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DU Québec

Part

2

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Laws and Regulations

Volume 147

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 (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;
- (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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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 20 MARCH 2015

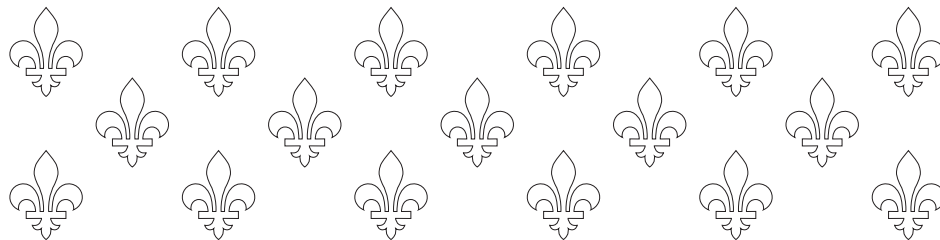
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 20 March 2015

This day, at twenty minutes past two o'clock in the afternoon, the Honourable the Administrator of Québec was pleased to sanction the following bill:

- 30 An Act respecting mainly the suspension of payment of bonuses in the context of budget-balancing measures

To this bill the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 30
(2015, chapter 2)

**An Act respecting mainly the suspension
of payment of bonuses in the context of
budget-balancing measures**

**Introduced 5 December 2014
Passed in principle 10 February 2015
Passed 18 March 2015
Assented to 20 March 2015**

**Québec Official Publisher
2015**

EXPLANATORY NOTES

This Act amends the Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013–2014 to prevent, beginning in the fiscal year 2009–2010 and for the five subsequent fiscal years, the payment of performance-based bonuses to persons holding senior positions and other persons appointed by the Government or by the National Assembly. In addition, it also prevents salary scale progression for such persons for the fiscal years 2009–2010 and 2010–2011.

Lastly, the Act states its declaratory nature and specifies that it has effect despite two judicial decisions.

LEGISLATION AMENDED BY THIS ACT:

- Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013–2014 (2010, chapter 20).

Bill 30

AN ACT RESPECTING MAINLY THE SUSPENSION OF PAYMENT OF BONUSES IN THE CONTEXT OF BUDGET-BALANCING MEASURES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to implement certain provisions of the Budget Speech of 30 March 2010, reduce the debt and return to a balanced budget in 2013–2014 (2010, chapter 20), amended by Chapter IX of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 17 March 2011 and the enactment of the Act to establish the Northern Plan Fund (2011, chapter 18), section 129 of the Act respecting mainly the implementation of certain provisions of the Budget Speech of 20 November 2012 (2013, chapter 16) and section 42 of the Act to amend the Public Service Act mainly with respect to staffing (2013, chapter 25), is again amended by inserting the following section after section 10:

“10.1. No performance-based bonus or lump-sum remuneration adjustment may be granted to a person appointed by the Government or the National Assembly and subject to the Règles concernant la rémunération et les autres conditions de travail des titulaires d’un emploi supérieur à temps plein (Order in Council 450-2007 (2007, G.O. 2, 2723, French only)) for the fiscal years beginning in 2009, 2010, 2011, 2012, 2013 and 2014. The same applies to any person appointed by the Government or the National Assembly if either the person’s instrument of appointment or the conditions annexed to it or a regulation concerning the person’s remuneration and other conditions of employment make those rules applicable, in whole or in part, to the person.

In addition, no salary scale progression is granted to a person described in the first paragraph for the fiscal years beginning in 2009 and 2010.”

2. Section 20 of the Act is amended by adding the following sentence at the end of the second paragraph: “In addition, it does not restrict the application of a legislative provision whose purpose is to prevent the reduction of the remuneration or salary of a person referred to in section 10.1.”

3. Section 22 of the Act is amended by replacing “of section 8” in the first paragraph by “of sections 8 and 10.1”.

MISCELLANEOUS AND FINAL PROVISIONS

4. This Act is declaratory.

In addition, it has effect despite the judgment of the Court of Appeal rendered on 25 November 2014 (500-09-023429-137) and the judgment of the Superior Court rendered on 18 February 2013 (500-17-067983-117) involving the Attorney General of Québec.

5. This Act comes into force on 20 March 2015.

Coming into force of Acts

Gouvernement du Québec

O.C. 663-2015, 14 July 2015

An Act to amend the Cooperatives Act (2003, chapter 18)
An Act to amend the Cooperatives Act and other legislative provisions (2015, chapter 3)
— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to amend the Cooperatives Act and the Act to amend the Cooperatives Act and other legislative provisions

WHEREAS the Act to amend the Cooperatives Act (2003, chapter 18) was assented to on 18 December 2003;

WHEREAS section 186 of the Act provides that the provisions of the Act come into force on the date or dates to be determined by the Government;

WHEREAS, by Order in Council 952-2005 dated 19 October 2005, the coming into force of the Act was set for 17 November 2005, except section 109, insofar as it enacts section 221.2.3 of the Cooperatives Act (chapter C-67.2), and except section 165, which come into force on a later date;

WHEREAS it is expedient to set 1 October 2015 as the date of coming into force of section 109 of the Act to amend the Cooperatives Act, insofar as it enacts section 221.2.3 of the Cooperatives Act;

WHEREAS the Cooperatives Act was further amended by the Act to amend the Cooperatives Act and other legislative provisions (2015, chapter 3), which was assented to on 30 March 2015;

WHEREAS section 59 of the Act provides that the Act comes into force on 29 April 2015, except sections 1 to 4, 8 to 10, 17 to 25, 32, 40 and 47 to 54, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 October 2015 as the date of coming into force of section 32 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Economy, Innovation and Exports:

THAT 1 October 2015 be set as the date of coming into force of section 109 of the Act to amend the Cooperatives Act (2003, chapter 18), insofar as it enacts section 221.2.3 of the Cooperatives Act (chapter C-67.2);

THAT 1 October 2015 be set as the date of coming into force of section 32 of the Act to amend the Cooperatives Act and other legislative provisions (2015, chapter 3).

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102243

Gouvernement du Québec

O.C. 671-2015, 14 July 2015

An Act to mainly implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016 (2015, chapter 8)
— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to mainly implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016

WHEREAS the Act to mainly implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016 (2015, chapter 8) was assented to on 21 April 2015;

WHEREAS section 375 of the Act provides that the Act comes into force on 21 April 2015, except in particular sections 25 to 33, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of sections 25 to 33 of the Act;

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

THAT 14 July 2015 be set as the date of coming into force of sections 25 to 33 of the Act to mainly implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016 (2015, chapter 8).

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

102244

Regulations and other Acts

M.O., 2015

Order number 2015-09 of the Minister of Transport and the Minister of Public Security dated 15 July 2015

Highway Safety Code
(chapter C-24.2)

Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems

THE MINISTER OF TRANSPORT,
THE MINISTER OF PUBLIC SECURITY,

CONSIDERING the first paragraph of section 332 of the Highway Safety Code (chapter C-24.2) which provides that the speed of a road vehicle may be measured by means of a photo radar device approved by the Minister of Transport and the Minister of Public Security and used in the manner they determine;

CONSIDERING the first paragraph of section 359.3 of the Code which provides that stopping at red lights may be verified by means of a camera system designed for that purpose, approved and used in the manner determined by the Minister of Transport and the Minister of Public Security;

CONSIDERING the first paragraph of section 634.3 of the Code which provides that photo radar devices and red light camera systems may only be used subject to the conditions and procedures determined by the Minister of Transport and the Minister of Public Security;

CONSIDERING, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that a draft of the Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems was published in the *Gazette officielle du Québec* of 14 January 2015 with a notice that it could be made by the Minister of Transport and the Minister of Public Security on the expiry of 45 days following that publication;

CONSIDERING the necessity to make the Regulation with amendment;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems, attached to this Order, is hereby made.

ROBERT POËTI, LISE THÉRIAULT,
Minister of Transport *Minister of Public Security*

Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems

Highway Safety Code
(chapter C-24.2, ss. 332, 359.3 and 634.3)

1. The Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9) is amended in section 1

(1) by replacing “if” in the part preceding paragraph 1 by “if it has been the subject of”;

(2) by replacing paragraphs 1 and 2 by the following:

“(1) a validation

(a) within the time provided for by its manufacturer or during the year preceding the date of use, whichever occurs first;

(b) by a peace officer who has received appropriate training;

(c) allowing to ensure

i. using an external device or system, that the accuracy of the speed it records complies with the manufacturer’s specifications for the device or system;

ii. that the information referred to in the second paragraph of section 332 or the second paragraph of section 359.3 of the Highway Safety Code, as the case may be, other than speed, and that appears on the images obtained by the device or system is accurate;

(2) an inspection, in the 75 days preceding the date of use, by the supplier, the manufacturer or any other person authorized by the manufacturer to maintain the device or system;”;

(3) by replacing “it has been tested” in paragraph 3 by “testing”;

(4) by striking out paragraph 4.

2. Section 2 is amended

(1) by replacing “for which a compliance report has been issued must be registered in the” in the part preceding subparagraph 1 of the first paragraph by “used in accordance with section 1 must be registered in a”;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the date of each validation referred to in paragraph 1 of section 1, the result obtained and the name of the peace officer who carried out the validation;”;

(3) by adding “, the result obtained and the name of the person who carried out the inspection and the person’s capacity” after “1” in subparagraph 4 of the first paragraph;

(4) by replacing “au” in subparagraph 7 of the first paragraph of the French text by “dans le”;

(5) by replacing the second and third paragraphs by the following:

“The documents related to the validation, inspection, testing and repair of the device or system are entered in a register kept by the Sûreté du Québec.

Only peace officers may make entries in a register that must be kept under this section.”.

3. Section 3 is revoked.

4. Despite paragraph 1 of section 1 of the Regulation as amended by paragraph 1 of section 1 of this Regulation, a photo radar device or a red light camera system for which a compliance report has been issued or renewed by the Institut national d’optique or the Centre de recherche industrielle du Québec before (*insert the date of coming into force of this Regulation*) may be used if the compliance report has been issued or renewed during the year that precedes the use of the device or system.

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

102245

M.O., 2015

Order No. 2015-10 of the Minister of Transport dated 15 July 2015

Highway Safety Code
(chapter C-24.2)

Frequency of the verification of road signs marking a place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 294.1 of the Highway Safety Code (chapter C-24.2), which provides that the person responsible for the maintenance of a public highway must erect proper signs or signals to mark every place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules;

CONSIDERING the second paragraph of that section, which provides that the person must also, as often as the Minister of Transport determines, verify the presence and adequacy of those signs or signals, and report the verification results to the Minister;

CONSIDERING that it is expedient to determine the frequency of verifications;

ORDERS THE FOLLOWING:

The presence and adequacy of road signs marking a place where a photo radar device or red light camera system is used to monitor compliance with highway safety rules must be verified every 3 months.

ROBERT POËTI,
Minister of Transport

102246

M.O., 2015**Order of the Minister of Sustainable Development,
the Environment and the Fight Against Climate
Change dated 13 July 2015**

Environment Quality Act
(chapter Q-2)

AMENDING the Ministerial Order concerning the fees payable under the Environment Quality Act

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
THE ENVIRONMENT AND THE FIGHT AGAINST CLIMATE
CHANGE,

CONSIDERING subparagraph 1 of the first paragraph of section 31.0.1 of the Environment Quality Act (chapter Q-2), which provides that the Minister may, by order, determine the fees payable by an applicant for the issue, renewal or modification of an authorization under the Act;

CONSIDERING the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28), in force since 1 June 2008, which determines such fees;

CONSIDERING that section 8 of that Order determines the fees payable by an applicant for the issue, renewal or modification of an authorization for groundwater withdrawal under the Groundwater Catchment Regulation (chapter Q-2, r. 6) despite the revocation of the Regulation by section 107 of the Water Withdrawal and Protection Regulation (chapter Q-2., r. 35.2), which came into force on 14 August 2014;

CONSIDERING the first paragraph of section 31.75 of the Act, in force since 14 August 2014, which provides that withdrawals are subject to the authorization of the Minister or, in certain cases, of the Government;

CONSIDERING that no fees are currently payable by an applicant for the issue, renewal or modification of an authorization for water withdrawal under section 31.75 of the Environment Quality Act;

CONSIDERING that it is expedient that the Minister determine such fees in lieu of the fees payable for the issue, renewal or modification of an authorization for water withdrawal submitted under the Groundwater Catchment Regulation, which no longer apply;

CONSIDERING the publication in the *Gazette officielle du Québec* of 14 January 2015, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft of the Order to amend the Ministerial Order

concerning the fees payable under the Environment Quality Act with a notice that it could be made by the Minister of Sustainable Development, the Environment and the Fight Against Climate Change on the expiry of 45 days following its publication;

CONSIDERING that it is expedient to make the Order without amendment;

ORDERS AS FOLLOWS:

The Order to amend the Ministerial Order concerning the fees payable under the Environment Quality Act is hereby made.

Québec, 13 July 2015

DAVID HEURTEL,
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

**Order to amend the Ministerial Order
concerning the fees payable under the
Environment Quality Act**

Environment Quality Act
(chapter Q-2, s. 31.0.1)

1. The Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28) is amended by replacing section 8 by the following:

“**8.** The fees for an application for authorization, in accordance with section 31.75 of the Act, or modification of authorization are as follows:

(1) for a water withdrawal with a maximum flow rate of less than 75,000 litres per day: \$1,458;

(2) for a water withdrawal with a maximum flow rate equal to or greater than 75,000 litres but less than 379,000 litres per day: \$2,021;

(3) for a water withdrawal with a maximum flow rate equal to or greater than 379,000 litres per day: \$3,247.

The fees set out in the first paragraph do not apply to an application for a modification to the information or documents already provided in support of an application.

8.1. The fees for an application for renewal, without modifications, of an authorization referred to in section 8 are as follows:

(1) for a water withdrawal with a maximum flow rate of less than 75,000 litres per day: \$563;

(2) for a water withdrawal with a maximum flow rate equal to or greater than 75,000 litres but less than 379,000 litres per day: \$844;

(3) for a water withdrawal with a maximum flow rate equal to or greater than 379,000 litres per day: \$1,458.

However, where the application for renewal contains modifications to the conditions of operation of a water withdrawal, the fees set out in the first paragraph of section 8 are payable.

8.2. The fees set out in sections 8 and 8.1 do not apply where the application concerns a water withdrawal made under an agricultural activity, including fish-farming.”.

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

102241

Draft Regulations

Notice

An Act respecting collective agreement decrees (chapter D-2)

Automotive services industry – Lanaudière-Laurentides — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application by the contracting parties to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions (chapter D-2, r. 9) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the minimum hourly wage rates provided for in the Decree. It is also intended to amend the apprentice-journeyman ratio.

The consultation period will specify the extent of the impact of the amendments sought on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Louis-Philippe Roussel, Direction des politiques du travail, 200, chemin Sainte-Foy, 5^e étage Québec (Québec) G1R 5S1; telephone: 418 644-2206; fax: 418 643-9454; email: louis-philippe.roussel@travail.gouv.qc.ca

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Associate Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MANUELLE OUDAR,
Associate Deputy Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides regions

An Act respecting collective agreement decrees (chapter D-2, ss. 4 and 6.1)

1. The Decree respecting the automotive services industry in the Lanaudière-Laurentides regions (chapter D-2, r. 9) is amended in section 1.02

(1) by replacing “Association des spécialistes du pneu du Québec inc.” in paragraph 1 by “Association des spécialistes de pneu et mécanique du Québec (ASPMQ)”;

(2) by replacing «National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), local 4511» in paragraph 2 by «Unifor local 4511».

2. Section 9.01 is replaced by the following:

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

Trades	As of (insert the date of coming into force of this Decree)	As of (insert the date occurring 1 year after the date of coming into force of this Decree)	As of (insert the date occurring 2 years after the date of coming into force of this Decree)
1. Apprentice			
1st grade	\$12.12	\$12.42	\$12.73
2nd grade	\$12.83	\$13.15	\$13.48
3rd grade	\$14.26	\$14.61	\$14.98
2. Journeyman			
A	\$21.88	\$22.43	\$22.99
B	\$18.89	\$19.36	\$19.85
C	\$17.11	\$17.53	\$17.97
D	\$14.98	\$15.35	\$15.73

Trades	As of (insert the date of coming into force of this Decree)	As of (insert the date occurring 1 year after the date of coming into force of this Decree)	As of (insert the date occurring 2 years after the date of coming into force of this Decree)
3. Parts clerk			
1st grade	\$11.24	\$11.53	\$11.81
2nd grade	\$11.55	\$11.84	\$12.14
3rd grade	\$12.43	\$12.74	\$13.06
4th grade	\$13.17	\$13.50	\$13.84
4th class	\$14.39	\$14.75	\$15.12
3rd class	\$15.47	\$15.85	\$16.25
2nd class	\$15.99	\$16.39	\$16.80
1st class	\$16.47	\$16.88	\$17.31
4. Messenger			
	\$10.95	\$11.22	\$11.50
5. Dismantler			
1st grade	\$13.18	\$13.51	\$13.85
2nd grade	\$13.57	\$13.91	\$14.26
3rd grade	\$13.98	\$14.33	\$14.69
6. Washer			
	\$10.73	\$11.00	\$11.28
7. Semiskilled worker			
1st grade	\$13.18	\$13.51	\$13.85
2nd grade	\$13.57	\$13.91	\$14.26
3rd grade	\$13.98	\$14.33	\$14.69
8. Pump attendant			
	\$10.60	\$10.86	\$11.13
9. Service attendant			
1st grade	\$11.47	\$11.76	\$12.05
2nd grade	\$12.21	\$12.51	\$12.83
3rd grade	\$12.94	\$13.26	\$13.59
4th grade	\$13.69	\$14.04	\$14.39

3. Section 9.01.1 is amended by replacing the third paragraph by the following:

“They are entitled to the following wage rates:

Trades	As of (insert the date of coming into force of this Decree)	As of (insert the date occurring 1 year after the date of coming into force of this Decree)	As of (insert the date occurring 2 years after the date of coming into force of this Decree)
Service attendant			
2nd class	\$14.80	\$15.17	\$15.55
1st class	\$16.05	\$16.45	\$16.86

”.

4. Section 11.02 is amended by replacing “1 apprentice” by “2 apprentices”.

5. Section 13.01 is amended by replacing “22 December 2013” and “June 2013” by “31 December 2018” and “June 2018”, respectively.

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

102242

”.

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

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Implement certain provisions of the Budget Speech of 4 June 2014 and return to a balanced budget in 2015-2016, An Act to mainly... — Coming into force of certain provisions of the Act (2015, chapter 8)	1573	
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Photo radar device or red light camera system — Frequency of the verification of road signs marking a place where is used to monitor compliance with highway safety rules (Highway Safety Code, chapter C-24.2)	1576	N
Photo radar devices and red light camera systems — Conditions and procedures for the use (Highway Safety Code, chapter C-24.2)	1575	M
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