paragraph of section 5 by the following:

“Despite the foregoing, where on that date, the adopting parent receives adoption benefits under the Act respecting parental insurance (chapter A-29.011), the financial assistance payment may, at the parent’s request, begin at the end of the payment of the benefits.

The financial assistance may be renewed for 2 consecutive years. Despite the foregoing, it ceases when the child reaches 18 years of age.”.

2. Section 6 is replaced by the following:

“**6.** The amount of financial assistance to which a person is entitled under this Regulation is equal to the amount of financial assistance to which a tutor is entitled in accordance with section 13 of the Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5), less the amount of the child tax benefit under the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)) and the amount in respect of a child assistance payment to which a person would have also been entitled under sections 1029.8.61.8 to 1029.8.61.60 of the Taxation Act (chapter I-3) that includes, in the latter case, the supplement for handicapped children provided for in that Act.

The level of services required to determine the amount of the financial assistance provided for in the first paragraph is established by means of the Form for the determination and classification of support and assistance services provided for as a schedule to the Regulation respecting the classification of services offered by an intermediate resource and a family-type resource (chapter S-4.2, r. 3.1).”.

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

Draft Regulations

Draft Regulation

An Act respecting the conservation and development of wildlife
(chapter C-61.1)

Animals in captivity — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting animals in captivity, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation revokes sections that will be reintroduced in the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 10).

Those amendments are necessary considering the amendments made to the Act respecting the conservation and development of wildlife by An Act to amend the Act respecting the conservation and development of wildlife (2009, chapter 49), which transferred several regulatory powers previously exercised by the Government to the Minister.

Study of the matter has revealed no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Mrs. Véronique Michaud, Direction Réglementation, Tarification and Permits, Ministry of Sustainable Development, Environment, Wildlife and Parks, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; phone: 418 521-3888, extension 7395, fax: 418-646-5179; email: veronique.michaud@mrn.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments before the expiry of the 45 days period to Mrs. Nathalie Camden, Deputy Associate Ministry for Faune Québec, Ministry of Sustainable Development, Environment, Wildlife and Parks, 675, boulevard René-Lévesque Est, 30^e étage, Québec (Québec) G1R 5V7.

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development, Environment,
Wildlife and Parks*

Regulation to amend the Regulation respecting animals in captivity

An Act respecting the conservation and development of wildlife
(chapter C-61.1, ss. 42, 43 and 162, pars. 7 and 22)

1. The Regulation respecting animals in captivity (chapter C-61.1, r. 5) is amended by striking out section 2.1.

2. Sections 20 to 24 are revoked.

3. Section 25 is amended by replacing “by selling it, by giving it” in the first paragraph by “by selling or giving it”.

4. Sections 26 to 29 are struck out.

5. Section 31 is amended by replacing “by selling it, giving it” in the first paragraph by “by selling or giving it”.

6. Sections 32 to 35 are struck out.

7. Section 36 is replaced by the following:

“**36.** An animal may be kept in captivity for rehabilitation purposes for no more than 1 year; all necessary means must be taken to avoid the domestication of the animal.

Once an animal is rehabilitated, it must be set free in the wild if it is fit to survive there. If not, the animal may be killed or given to a wildlife protection officer; the wildlife protection officer may kill the animal or entrust it to any person entitled to keep it.”

8. Sections 37 and 38 are struck out.

9. Sections 40 and 41 are struck out.

10. Section 42 is amended by replacing “IV” in the first paragraph by “I to the Regulation respecting licences to keep animals in captivity (chapter C-61.1, r. 10)”.

11. Section 43 is amended by replacing “IV” by “I to the Regulation respecting licences to keep animals in captivity”.

12. Sections 45 and 46 are struck out.

13. Section 47 is replaced by the following:

“47. Enclosures where white-tailed deer are kept must comply with the following requirements:

(1) existing enclosures must be surrounded by a fence at least 2.4 m high and the deer must have access to shade and shelter at all times; the fence must be stretched tight near the ground so that no cervidae may pass under it;

(2) new enclosures must be surrounded by a game fence at least 2.4 m high that has square meshes not larger than 15 cm between the vertical strands and at least 20 horizontal strands; the outside and inside lateral clearance of that perimeter fence must be at least 3 m from any obstacle that could reduce the minimum height of 2.4 m and the fence must be stretched tight near the ground so that no cervidae may pass under it; the distance between the posts of the fence may not exceed 8 m;

(3) the perimeter fence of any enclosure must have no trap or barrier to capture animals outside the enclosure; and

(4) the gates of the perimeter fence must be kept closed, even in the absence of deer.”

14. Section 48 is replaced by the following:

“48. The holder of a licence to keep white-tailed deer may keep in captivity, on 1 April of each year, at least 1 and no more than 5 white-tailed deer which must be marked by means of a tag, visible to the naked eye at a distance of at least 10 m from the animal.

Despite the foregoing, the licence holder may, until 31 March of each year, keep more than 5 white-tailed deer provided that the additional deer are the newborn of the deer referred to in the first paragraph; in that case, the licence holder is not required to mark them.”

15. Sections 50, 51 and 52 are struck out.**16.** Section 53 is replaced by the following:

“53. Enclosures where the various species are kept must have an area of 10 ha each and be surrounded by a fence that complies with the following requirements:

(1) in the case of cervidae and buffalo, the enclosure must be surrounded by a game fence at least 2.4 m high that has square meshes not larger than 15 cm between the vertical strands and at least 20 horizontal strands; the outside and inside lateral clearance of that perimeter fence must be at least 3 m from any obstacle that could

reduce the minimum height of 2.4 m and the fence must be stretched tight near the ground so that no cervidae or buffalo may pass under it; the distance between the posts of the fence may not exceed 8 m;

(2) in the case of peccaries and boars, an enclosure must be surrounded by a fence at least 1.8 m above ground level that is made of

(a) steel chain links of minimum 13 gauge, 1.24 m high including 30 cm in the ground; the 86 additional centimetres may be made of game fence; or

(b) steel chain links of minimum 13 gauge, from 92 cm to 1.24 m high; the 88 or 56 additional centimetres may be made of game fence; that enclosure must be fitted on the inside with an electric wire running between 15 and 45 cm above ground level situated 30 cm from the fence, and the minimum voltage in the wire must be 10 joules;

(3) the perimeter fence of the enclosures referred to in paragraphs 1 and 2 must have no trap or barrier to capture animals outside the enclosure; and

(4) the gates of the perimeter fence must be kept closed, even in the absence of animals.”

17. The following is inserted after section 53:

“53.1. The holder of a game ranch licence for various species may dispose of an animal kept in captivity by the holder by selling or giving it to a person entitled to keep it, or by killing it.”

18. Section 54 is amended by replacing “V” in the first paragraph by “II to the Regulation respecting licences to keep animals in captivity”.

19. Section 55 is struck out.

20. Section 56 is replaced by the following:

“56. The holder of a breeding and game ranch licence for white-tailed deer may keep in captivity at least 25 white-tailed deer that must be identified while they are alive. In the case of newborn deer, it must be identified before being moved to other premises, not later than 31 December following the date of birth.

Identification consists of

(1) a tag complying with the provisions of the Regulation respecting the identification and traceability of certain animals (chapter P-42, r. 7);

(2) a tattoo indicating the letters identifying the breeder, a unique sequential number and the letter corresponding to the year, provided by the Minister of Agriculture, Fisheries and Food or, as the case may be, the identification tattoo affixed to a white-tailed deer from outside Québec and approved by the body having jurisdiction in the deer's place of origin.”

21. Section 57 is replaced by the following:

“**57.** Enclosures where white-tailed deer are kept must have an area of 10 ha each and be surrounded by a fence that complies with the following requirements:

(1) the enclosure must be surrounded by a game fence at least 2.4 m high that has square meshes not larger than 15 cm between the vertical strands and at least 20 horizontal strands; the outside and inside lateral clearance of that perimeter fence must be at least 3 m from any obstacle that could reduce the minimum height of 2.4 m and the fence must be stretched tight near the ground so that no cervidae may pass under it; the distance between the posts of the fence may not exceed 8 m;

(2) the perimeter fence of the enclosures must have no trap or barrier to capture animals outside the enclosure; and

(3) the gates of the perimeter fence must be kept closed, even in the absence of animals.”

22. Sections 63 to 67 are struck out.

23. Section 68 is amended by replacing “a licence provided for in section 63” by “an animal broker's licence, an animal trainer's licence or a by-product collector's licence”.

24. Sections 69 to 74 are struck out.

25. The following is inserted after section 74:

“**74.0.1.** The holder of a licence to keep animals for exhibition purposes may dispose of an animal kept in captivity by the holder in accordance with the first paragraph of section 12, section 75.1, section 85.1 or section 87 of this Regulation.

74.0.2. Animals must be kept in buildings, cages, enclosures and shelters designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.”

26. Sections 74.1 to 74.4 are struck out.

27. The following is inserted after section 74.4:

“**74.5.** Animals must be kept in buildings, cages, enclosures and shelters designed or built so as to prevent any animal attack and any transmission of fatal infectious diseases.”

28. Sections 75 and 76 to 85 are struck out.

29. Section 86 is replaced by the following:

“**86.** Every person who contravenes any provision of sections 3 to 19, 25, 30, 31, 36, 42 to 44, 47 to 49, 53, 54, 56, 57, 60 to 62, 68, 74.0.1 and 74.5 commits an offence.”

30. Section 87 is replaced by the following:

“**87.** The holder of a licence for provisional custody issued under section 74 of the Regulation respecting animals in captivity, made by Order in Council 1029-92 dated 8 July 1992, may not transfer the animal indicated on the licence to any person other than a person entitled to keep it in captivity.

If the animal is transferred to a person residing outside Québec, the licence holder must so inform the Minister in writing within 15 days of such transfer.”

31. Schedules IV, V and VI are struck out.

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

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

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