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DU Québec

Part

2

No. 26

27 June 2018

Laws and Regulations

Volume 150

Summary

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Contents

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PROVINCE OF QUÉBEC

1ST SESSION

41ST LEGISLATURE

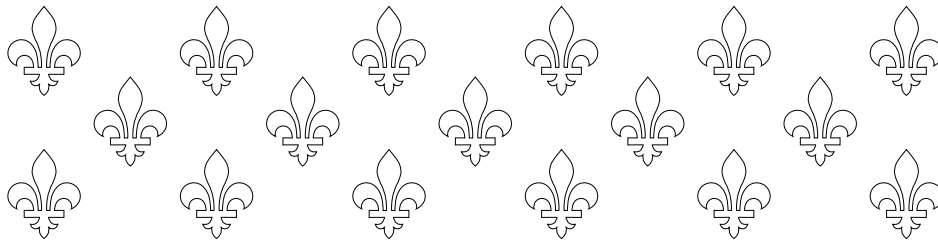
QUÉBEC, 31 MAY 2018

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 31 May 2018*

This day, at five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

- 152 An Act to amend various labour-related legislative provisions mainly to give effect to certain Charbonneau Commission recommendations
- 162 An Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 152
(2018, chapter 12)

**An Act to amend various labour-related
legislative provisions mainly to give
effect to certain Charbonneau
Commission recommendations**

**Introduced 15 November 2017
Passed in principle 22 February 2018
Passed 31 May 2018
Assented to 31 May 2018**

**Québec Official Publisher
2018**

EXPLANATORY NOTES

The main purpose of this Act is to give effect to certain recommendations of the final report of the Commission d'enquête sur l'octroi et la gestion des contrats publics dans l'industrie de la construction by introducing amendments to the Act respecting labour relations, vocational training and workforce management in the construction industry and the Act respecting occupational health and safety.

Under the Act, public recognized clients are required to report all demonstrations of violence or intimidation in connection with the construction work they carry out or cause to be carried out to the Commission de la construction du Québec (Commission). The penal provision prohibiting the use of intimidation or threats is broadened to include any intimidating or threatening behaviour reasonably likely to disrupt activities on a job site.

New offences are added to the list of offences disqualifying a convicted person from leading or representing an employers' association or union association.

In addition, the prescription period applicable in penal matters is extended to three years from the date on which the prosecutor becomes aware of the commission of the offence but may not exceed seven years after the offence was committed. The Act also extends, from one to three years, the prescription period applicable to civil proceedings arising from a collective agreement or from the Act respecting labour relations, vocational training and workforce management in the construction industry.

The Act standardizes the rules concerning the documents the employers' associations and the union associations must provide to the Commission and the rules relating to the information those associations must file with the Commission and keep up to date, and introduces penal provisions for non-compliance with those rules.

The Commission's inspection powers are increased.

Immunity against civil proceedings and protection against reprisals is granted to any person who, in good faith, communicates information to the Commission concerning an act or omission that the person believes constitutes a violation or offence with respect to

the Act respecting labour relations, vocational training and workforce management in the construction industry or the regulations. Penal provisions are introduced for cases where persons take reprisals or where they provide information to the Commission that they know to be false or misleading.

The Act also places a limit on the number of terms, consecutive or not, that certain members of the board of directors of the Commission de la construction du Québec and certain members of the board of directors of the Commission des normes, de l'équité, de la santé et de la sécurité du travail may complete. It prohibits a person holding a management position within an employers' association or a union association from being a member of the board of directors of one of those bodies if that person is already a member of the other body's board of directors.

Lastly, the Act contains consequential, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting labour standards (chapter N-1.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting occupational health and safety (chapter S-2.1).

Bill 152

AN ACT TO AMEND VARIOUS LABOUR-RELATED LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO CERTAIN CHARBONNEAU COMMISSION RECOMMENDATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 201 of chapter 27 of the statutes of 2017, is again amended by replacing “14” in the second paragraph by “15”.

2. Section 122 of the Act, amended by section 202 of chapter 27 of the statutes of 2017, is again amended by adding the following subparagraph at the end of the first paragraph:

“(15) on the ground that the employee has, in good faith, communicated information referred to in section 123.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) to the Commission de la construction du Québec or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.”

3. Section 140 of the Act, amended by section 203 of chapter 27 of the statutes of 2017, is again amended by replacing “, 13 and 14” in paragraph 6 by “and 13 to 15”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION INDUSTRY

4. Section 3.3 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing the second sentence of the third paragraph by the following sentence: “However, members other than the chair may not be reappointed more than three times, for a consecutive or non-consecutive term.”

5. The Act is amended by inserting the following section after section 3.8:

“3.8.1. A person holding a management position in an association listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1 may not be a member of both the board of directors of the Commission and that of the Commission des normes, de l'équité, de la santé et de la sécurité du travail.”

6. Section 7.1 of the Act is amended by adding the following subparagraph at the end of the first paragraph:

“(3) take photographs or make videos or sound recordings on a construction site and use them.”

7. Section 41.2 of the Act is amended

(1) by striking out the first paragraph;

(2) by replacing the introductory clause of the second paragraph by “The constitution and by-laws of every association listed in subparagraph *c* or *c.2* of the first paragraph of section 1 must, among other things, set out”.

8. Section 83 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) every employer who does not keep all or part of a document for the time prescribed under paragraph *a.1* of section 82;”.

9. Section 86 of the Act is amended by replacing “in the form” and “immediately forward the declaration to the Commission, in the manner determined by it” in the fourth paragraph of paragraph 1 of the second paragraph by “within 10 days of his election and in the form” and “forward the declaration to the Commission within 10 days of receiving it, in the manner determined by the Commission”, respectively.

10. The Act is amended by inserting the following section after section 86:

“86.1. Every association listed or described in any of subparagraphs *a* to *c* or *c.2* of the first paragraph of section 1 must file the following information with the Commission and keep it up to date:

(1) its name;

(2) the address of its head office and, if the head office is outside Québec, the address of its establishment in Québec;

(3) the name and address of its officers and of its representatives other than job-site stewards, the position held by each one and a statement that each of them complies with the conditions set out in section 26;

(4) the name and address of any union, federation, confederation, trades council or federation of such councils with which it is affiliated or with which it has entered into a service contract; and

(5) its legal status.

The association must also provide the Commission with a true copy of its constitution and by-laws or, if it is not endowed with legal personality, of the contract by which it is constituted.

The documents and information required under the first and second paragraphs must be sent to the Commission in the manner it specifies, along with a declaration of an officer attesting that they are true. Any modification to the documents and information must be sent to the Commission within 30 days of the modification.”

11. Section 95 of the Act is repealed.

12. Section 96 of the Act is amended by replacing the introductory clause of subsection 2 by “The constitution of a professional union representing construction employees as well as the contract for the constitution of a group of construction employees not constituted as a legal person must meet the following minimum standards:”.

13. Section 109.1 of the Act is amended by replacing “subsection 4 of section 122 shall be prescribed by one year” and “five” by “this Act are prescribed by three years” and “seven”, respectively.

14. Section 113 of the Act is amended by replacing “\$57 to \$199” by “\$199 to \$965”.

15. Section 113.1 of the Act is amended by replacing “to cause” by “that are reasonably likely to cause”.

16. Section 113.2 of the Act is amended

(1) by replacing “requires an employer to hire specific employees or a specific number of employees” in the first paragraph by “uses intimidation or threats that are reasonably likely to compel an employer to make a decision regarding workforce management in the construction industry or to prevent the employer from making such a decision, or otherwise imposes such a decision”;

(2) by adding the following paragraph at the end:

“Any act listed or described in the second paragraph of section 101 constitutes a decision regarding workforce management.”

17. The Act is amended by inserting the following section after section 113.2:

“113.3. Any person who requires or imposes the payment of wages or benefits not reported in the monthly report referred to in subparagraph *b* of the first paragraph of section 82 or of any other benefit not provided for by a collective agreement, makes, receives or participates in such a payment, or incites a person to make such a payment is guilty of an offence and is liable to a fine of \$1,137 to \$11,370.”

18. The Act is amended by inserting the following section after section 113.3:

“113.4. Any person who offers, requires from or imposes on an employee, in consideration for hiring the latter, conditions of employment that are inferior to those provided for in a law, regulation or collective agreement is guilty of an offence and is liable to a fine of \$1,137 to \$11,370.”

19. Section 115.1 of the Act is amended by adding the following paragraph at the end:

“(4) any association that contravenes section 86.1.”

20. The Act is amended by inserting the following section after section 119.0.4:

“119.0.5. The following are guilty of an offence and liable to a fine of \$2,000 to \$20,000 in the case of a natural person and to a fine of \$10,000 to \$250,000 in other cases:

(1) any person who, when communicating information under section 123.5, provides information that the person knows to be false or misleading; and

(2) any person who contravenes section 123.7.

For any subsequent conviction, the fines are doubled.”

21. Section 119.11 of the Act is amended

(1) by replacing “113.2, 115, 119, 119.0.1” by “113.1, 113.2, 115, 119, 119.0.1, 119.0.3, 119.0.5”;

(2) by inserting “or from being a member of the Commission’s board of directors or of a committee established under this Act” after “representative association”.

22. Section 122 of the Act is amended

(1) by replacing the introductory clause of subsection 2 by “Except where section 123.7 applies, every employer who, without valid reason, proof of which lies on him, dismisses, suspends or lays off an employee or threatens to do so”;

- (2) by inserting “or section 123.7” after “subsection 2” in subsection 3;
- (3) by striking out both occurrences of “knowingly” in subsection 4;
- (4) by replacing “\$3,638” in subparagraph *b* of subsection 4 by “\$5,685”.

23. The Act is amended by inserting the following section after section 123.4.4:

“123.4.5. A public body listed or described in section 4 or 7 of the Act respecting contracting by public bodies (chapter C-65.1) or a municipal body that carries out or causes to be carried out construction work within the meaning of this Act must report to the Commission all demonstrations of violence, threats or intimidation in connection with the carrying out of that work that are brought to its attention.

For the purposes of this section,

(1) “municipal body” means a municipality, metropolitan community, intermunicipal board, public transit authority or northern village, the Kativik Regional Government, a mixed enterprise company or any other body that, under the law, is subject to sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19), articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01); and

(2) “mixed enterprise company” means such a company established under the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or any similar body established under any of chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.”

24. Section 123.5 of the Act is replaced by the following:

“CHAPTER XIII.2

“IMMUNITY AND PROTECTION AGAINST REPRISALS

“123.5. Any person may communicate to the Commission information concerning an act or omission that the person believes constitutes a violation or offence with respect to this Act or the regulations.

The first paragraph applies despite the provisions on the communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those provided for in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward his employer or, if applicable, his client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“123.6. Any person who, in good faith, communicates to the Commission information referred to in section 123.5 or any other information required or authorized to be communicated under this Act or the regulations does not incur any civil liability for doing so.

“123.7. It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information referred to in section 123.6 or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information to the Commission or from cooperating in an inquiry, verification or inspection carried out on the basis of such a communication.

The demotion, suspension, dismissal or transfer of a person having communicated information or any measure that adversely affects such a person's employment or conditions of employment is presumed to be a reprisal.

“123.8. The Commission shall take the measures necessary to ensure that any information communicated to it, including the identity of the person who communicated it, remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to or rectify information communicated to the Commission.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

25. Section 144 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by replacing “two” in the first sentence by “three”;

(2) by replacing the second sentence by the following sentence: “They may be reappointed only three times, for consecutive or non-consecutive terms, in accordance with the appointment procedure set out in section 141.”

26. The Act is amended by inserting the following section after section 153:

“153.1. A person holding a management position in an employers’ association or a union association may not be a member of both the board of directors of the Commission and that of the Commission de la construction du Québec.”

TRANSITIONAL AND FINAL PROVISIONS

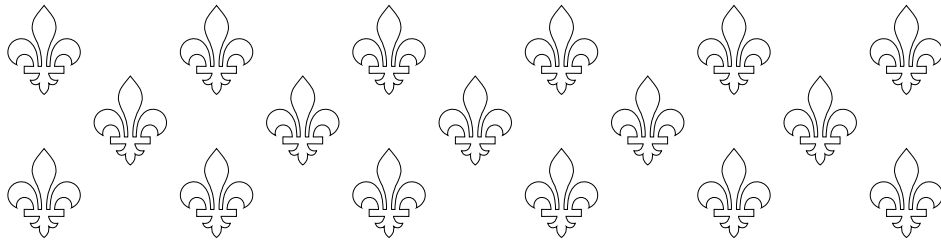
27. Despite section 4, any person, other than the chair, who is a member of the board of directors of the Commission de la construction du Québec on the date of coming into force of that section remains in office. Such a member is considered to be starting a first term on that date.

Such a member may not be reappointed more than three times, for consecutive or non-consecutive terms.

28. Despite section 25, any person, other than the chair of the board of directors and chief executive officer, who is a member of the board of directors of the Commission des normes, de l’équité, de la santé et de la sécurité du travail on the date of coming into force of that section remains in office. Such a member is considered to be starting a first term on that date.

Such a member may not be reappointed more than three times, for consecutive or non-consecutive terms.

29. The provisions of this Act come into force on the date or dates to be set by the Government, except section 8, which comes into force on the date of coming into force of section 165 of chapter 16 of the statutes of 2013.



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 162
(2018, chapter 13)

**An Act to amend the Building Act and
other legislative provisions mainly to
give effect to certain Charbonneau
Commission recommendations**

**Introduced 1 December 2017
Passed in principle 22 March 2018
Passed 30 May 2018
Assented to 31 May 2018**

**Québec Official Publisher
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EXPLANATORY NOTES

The main purpose of this Act is to give effect to certain recommendations of the final report of the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry by introducing various amendments to the Building Act.

Under the Act, the definition of “officer” is amended so that a shareholder holding 10% or more of the voting rights attached to the shares may be considered to be an officer, in particular for purposes of assessment, by the Régie du bâtiment du Québec (Board), of an undertaking’s integrity.

The notion of “guarantor” is added to the Building Act to describe a natural person who, as he has applied for a licence on behalf of a partnership or legal person or holds a licence, becomes responsible for managing the activities for which the licence was issued, including relations between the undertaking and the Board for the purposes of the Act.

The Act introduces a new condition for the issue of a licence, namely, a requirement to hold liability insurance whose nature, coverage and other terms are determined by regulation of the Board.

A conviction for certain offences which already warrant a restricted access to public contracts will lead to refusal by the Board to issue a licence and may lead to the cancellation or suspension of a licence. When such a conviction has resulted in a term of imprisonment, a licence cannot be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence. Likewise, a licence will contain a restriction as regards the obtention of a public contract until five years have elapsed since the end of the term of imprisonment imposed by the sentence.

In addition, the Board must cancel a licence if the licence holder or one of the latter’s officers has been convicted of an offence or indictable offence referred to in the Building Act after having already been convicted of any such offence or indictable offence in the five years preceding the new conviction.

New grounds related to an undertaking's integrity are introduced to allow the Board to refuse to issue or to suspend or cancel a licence, in particular where the structure of the undertaking enables the latter to evade the application of the Building Act.

The time limit for replacing a guarantor is extended from 90 to 120 days in the case of a guarantor who has died, and from 60 to 90 days in the other cases where a guarantor has ceased to act in that capacity.

A natural person, partnership or legal person whose licence is suspended or cancelled must, at the Board's request and within the time it specifies, provide a list of its construction work under way and the name of the clients concerned and the contact information necessary for the Board to contact them to provide them with useful information for the completion of the work. The above information may also be requested by the Board to enable it to ensure that the ruling it delivered on the suspension or cancellation of the licence is complied with. In addition, a penal provision is added in connection with this new obligation.

Immunity against civil proceedings and protection against reprisals are granted to any person who, in good faith, communicates information to the Board concerning an act or omission that the person believes constitutes a violation or offence with respect to the Building Act. Penal provisions are introduced for cases where persons take reprisals or where they provide information to the Board that they know to be false or misleading.

A new penal offence concerning the use of prête-noms is introduced. In addition, the prescription period applicable in penal matters is extended from one to three years from the date on which the prosecutor becomes aware of the commission of the offence but may not exceed seven years after the offence was committed.

Lastly, the Act contains consequential, transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Building Act (chapter B-1.1);
- Act respecting labour standards (chapter N-1.1).

Bill 162

AN ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATIVE PROVISIONS MAINLY TO GIVE EFFECT TO CERTAIN CHARBONNEAU COMMISSION RECOMMENDATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BUILDING ACT

1. Section 1 of the Building Act (chapter B-1.1) is amended

(1) by adding the following subparagraph at the end of the first paragraph:

“(3) to ensure the vocational qualifications, integrity and solvency of contractors and owner-builders.”;

(2) by replacing the second paragraph by the following paragraph:

“A further purpose of this Act is to establish the Régie du bâtiment du Québec (Board).”

2. Section 7 of the Act is amended by inserting the following definition in alphabetical order:

““**officer**” means a member of a partnership or, in the case of a legal person, a director, an officer within the meaning of the Business Corporations Act (chapter S-31.1) or a shareholder holding 10% or more of the voting rights attached to the shares of the legal person;”.

3. Section 8 of the Act is amended by replacing “less than one year after the completion of earlier work” in paragraph 2 by “less than two years after the date a municipality issued the building permit for previous work or, if no such permit was issued, after the start date of the earlier work”.

4. Section 44 of the Act is amended by replacing “business” in paragraph 2 by “activities”.

5. Section 45 of the Act is repealed.

6. Section 52 of the Act is replaced by the following sections:

“52. The licence for a partnership or legal person is applied for on its behalf by a natural person who wishes to qualify as a guarantor.

To qualify as a guarantor, the person must be an officer of the partnership or legal person, except in the cases prescribed by regulation of the Board, and meet the conditions set out in subparagraphs 1, 3 and 5 of the first paragraph of section 58 and any other requirement prescribed by regulation of the Board.

Where a person other than an officer may, in a case prescribed by regulation, qualify as a guarantor, all provisions of this Act or the regulations that apply to an officer apply to such a person both at the time of application and once the person has qualified.

For the purposes of this Act, a natural person who holds a licence is also considered to be a guarantor.

“52.1. If two or more persons wish to qualify as guarantors, the partnership or legal person shall designate one of them to file the application. However, the Board may, by regulation, require each such person to sign the application.

“52.2. Guarantors are responsible for managing activities in the field for which their knowledge or experience has been recognized by the Board, and must, as such, participate actively and on an ongoing basis in such management.

Guarantors are also responsible for all communications with the Board, in particular as concerns the documents and information the licence holder is required to send the Board under this Act or the regulations. If there are two or more guarantors, the licence holder shall designate one of them to assume that responsibility.”

7. Section 54 of the Act is replaced by the following section:

“54. A person may not be a guarantor for more than one licence, except in the cases authorized by regulation of the Board.”

8. Section 58 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 5 of the first paragraph:

“(5.1) he holds liability insurance whose nature, coverage and other terms are determined by regulation of the Board;”;

(2) by replacing subparagraph 8 of the first paragraph by the following subparagraph:

“(8) unless he has obtained a pardon, he has not, in the five years preceding the application, been convicted of

(a) an offence under a fiscal law or an indictable offence related to the activities he intends to carry on in the construction industry;

(b) an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(c) an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(d) an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);”;

(3) by replacing “under a fiscal law or an indictable offence” in subparagraph 8.2 of the first paragraph by “or indictable offence referred to in subparagraph 8”;

(4) by replacing “under a fiscal law or indictable offences” in subparagraph 8.3 of the first paragraph by “or indictable offences referred to in subparagraph 8”;

(5) by inserting “or indictable offence” after “offence” in subparagraph 8.4 of the first paragraph;

(6) by inserting the following subparagraphs after subparagraph 8.4 of the first paragraph:

“(8.5) he has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain a licence;

“(8.6) he has provided a copy of photo identification issued by a government authority;”;

(7) by inserting the following paragraph after the second paragraph:

“Despite subparagraph 8 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a licence may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.”;

(8) by adding the following paragraph at the end:

“The copy of photo identification filed under subparagraph 8.6 of the first paragraph shall be kept by the Board until the issue date of the licence, the date of the final decision refusing to issue the licence or the date on which the licence application is abandoned. The copy shall then be destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

9. Section 59 of the Act is amended by striking out the third paragraph.

10. Section 59.1 of the Act is amended by striking out “who applies for a licence for himself or on behalf of a partnership or a legal person”.

11. Section 60 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) it holds liability insurance whose nature, coverage and other terms are determined by regulation of the Board;”;

(2) by replacing subparagraphs 6 and 6.0.1 of the first paragraph by the following subparagraphs:

“(6) unless a pardon has been obtained, neither the partnership or legal person or any of its officers or, if it is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), any of its shareholders has, in the five years preceding the application, been convicted of

(a) an offence under a fiscal law or an indictable offence related to the activities it intends to carry on in the construction industry;

(b) an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(c) an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(d) an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);

“(6.0.1) none of the officers of any of its members in the case of a partnership, or of any of its shareholders in the case of a legal person, has, in the five years preceding the application, been convicted of an offence or indictable offence referred to in subparagraph 6, unless he has obtained a pardon;”;

(3) by replacing “under a fiscal law or indictable offences” in subparagraph 6.3 of the first paragraph by “or indictable offences referred to in subparagraph 6”;

(4) by inserting “or indictable offence” after “offence” in subparagraph 6.4 of the first paragraph;

(5) by inserting the following subparagraphs after subparagraph 6.4 of the first paragraph:

“(6.5) it has not falsified or misrepresented the facts relating to a licence application, or failed to provide information in order to obtain a licence;

“(6.6) it has provided a copy of photo identification issued by a government authority for each officer;”;

(6) by replacing “under a fiscal law or an indictable offence” in subparagraph 8 of the first paragraph by “or indictable offence referred to in subparagraph 6”;

(7) by inserting the following paragraphs after the second paragraph:

“Despite subparagraphs 6 and 6.0.1 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a licence may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.

The copy of any photo identification filed under subparagraph 6.6 of the first paragraph shall be kept by the Board until the issue date of the licence, the date of the final decision refusing to issue the licence or the date on which the licence application is abandoned. The copy shall then be destroyed in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the Archives Act (chapter A-21.1).”

12. Section 61 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) was an officer of a partnership or legal person which, in the five years preceding the application, was convicted of an offence or indictable offence referred to in subparagraph 6 of the first paragraph of section 60, unless the partnership or legal person has obtained a pardon;”.

13. Section 62.0.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“The Board may also refuse to issue a licence where it considers that

(1) the construction work the person or partnership applying for the licence intends to carry out or cause to be carried out is incommensurate with the person’s or partnership’s legal sources of financing; or

(2) the structure of the person or partnership applying for the licence enables that or another person or partnership to evade the application of this Act.”

14. Section 62.0.2 of the Act is amended by replacing “, in actual fact, directly or indirectly under the direction or control” by “directly or indirectly under the direction or the legal or de facto control”.

15. The Act is amended by inserting the following sections after section 62.0.2:

“**62.0.3.** The Board may refuse to issue a licence where a person or, in the case of a partnership or legal person, any of its officers has, in a previous application, falsified, misrepresented or failed to report a fact in order to obtain a licence.

“**62.0.4.** The Board may refuse to issue a licence where it considers that the person or partnership applying for the licence is the continuation of another person or partnership that would not have obtained the licence had that person or partnership applied for it.”

16. Section 65.1 of the Act is amended

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) if the licence holder or, in the case of a partnership or a legal person, a person referred to in subparagraph 6 of the first paragraph of section 60 has been convicted, in the last five years,

(a) of an indictable offence under section 45 or 47 of the Competition Act (R.S.C. 1985, c. C-34);

(b) of an offence under any of sections 5, 6 and 7 of the Controlled Drugs and Substances Act (S.C. 1996, c. 19); or

(c) of an indictable offence under subsection 1 of section 380, section 462.31 or any of sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46);”;

(2) by adding the following subparagraph after subparagraph 4 of the second paragraph:

“(5) if the licence holder is named in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies (chapter C-65.1).”;

(3) by adding the following paragraph at the end:

“Despite subparagraph 1 of the second paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, the licence contains a restriction until five years have elapsed since the end of the term of imprisonment imposed by the sentence.”

17. Section 65.4 of the Act is amended by replacing “subdivision” in the first paragraph by “Act”.

18. Section 66 of the Act is amended by replacing “and of the natural persons referred to in section 52, the licence numbers and the classes or subclasses of such licences and any restriction under section 65.1” by “and of the guarantors of partnerships and legal persons, the licence numbers and the classes or subclasses of such licences, the names of sureties and any restriction as regards the obtention of a public contract”.

19. Section 67 of the Act is replaced by the following section:

“**67.** The licence holder shall, within 30 days, inform the Board in writing of any change in the holder’s legal structure, in particular in the case of a merger, sale or transfer.

Within the same period, the licence holder shall inform the Board in writing of any change in information or any modification to a document the holder has provided to the Board, in particular with respect to any offences or indictable offences for which the holder, a money lender or, in the case of a partnership or legal person, a person referred to in subparagraph 6 or 6.0.1 of the first paragraph of section 60 has been convicted.

The guarantor shall also, without delay, inform the Board in writing upon ceasing to act in that capacity.”

20. Section 69 of the Act is amended by replacing “person referred to in section 52” in the first paragraph by “guarantor”.

21. Section 70 of the Act is amended

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

“(2) no longer meets one of the conditions set out in sections 58 to 62.0.4 for obtaining a licence;”;

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

“(3) has submitted falsified facts to the Board or misrepresented facts, or has failed to provide the Board with information;”;

(3) by replacing subparagraphs 3.1 and 3.2 of the first paragraph by the following subparagraphs:

“(3.1) has failed to send a document or information to the Board even though required to do so under this Act or the regulations;

“(3.2) enters into a contract for the loan of money with a lender even though he was notified by the Board that the lender or an officer of the lender was convicted of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60 and did not obtain a pardon, or was convicted of an offence under paragraph 2 of section 194;”;

(4) by striking out “under a fiscal law” in subparagraph 3.3 of the first paragraph;

(5) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

“(4) has failed to comply with an order issued under this Act;”;

(6) by inserting the following subparagraphs after subparagraph 5 of the first paragraph:

“(5.1) has submitted a bid for a public contract or entered into such a contract even though his licence contained a restriction as regards the obtention of a public contract;

“(5.2) has acted as a contractor or owner-builder even though his licence was suspended or cancelled;”;

(7) by replacing subparagraph 6 of the first paragraph by the following subparagraph:

“(6) has an officer who has not been discharged after being declared bankrupt;”;

(8) by adding the following subparagraph at the end of the first paragraph:

“(13) has failed to provide the Board with what is needed to carry out a verification or inspection.”;

(9) by replacing the second paragraph by the following paragraph:

“The Board must also cancel a licence where the licence holder or, in the case of a partnership or legal person, one of its officers has been convicted of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60, after having already been convicted of any such offence or indictable offence in the five years preceding the new conviction, unless, in the meantime, the holder or officer has obtained a pardon.”

22. The Act is amended by inserting the following section after section 70:

“**70.0.1.** The Board may suspend or cancel a licence where a guarantor has submitted falsified facts to it or misrepresented facts, failed to provide it with information or failed to comply with any of his obligations under this Act or the regulations.”

23. Section 72 of the Act is amended

(1) by replacing “business” by “latter’s activities”;

(2) by replacing “90” by “120”.

24. Section 73 of the Act is replaced by the following section:

“**73.** The licence of a partnership or legal person ceases to have effect 90 days after the date on which the guarantor ceases to act in that capacity. In the case of the death of the guarantor, the period is increased to 120 days.

However, that partnership’s or legal person’s licence remains in force if another guarantor is responsible for managing activities in the same area as that for which the knowledge or experience of the guarantor referred to in the first paragraph was recognized.

In addition, where a licence includes several subclasses and the guarantor referred to in the first paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another person acts as a guarantor for each of the other subclasses and is responsible for managing the activities in every other skill area.”

25. Section 75 of the Act is amended by replacing “deciding on the suspension or cancellation of any licence” in the first paragraph by “refusing to issue a licence or before ordering the suspension or cancellation of a licence”.

26. The Act is amended by inserting the following section after section 76:

“76.1. A natural person, partnership or legal person whose licence is suspended or cancelled shall, at the Board’s request and within the time it specifies, provide the list of construction work under way, the name of the clients concerned and the contact information necessary for the Board to contact them to provide them with useful information for the completion of the work.

The information required under the first paragraph may also be requested by the Board to enable it to ensure that the ruling it delivered on the suspension or cancellation of the licence is complied with.”

27. Section 109.6 of the Act is amended

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

“(1) to decide whether a licence or an amendment to a licence may be refused in light of the conditions set out in any of

(a) subparagraph 4, subparagraph *a* of subparagraph 8 and subparagraphs 8.2 to 8.5 of the first paragraph of section 58;

(b) sections 59 and 59.1;

(c) subparagraph 3, subparagraph *a* of subparagraph 6, and subparagraphs 6.0.1, 6.3 to 6.5 and 8 of the first paragraph of section 60; and

(d) sections 61 to 62.0.4;”;

(2) by replacing paragraph 4 by the following paragraph:

“(4) to decide to suspend or cancel a licence under any of

(a) subparagraphs 1, 3 to 5.2 and 11 to 13 of the first paragraph of section 70 and the second paragraph of that section;

(b) subparagraph 2 of the first paragraph of section 70 but only insofar as the decision is related either to one of the conditions referred to in paragraph 1 of this section or to subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60; and

(c) section 70.0.1;”.

28. Section 111 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) to cooperate in efforts to prevent and to fight corruption and fraudulent practices in the construction industry;”.

29. Section 129 of the Act is amended by adding the following paragraph at the end:

“This section also applies to a commissioner in the exercise of the functions provided for in section 109.6.”

30. Section 129.2 of the Act is replaced by the following:

“DIVISION II.2

“IMMUNITY AND PROTECTION AGAINST REPRISALS

“129.2. Any person may communicate to the Board information concerning an act or omission that the person believes constitutes a violation or offence with respect to this Act or the regulations.

The first paragraph applies despite the provisions on the communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those provided for in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward his employer or, if applicable, his client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

“129.2.1. Any person who, in good faith, communicates to the Board information referred to in section 129.2 or any other information required or authorized to be communicated under this Act or the regulations does not incur any civil liability for doing so.

“129.2.2. It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information referred to in section 129.2.1 or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information to the Board or from cooperating in an inquiry, verification or inspection carried out on the basis of such a communication.

The demotion, suspension, dismissal or transfer of a person having communicated information or any other measure that adversely affects such a person’s employment or conditions of employment is presumed to be a reprisal.

“129.2.3. The Board shall take the measures necessary to ensure that any information communicated to it, including the identity of the person who communicated it, remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to or rectify information communicated to the Board under section 129.2.”

31. Section 130 of the Act is amended

(1) by inserting “and the first two paragraphs of section 129” after “117” in subparagraph 2 of the third paragraph;

(2) by adding the following paragraph at the end:

“The instrument of delegation may authorize the president and chief executive officer to subdelegate, in writing, the powers mentioned in subparagraph 2 of the third paragraph to any person designated under that subparagraph.”

32. Section 145 of the Act is amended by striking out “a commissioner,” in the first paragraph.

33. Section 185 of the Act is amended

(1) by replacing “all or certain natural persons who are licence holders and all or certain natural persons referred to in section 52” in paragraph 9.1 by “all or certain guarantors”;

(2) by inserting the following paragraph after paragraph 9.1:

“(9.2) prescribe that documents required under this Act or a regulation must be sent or received using the medium, technology or method of transmission specified in the regulation;”;

(3) by replacing “on behalf of” in paragraph 10 by “who wishes to qualify as a guarantor for”;

(4) by inserting the following paragraphs after paragraph 11:

“(11.1) determine the nature, coverage and other terms of liability insurance a natural person, partnership or legal person applying for a licence must hold;

“(11.2) require each natural person who wishes to qualify as a guarantor for the same licence to sign the licence application;”;

(5) by replacing “apply for a licence on behalf of a partnership or legal person” in paragraph 12 by “be a guarantor”;

(6) by replacing “to apply for a licence on behalf of more than one partnership or legal person” in paragraph 13 by “to be a guarantor for more than one licence”.

34. Section 194 of the Act is amended

(1) by replacing “for purposes of obtaining a licence” in paragraph 1 by “or fail to provide information in order to obtain a licence”;

(2) by inserting “or the regulations” after “this Act” in paragraph 2;

(3) by inserting “76.1,” after “69,” in paragraph 7.

35. Section 196.2 of the Act is amended by replacing “within the meaning of section 45 was convicted, in the five years preceding the loan, of an indictable offence connected with the lender’s business, or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46), unless he has obtained a pardon,” by “was convicted, in the five years preceding the loan, of an offence or indictable offence referred to in subparagraph 8 of the first paragraph of section 58 or subparagraph 6 of the first paragraph of section 60 and has not obtained a pardon”.

36. Section 197.1 of the Act is replaced by the following section:

“197.1. Any person who contravenes section 46 or 48 is guilty of an offence and is liable, as the case may be, to a fine

(1) of \$5,606 to \$28,028 in the case of an individual and \$16,817 to \$84,087 in the case of a legal person if the individual or legal person does not hold a licence of the appropriate class or subclass or uses the services of another person who does not hold a licence of the appropriate class or subclass; or

(2) of \$11,213 to \$84,087 in the case of an individual and \$33,635 to \$168,172 in the case of a legal person if the individual or legal person does not hold a licence or uses the services of another person who does not hold a licence.”

37. The Act is amended by inserting the following section after section 197.1:

“197.2. Any person who, on applying for a licence or at any time during the licence’s term of validity, acts as a prête-nom, calls on a prête-nom or has a prête-nom among its officers is guilty of an offence and is liable to a fine of \$11,213 to \$84,087 in the case of an individual and \$33,635 to \$168,172 in the case of a legal person.”

38. The Act is amended by inserting the following section after section 199:

“199.1. Any person who

(1) provides information that the person knows to be false or misleading when communicating information under section 129.2.1, or

(2) contravenes section 129.2.2,

is guilty of an offence and is liable to a fine of \$2,000 to \$20,000 in the case of an individual and \$10,000 to \$250,000 in the case of a legal person.

On a subsequent conviction, the fines are doubled.”

39. Section 212 of the Act is amended

(1) by replacing “one year” by “three years”;

(2) by replacing “five” by “seven”.

ACT RESPECTING LABOUR STANDARDS

40. Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 201 of chapter 27 of the statutes of 2017, is again amended by replacing “14” in the second paragraph by “15”.

41. Section 122 of the Act, amended by section 202 of chapter 27 of the statutes of 2017, is again amended by adding the following subparagraph at the end of the first paragraph:

“(15) on the ground that the employee has, in good faith, communicated information to the Régie du bâtiment du Québec under section 129.2.1 of the Building Act (chapter B-1.1) or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.”

42. Section 140 of the Act, amended by section 203 of chapter 27 of the statutes of 2017, is again amended by replacing “11, 13 and 14” in paragraph 6 by “11 and 13 to 15”.

TRANSITIONAL AND FINAL PROVISIONS

43. The Régie du bâtiment du Québec may suspend or cancel a licence it issued before the date of coming into force of paragraph 7 of section 8 or paragraph 7 of section 11, as applicable, on the ground that the licence could not have been issued on the date it was issued if either of those paragraphs had been in force.

44. A licence issued before the coming into force of paragraph 3 of section 16 contains, if applicable, the restriction referred to in the third paragraph of section 65.1 of the Building Act (chapter B-1.1), enacted by that paragraph 3, even if more than five years have elapsed since the conviction for an offence or indictable offence contemplated in subparagraph 1 of the second paragraph of section 65.1.

In such a case, the Board must indicate on the licence that it contains a restriction.

45. A function which, before the date of coming into force of section 27, was performed by a commissioner under section 109.6 of the Building Act continues to be performed by the commissioner where the notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) was notified before that date.

46. The provisions of this Act come into force on the date or dates to be set by the Government.

Regulations and other Acts

Gouvernement du Québec

O.C. 714-2018, 6 June 2018

An Act respecting administrative justice
(chapter J-3)

Number of members of the Tribunal administratif du Québec

WHEREAS, under section 38 of the Act respecting administrative justice (chapter J-3), the Tribunal administratif du Québec is to be composed of independent and impartial members appointed by the Government, in a number determined by the Government, to hold office during good behaviour;

WHEREAS Décret 439-98 dated 1 April 1998 sets the number of members of the Tribunal administratif du Québec at 97 full-time members and 31 part-time members;

WHEREAS the number of part-time members at the Tribunal administratif du Québec must be revised;

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

THAT the number of members of the Tribunal administratif du Québec be set at 97 full-time members and 40 part-time members;

THAT this Order in Council replace Décret 439-98 dated 1 April 1998;

THAT this Order in Council take effect as of the date of this Order in Council.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

103522

Gouvernement du Québec

O.C. 754-2018, 13 June 2018

Education Act
(chapter I-13.3)

School tax
— Computation of the maximum yield for the 2018-2019 school year

Regulation respecting computation of the maximum yield of the school tax for the 2018-2019 school year

WHEREAS, under subparagraphs 1, 2 and 3 of the first paragraph of section 455.1 of the Education Act (chapter I-13.3), the Government must, by regulation, determine the rules for establishing the allowable number of students for computing the maximum yield of the school tax prescribed in section 308 of the Act and the rates of increase of the amounts per student and of the base amount prescribed in section 308 of the Act;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed thereby warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established by the Regulation justifies the absence of prior publication and such coming into force;

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

THAT the Regulation respecting computation of the maximum yield of the school tax for the 2018-2019 school year, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting computation of the maximum yield of the school tax for the 2018-2019 school year

Education Act

(chapter I-13.3, s. 455.1, 1st par., subpars. 1, 2 and 3)

1. For the computation of the maximum yield of the school tax of a school board provided for in section 308 of the Education Act (chapter I-13.3) for a school year, the allowable number of students must be determined by

(1) calculating the number of 4-year-old preschool students who may be taken into account, by

(a) multiplying by 1.00 the number of students legally enrolled for a minimum of 144 half days, but for less than 180 days, on 30 September of the preceding school year in the schools under the jurisdiction of the school board;

(b) multiplying by 1.80 the number of students legally enrolled for a minimum of 180 days on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(c) adding the products obtained under subparagraphs *a* and *b*;

(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such students legally enrolled for a minimum of 180 days on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students legally enrolled on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraphs 7 and 10. Students admitted, following Secondary 3, to a program of study leading to a secondary school vocational diploma who pursue their general education concurrently with their vocational studies may not be taken into account for the purposes of this paragraph;

(5) calculating the number of students admitted to a program of study leading to a secondary school vocational diploma or to an attestation of vocational specialization who may be taken into account, by multiplying by 3.40 the sum of the following numbers:

(a) the number of full-time students admitted to a program of study leading to a secondary school vocational diploma, except students referred to in subparagraph *b*, or to an attestation of vocational specialization, legally enrolled 2 school years before in the vocational training centres under the jurisdiction of the school board that were then recognized by the Minister for the purposes of budgetary rules;

(b) the number of full-time students admitted, following Secondary 3, to a program of study leading to a secondary school vocational diploma who pursue their general education concurrently with their professional studies, legally enrolled on 30 September 2 school years before in the vocational training centres under the jurisdiction of the school board that were then recognized by the Minister for the purposes of budgetary rules;

(c) the number of new places available to welcome students in vocational training centres under the jurisdiction of the school board during the school year for which the maximum yield of the school tax of the school board is calculated. Those places must have been authorized by the Minister within the framework of the allocation for the addition or the rearrangement of space for vocational training provided for in the budgetary rules for one or more vocational programs of study;

(6) calculating the number of students admitted to adult education services, by multiplying by 2.40 the number of full-time students who may be taken into account for the school year in accordance with the Schedule to this Regulation;

(7) calculating the number of handicapped 4-year-old and 5-year-old preschool, elementary school and secondary school students who may be taken into account, by multiplying by 6.40 the number of such full-time students legally enrolled on 30 September of the preceding school year in the schools under the jurisdiction of the school board;

(8) calculating the number of 5-year-old preschool students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.25 the number of such full-time students legally enrolled on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(9) calculating the number of elementary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 2.40 the number of such full-time students legally enrolled on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(10) calculating the number of secondary school students enrolled in welcoming classes and francization classes who may be taken into account, by multiplying by 3.40 the number of such full-time students legally enrolled on 30 September of the preceding school year in the schools under the jurisdiction of the school board, except students referred to in paragraph 7;

(11) calculating the number of preschool and elementary school students enrolled in school day care services who may be taken into account, by multiplying by 0.05 the number of such students;

(12) calculating the number of students enrolled in the school board's student transportation services who may be taken into account, by

(a) multiplying by 0.75 the number of students enrolled on 30 September of the preceding school year in a transportation service employing vehicles used exclusively to transport such students;

(b) multiplying by 0.40 the number of students enrolled on 30 September of the preceding school year in a transportation service employing vehicles that have specific public transit routes and are not reserved exclusively to transport such students;

(c) adding the products obtained under subparagraphs *a* and *b*;

(13) adding the numbers obtained under paragraphs 1 to 12.

2. For the purposes of section 1,

(1) students admitted to a program of study leading to a secondary school vocational diploma or to an attestation of vocational specialization are students who were admitted to a vocational training centre under the jurisdiction of the school board to receive educational services in vocational training, in vocational education programs authorized in accordance with the first paragraph of section 467 of the Education Act;

(2) the number of full-time students is obtained by adding the number of students enrolled full-time who participate in the minimum number of hours of activities

prescribed by the basic school regulation applicable to them and the number of students enrolled part-time converted into a number of full-time students by

(a) using the following equation to calculate the proportion of full-time attendance per student enrolled part-time:

$$\frac{\text{the student's number of hours of activities per school year}}{\text{the minimum number of hours of activities per school year prescribed by the basic school regulation applicable to the student}}$$

(b) adding, for each of the categories of students referred to in paragraphs 1 to 10 of section 1, the proportions obtained under subparagraph *a*;

(3) students who may be taken into account by a school board for the purposes of paragraph 11 of section 1 are 4-year-old and 5-year-old preschool students and elementary school students enrolled on 30 September of the preceding school year in the day care services of the school board for a minimum of 2 periods per day, at least 3 days per week;

(4) students who may be taken into account by a school board for the purposes of paragraph 12 of section 1 are students for whom the school board provides transportation at the beginning and end of classes each day.

3. The allowable number of students determined under section 1 must be adjusted by adding the number of additional students to take into account the reduction in the school population.

The number of additional students is determined by

(1) calculating the number of students who may be taken into account for the purpose of calculating the reduction in the number of students at every level of education by

(a) multiplying by 0.99 the total of the numbers obtained for the preceding school year under paragraphs 2 to 4 and 7 to 10 of section 1, to which is added, where applicable, the number obtained under subparagraph 1 of this paragraph for the same school year;

(b) subtracting from the product obtained under subparagraph *a*, the sum of the numbers obtained under paragraphs 2 to 4 and 7 to 10 of section 1 for the school year for which the maximum yield of the school tax of the school board is calculated, as they read taking into account the application of section 4, if applicable;

(2) calculating the number of 5-year-old preschool students and elementary school students who may be taken into account for the purpose of calculating the reduction in the number of students by

(a) multiplying by 0.99 the number of 5-year-old preschool students and elementary school students determined for the preceding school year under paragraph 7 of section 1 and under paragraphs 2, 3, 8 and 9 of section 1, to which is added, where applicable, the number obtained under subparagraph 2 of this paragraph for the same school year;

(b) subtracting from the product obtained under subparagraph a, the total of the numbers of 5-year-old preschool students and elementary school students obtained under paragraphs 2, 3, 7, 8 and 9 of section 1 for the school year for which the maximum yield of the school tax of the school board is calculated, as they read taking into account the application of section 4, if applicable;

(3) calculating the number of secondary school students who may be taken into account for the purpose of calculating the reduction in the number of students by

(a) multiplying by 0.99 the number of secondary school students determined for the preceding school year under paragraphs 4, 7 and 10 of section 1, to which is added, where applicable, the number obtained under subparagraph 3 of this paragraph for the same school year;

(b) subtracting from the product obtained under subparagraph a, the total number of secondary school students determined under paragraphs 4, 7 and 10 of section 1 for the school year for which the maximum yield of the school tax of the school board is calculated, taking into account the application of section 4, where applicable;

(4) subtracting from the sum of the numbers obtained under paragraphs 2 and 3, the number obtained under paragraph 1 and multiplying by 0.37 the resulting number;

(5) adding the numbers obtained under subparagraphs 1 and 4.

In the operations prescribed by this section, when a number is lower than zero, it is deemed to be zero.

4. Where the total number of full-time students determined under paragraphs 2 to 4 and 7 to 10 of section 1 exceeds by 200 or 2% the total number of full-time students determined for the preceding school year under the same paragraphs of section 1 and is at least 200 or 2% lower than the total number of full-time students in the categories referred to in paragraphs 2, 3, 4 and 7 to 10 of section 1, established according to the Minister's school

enrolment estimates for the school year for which the maximum yield of the school tax of the school board is calculated, paragraphs 2 to 4 of section 1 are to be read as follows:

“(2) calculating the number of 5-year-old preschool students who may be taken into account, by multiplying by 1.80 the number of such full-time students, established according to the Minister's school enrolment estimates for the school year for which the maximum yield of the school tax of the school board is calculated, except students referred to in paragraphs 7 and 8;

(3) calculating the number of elementary school students who may be taken into account, by multiplying by 1.55 the number of such full-time students, established according to the Minister's school enrolment estimates for the school year for which the maximum yield of the school tax of the school board is calculated, except students referred to in paragraphs 7 and 9;

(4) calculating the number of secondary school students who may be taken into account, by multiplying by 2.40 the number of such full-time students, established according to the Minister's school enrolment estimates for the school year for which the maximum yield of the school tax of the school board is calculated, except students referred to in paragraphs 7 and 10;”.

5. For the computation of the maximum yield of the school tax of a school board for the 2018-2019 school year, the amount per student is \$848.80 or \$1,104.10 if the allowable number of students is less than 1,000, and the base amount is \$254,633, namely the amounts established for the 2017-2018 school year indexed by 1.76%.

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

SCHEDULE

(s.1, par. 6)

NUMBER OF EQUIVALENT

FULL-TIME ADULT STUDENTS

IN GENERAL EDUCATION FOR THE 2018-2019 SCHOOL YEAR

Code	School board	Number of full-time students
711000	des Monts-et-Marées	501.6
712000	des Phares	332.0
713000	du Fleuve-et-des-Lacs	349.1
714000	de Kamouraska—Rivière-du-Loup	254.5

Code	School board	Number of full-time students
721000	du Pays-des-Bleuets	426.2
722000	du Lac-Saint-Jean	638.7
723000	des Rives-du-Saguenay	1,092.2
724000	De La Jonquière	469.3
731000	de Charlevoix	85.9
732000	de la Capitale	2,181.1
733000	des Découvreurs	463.1
734000	des Premières-Seigneuries	866.8
735000	de Portneuf	135.1
741000	du Chemin-du-Roy	762.7
742000	de l'Énergie	384.0
751000	des Hauts-Cantons	196.9
752000	de la Région-de-Sherbrooke	1,303.9
753000	des Sommets	248.8
761000	de la Pointe-de-l'Île	3,352.3
762000	de Montréal	7,825.6
763000	Marguerite-Bourgeois	2,925.1
771000	des Draveurs	770.1
772000	des Portages-de-l'Outaouais	849.1
773000	au Coeur-des-Vallées	425.7
774000	des Hauts-Bois-de-l'Outaouais	262.1
781000	du Lac-Témiscamingue	106.9
782000	de Rouyn-Noranda	249.3
783000	Harricana	113.3
784000	de l'Or-et-des-Bois	294.8
785000	du Lac-Abitibi	97.7
791000	de l'Estuaire	210.4
792000	du Fer	133.5
793000	de la Moyenne-Côte-Nord	19.3
801000	de la Baie-James	82.4
811000	des Îles	27.1
812000	des Chic-Chocs	377.9
813000	René-Lévesque	392.1
821000	de la Côte-du-Sud	402.5

Code	School board	Number of full-time students
822000	des Appalaches	287.8
823000	de la Beauce-Étchemin	882.8
824000	des Navigateurs	709.4
831000	de Laval	1,795.6
841000	des Affluents	1,676.7
842000	des Samares	831.0
851000	de la Seigneurie-des-Mille-Îles	993.7
852000	de la Rivière-du-Nord	864.1
853000	des Laurentides	246.9
854000	Pierre-Neveu	179.4
861000	de Sorel-Tracy	477.9
862000	de Saint-Hyacinthe	459.4
863000	des Hautes-Rivières	431.2
864000	Marie-Victorin	1,419.3
865000	des Patriotes	501.3
866000	du Val-des-Cerfs	476.7
867000	des Grandes-Seigneuries	608.0
868000	de la Vallée-des-Tisserands	252.0
869000	des Trois-Lacs	325.4
871000	de la Riveraine	206.4
872000	des Bois-Francs	310.8
873000	des Chênes	335.8
881000	Central Québec	57.3
882000	Eastern Shores	30.8
883000	Eastern Townships	177.8
884000	Riverside	530.1
885000	Sir-Wilfrid-Laurier	372.3
886000	Western Québec	238.2
887000	English-Montréal	3,986.8
888000	Lester-B.-Pearson	1,555.7
889000	New Frontiers	159.6
103545		

Gouvernement du Québec

O.C. 764-2018, 13 June 2018

Medical Act
(chapter M-9)

Nurse

— Certain professional activities that may be engaged

— Amendment

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a nurse

WHEREAS, under subparagraph *b* of the first paragraph of section 19 of the Medical Act (chapter M-9), the board of directors of the Collège des médecins du Québec must, by regulation, determine among the activities referred to in the second paragraph of section 31 of the Act those which, under certain prescribed conditions, may be engaged in by classes of persons other than physicians;

WHEREAS, in accordance with the second paragraph of section 19 of the Act, the board of directors of the Collège des médecins du Québec consulted the Office des professions du Québec and the Ordre des infirmières et infirmiers du Québec before making the Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a nurse on 20 October 2017;

WHEREAS, pursuant to section 95 of the Professional Code (chapter C-26) and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting such an order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a nurse was published in Part 2 of the *Gazette officielle du Québec* of 17 January 2018 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 27 April 2018 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a nurse, attached to this Order in Council, be approved.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain professional activities that may be engaged in by a nurse

Medical Act
(chapter M-9, s. 19, 1st par., subpar. *b*)

1. The Regulation respecting certain professional activities that may be engaged in by a nurse (chapter M-9, r. 12.001) is amended by replacing paragraph 5 of section 7 by the following:

“(5) be the holder of a university-level diploma in nursing care awarded by an educational institution situated outside Québec including at least 45 hours of training in community health and 45 hours of training in wound care on the elements provided for in Schedule I.”

2. Section 9 is replaced by the following:

“**9.** Despite section 7, a nurse who holds a diploma of college studies in nursing care and who, on 30 June 2017, according to a collective prescription, engaged in activities referred to in section 2 may continue to engage in those activities if the director of nursing care or, where the nurse practises elsewhere than in a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), one of the signatory physicians of the collective prescription attests in writing that the nurse has applied one or more collective prescriptions in connection with the activities referred to in section 2.”

3. Section 10 is replaced by the following:

“**10.** Despite section 7, a nurse who holds a diploma of college studies in nursing care and who, on 30 June 2017, according to a collective prescription, engaged in activities referred to in section 4 may continue to engage

in those activities if the director of nursing care or, where the nurse practises elsewhere than in a centre operated by an institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), one of the signatory physicians of the collective prescription attests in writing that the nurse has applied one or more collective prescriptions in connection with the activities referred to in section 4.”

4. Section 11 is amended

(1) by replacing “obtain” by “have obtained”;

(2) by replacing “within 12 months following 11 January 2016.” by “before 12 July 2018.”.

5. This Regulation comes into force on 12 July 2018.

103546

M.O., 2018

**Order 2018-12 of the Minister of Transport,
Sustainable Mobility and Transport Electrification,
dated June 12, 2018**

Highway Safety Code
(chapter C-24.2, s. 633.2)

Net mass of certain road vehicles converted to electricity

THE MINISTER OF TRANSPORT, SUSTAINABLE
MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for a period specified by the Minister if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety, and the Minister may prescribe any rule, applicable when using the exemption, that ensures an equivalent level of safety in the Minister's opinion;

CONSIDERING that under section 633.2 of the Code, the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to such an order;

CONSIDERING that the definitions of “net weight” in section 2 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) and “net mass” in section 1 of the Regulation respecting licences (chapter C-24.2, r. 34) do not provide for the possibility of subtracting the weight of the battery from the net weight or mass of a 2-axle truck altered to make it exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network;

CONSIDERING that section 48 of the Regulation respecting road vehicle registration does not provide for the possibility of indicating, on a weight certificate, the net weight of such a vehicle after its alteration and the weight of the battery, which are established by the person who carried out the alteration;

CONSIDERING that the application of those provisions requires that the drivers of certain of those road vehicles converted to electricity hold a class 3 driver's licence, rather than a class 5 driver's licence, due to the heavy weight of the battery with which those vehicles are equipped;

CONSIDERING that the application of those provisions restricts Québec's competitiveness with respect to other Canadian and American jurisdictions where the requirement to hold a driver's licence equivalent to a class 3 driver's licence would not apply to drivers of those road vehicles converted to electricity;

CONSIDERING that the application of those provisions restricts the conversion to electricity of that type of road vehicles given the additional costs borne by enterprises due to the additional requirements imposed to the holders of a class 3 driver's licence;

CONSIDERING the Government's direction to promote electric transport with the adoption of the 2015-2020 Transportation Electrification Action Plan;

CONSIDERING the Government's objective of targeting a 40% reduction, under the 2013 level, of fuel consumption in transportation, as stated in April 2018 in the policy on sustainable mobility - 2030: Transporting Québec towards modernity;

CONSIDERING that the conversion to electricity of that type of road vehicles is directly linked to those government directions;

CONSIDERING that the road vehicles converted to electricity must not be put into operation without having obtained the inspection certificate issued by the Société de l'assurance automobile du Québec, in accordance with section 214 of the Highway Safety Code, as replaced by section 35 of chapter 7 of the Statutes of 2018;

CONSIDERING that it is in the interest of the public to suspend the application of the definitions of “net weight” in section 2 of the Regulation respecting road vehicle registration and “net mass” in section 1 of the Regulation respecting licences, and of section 48 of the Regulation respecting road vehicle registration for a period of 36 months and, during that suspension, to prescribe rules that ensure an equivalent level of safety;

CONSIDERING that the suspension of the application of those provisions and the prescription of rules are not likely to compromise highway safety;

CONSIDERING that the Société de l’assurance automobile du Québec has been consulted;

ORDERS AS FOLLOWS:

1. The application of the definitions of “net weight” in section 2 of the Regulation respecting road vehicle registration (chapter C-24.2, r. 29) and “net mass” in section 1 of the Regulation respecting licences (chapter C-24.2, r. 34), and of section 48 of the Regulation respecting road vehicle registration is suspended from 12 July 2018 to 12 July 2021. During that period,

(1) the definition of

(a) “net weight” in section 2 of the Regulation respecting road vehicle registration must read as follows:

““net weight” means the weight of a road vehicle as stated by the manufacturer at the time of shipment, or that indicated on the weight certificate following alteration of the road vehicle or fitting of an accessory or equipment to bring it into conformity with the particular use for which it is intended; where the road vehicle is a 2-axle truck altered to replace the engine with which it is equipped to make the vehicle exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network, the net weight of the vehicle is established by subtracting from it, after its alteration, the weight of the battery;”;

(b) “net mass” in section 1 of the Regulation respecting licences must read as follows:

““net mass” means the mass of a road vehicle as indicated by the manufacturer at the time of shipment, or that indicated on the weight certificate issued when the road vehicle was altered or fitted with an accessory or with equipment in order to bring it into conformity with its intended use; where the road vehicle is a truck, as defined in the third paragraph of section 28.3, having 2 axles

altered to replace the engine with which it is equipped to make the vehicle exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network, the net mass of the vehicle is established by subtracting from it, after its alteration, the weight of the battery;”;

(2) section 48 of the Regulation respecting road vehicle registration must read by inserting the following:

“(1.1) if the road vehicle is a 2-axle truck altered to replace the engine with which it is equipped to make the vehicle exclusively electric-powered and equipped with a battery rechargeable by connecting to the electric network, the weight certificate must then indicate the net weight of the vehicle after its alteration and the weight of the battery, which must be established by the person who carried out the alteration;”;

2. This Order comes into force on 12 July 2018. It is revoked on 12 July 2021.

ANDRÉ FORTIN,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

103554

Draft Regulations

Draft Regulations

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

Supply, services, construction and information technologies contracts of public bodies — 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 certain supply contracts of public bodies, the Regulation to amend the Regulation respecting certain service contracts of public bodies, the Regulation to amend the Regulation respecting construction contracts of public bodies and the Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations require that tenderers furnish a Statement of Integrity in the form in the Schedules to the amended Regulations.

The draft Regulations also provide that for any contract for which a call for tenders is made, no person may be proposed if the person, during the year preceding the time the tender is submitted, was employed by the public body and, as regards the project, took part in any of the activities specified in the Regulations.

A further purpose of the draft Regulations is to determine, for tenders transmitted electronically, the procedure for the affixing of signatures to the tender documents as well as the procedure to ensure a tender transferred to an information technology medium can legally stand in lieu of the tender being reproduced.

The draft Regulation to amend the Regulation respecting certain service contracts of public bodies and the draft Regulation to amend the Regulation respecting construction contracts of public bodies propose including new tender solicitation and contract awarding procedures for contracts of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports and the Société québécoise des infrastructures.

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

Further information on the draft Regulations may be obtained by contacting Julie Veillette, Director of public contract regulation, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.377, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4949; fax: 418 646-4613; email: julie.veillette@sct.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Ongoing Program Review and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

PIERRE ARCAND,
*Minister responsible for Government Administration
and Ongoing Program Review and Chair of
the Conseil du trésor*

ROBERT POËTI,
*Minister for Integrity in Public Procurement and
for Information Resources*

Regulation to amend the Regulation respecting certain supply contracts of public bodies

An Act respecting contracting by public bodies
(chapter C-65.1, s. 23, par. 1)

1. Section 6 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended by inserting the following after subparagraph 2 of the first paragraph:

“(2.1) for the contract for which the call for tenders is made, not propose a person who, during the year preceding the time the tender is submitted, was employed by the public body and, as regards the project, took part in any of the following activities:

- (a) need identification;
- (b) cost estimation;
- (c) work schedule determination;
- (d) risk management;
- (e) preparation of the final call for tenders; and”.

2. Section 7 is amended in the first paragraph

(1) by inserting the following after subparagraph 1:

“(1.1) the form in Schedule 0.1 for the statement of integrity has not been complied with;”;

(2) by striking out “, in the case of a tender sent in paper form,” in subparagraph 2.

3. The Regulation is amended by inserting the following after section 7.1:

“7.2. The public body must require a statement of integrity in the form in Schedule 0.1.”.

4. Section 9.2 is amended by adding the following paragraphs:

“If the signature of a person is required on a document and the tender is transmitted electronically, the signature is affixed to the document in paper form, prior to the tender information being transferred to an information technology medium.

The documentation confirming that the tender information has been transferred to an information technology medium in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) is transmitted through the electronic tendering system.”.

5. The Regulation is amended by inserting the following after section 9.2:

“9.2.1. Where tender security is required and the tender is transmitted electronically, the tender security must be given in the form of a bond. The public body must so specify in the tender documents.”.

6. The Regulation is amended by inserting the following Schedule after section 47:

“SCHEDULE 0.1

(s. 7.2)

STATEMENT OF INTEGRITY

1. This Statement of Integrity is provided by, _____
 _____ in relation to
 (Name of tenderer)
 the call for tenders launched by _____

 (Name of public body)

2. For the purposes of this Statement, “competitor” means any partnership or other person, other than the tenderer, whether or not associated with the tenderer,

(a) who has submitted a tender;

(b) who could potentially submit a tender in response to the call for tenders based on their qualifications, abilities or experience.

For the same purposes, “associate” means an associate within the meaning of the second paragraph of section 21.2 of the Act respecting contracting by public bodies.

3. The tenderer has arrived at this tender independently from and without agreement or arrangement with any competitor that is in contravention of the Competition Act (R.S.C. 1985, c. C-34), in particular as regards

—prices;

—methods, factors or formulas used to calculate prices;

—a decision to submit, or not to submit, or withdraw a tender; or

—the submitting of a tender that knowingly does not meet the specifications of the call for tenders.

4. Except as concerns a subcontract possibly being entered into, the terms of the tender have not been, and will not be, knowingly disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time set for the tender opening, unless otherwise required by law.

5. Neither the tenderer, nor any associate of the tenderer, has had any discussion concerning the tender that would compromise the integrity of the contractual relationship with the State.

IN WITNESS WHEREOF, the tenderer, through the tenderer’s duly authorized representative, hereby declares that the information given in this Statement is true and accurate, and signs the Statement on _____.

(Date)

 (Signature of tenderer’s representative)

 (Name of tenderer’s representative in block letters)”.

7. Sections 1 to 6 apply only to public calls for tenders appearing in notices published on or after (*insert the date of coming into force of this Regulation*).

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

Regulation to amend the Regulation respecting certain service contracts of public bodies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1 and 3)

1. Section 6 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended by inserting the following after subparagraph 2 of the first paragraph:

“(2.1) for the contract for which the call for tenders is made, not propose a person who, during the year preceding the time the tender is submitted, was employed by the public body and, as regards the project, took part in any of the following activities:

- (a) need identification;
- (b) cost estimation;
- (c) work schedule determination;
- (d) risk management;
- (e) preparation of the final call for tenders; and”.

2. Section 7 is amended in the first paragraph

- (1) by inserting the following after subparagraph 1:

“(1.1) the form in Schedule 0.1 for the statement of integrity has not been complied with;”;

- (2) by striking out “, in the case of a tender sent in paper form,” in subparagraph 2.

3. The Regulation is amended by inserting the following after section 7.1:

“7.2. The public body must require a statement of integrity in the form in Schedule 0.1.”.

4. Section 9.2 is amended by adding the following paragraphs:

“If the signature of a person is required on a document and the tender is transmitted electronically, the signature is affixed to the document in paper form, prior to the tender information being transferred to an information technology medium.

The documentation confirming that the tender information has been transferred to an information technology medium in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) is transmitted through the electronic tendering system.”.

5. The Regulation is amended by inserting the following after section 9.2:

“9.2.1. Where tender security is required and the tender is transmitted electronically, the tender security must be given in the form of a bond. The public body must so specify in the tender documents.”.

6. Section 24 is amended by inserting “other than the Ministère des Transports, de la Mobilité durable et de l’Électrification des transports and the Société québécoise des infrastructures” after “public body” in the first paragraph.

7. The Regulation is amended by inserting the following Schedule after section 63:

“SCHEDULE 0.1 (s. 7.2)

STATEMENT OF INTEGRITY

1. This Statement of Integrity is provided by, _____
_____ in relation to
(Name of tenderer)
the call for tenders launched by _____

(Name of public body)

2. For the purposes of this Statement, “competitor” means any partnership or other person, other than the tenderer, whether or not associated with the tenderer,

- (a) who has submitted a tender;

- (b) who could potentially submit a tender in response to the call for tenders based on their qualifications, abilities or experience.

For the same purposes, “associate” means an associate within the meaning of the second paragraph of section 21.2 of the Act respecting contracting by public bodies.

3. The tenderer has arrived at this tender independently from and without agreement or arrangement with any competitor that is in contravention of the Competition Act (R.S.C. 1985, c. C-34), in particular as regards

- prices;
- methods, factors or formulas used to calculate prices;
- a decision to submit, or not to submit, or withdraw a tender; or
- the submitting of a tender that knowingly does not meet the specifications of the call for tenders.

4. Except as concerns a subcontract possibly being entered into, the terms of the tender have not been, and will not be, knowingly disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time set for the tender opening, unless otherwise required by law.

5. Neither the tenderer, nor any associate of the tenderer, has had any discussion concerning the tender that would compromise the integrity of the contractual relationship with the State.

IN WITNESS WHEREOF, the tenderer, through the tenderer's duly authorized representative, hereby declares that the information given in this Statement is true and accurate, and signs the Statement on _____
(Date)

(Signature of tenderer's representative)

(Name of tenderer's representative in block letters)".

8. Section 9 of Schedule 2 is amended by adding "or, for an architecture or engineering contract, excluding a forest engineering contract of the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports or the Société québécoise des infrastructures, 75%" at the end.

9. Sections 1 to 8 apply only to public calls for tenders appearing in notices published on or after (*insert the date of coming into force of this Regulation*).

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

Regulation to amend the Regulation respecting construction contracts of public bodies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, pars. 1 and 3)

1. Section 5 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5) is amended by inserting the following after paragraph 5:

"(5.1) where an evaluation of the quality of a tender is to be made, the evaluation rules to be used, including the evaluation criteria and, for the purposes of Schedule 5, their respective weighting;"

2. Section 6 is amended by inserting the following after subparagraph 2 of the first paragraph:

"(2.1) for the contract for which the call for tenders is made, not propose a person who, during the year preceding the time the tender is submitted, was employed by the public body and, as regards the project, took part in any of the following activities:

- (a) need identification;
- (b) cost estimation;
- (c) work schedule determination;
- (d) risk management;
- (e) preparation of the final call for tenders; and"

3. Section 7 is amended in the first paragraph

- (1) by inserting the following after subparagraph 1:

"(1.1) the form in Schedule 0.1 for the statement of integrity has not been complied with;"

- (2) by striking out " , in the case of a tender sent in paper form," in subparagraph 3;

- (3) by inserting the following after subparagraph 5:

"(5.1) the fact that the price submitted and the quality demonstration were not presented separately as required by this Regulation, if applicable; and"

4. The Regulation is amended by inserting the following after section 7.1:

"7.2. The public body must require a statement of integrity in the form in Schedule 0.1."

5. Section 9.2 is amended by adding the following paragraphs:

“If the signature of a person is required on a document and the tender is transmitted electronically, the signature is affixed to the document in paper form, prior to the tender information being transferred to an information technology medium.

The documentation confirming that the tender information has been transferred to an information technology medium in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) is transmitted through the electronic tendering system.”

6. Section 11 is amended by inserting the following after the first paragraph:

“Where tender security is required and the tender is transmitted electronically, the tender security must be given in the form of a bond.”

7. The Regulation is amended by inserting the following subdivision after the heading of Division II of Chapter III:

“§0.1. Call for tenders by the Ministère des Transports, de la Mobilité durable et de l’Électrification des transports or the Société québécoise des infrastructures in one stage

21.1. Despite sections 13 and 16, the Ministère des Transports, de la Mobilité durable et de l’Électrification des transports or the Société québécoise des infrastructures may evaluate the quality of a tender to award a construction contract. In such a case, it solicits a price and quality demonstration based on predetermined evaluation criteria.

The price and quality demonstration must be presented separately so that the first paragraph of section 31 may apply.

The public body concerned evaluates the quality of a tender in accordance with Schedule 4 or Schedule 5, as applicable.

If an evaluation is based on the minimum level of quality being attained, the public body concerned must apply the quality evaluation conditions in Schedule 4 and award the contract to the contractor that submits the lowest adjusted price.

If an evaluation is based on level of quality and calculation of value for money, the public body concerned must apply the quality evaluation conditions in Schedule 5 and award the contract to the contractor that submits the lowest adjusted price.”

8. Section 22 is amended by striking out the third paragraph.

9. Section 24 is amended by striking out the second paragraph and the second sentence in the third paragraph.

10. The Regulation is amended by inserting the following Schedule after section 62:

“SCHEDULE 0.1

(s. 7.2)

STATEMENT OF INTEGRITY

1. This Statement of Integrity is provided by, _____
 _____ in relation to
 (Name of tenderer)
 the call for tenders launched by _____
 _____.
 (Name of public body)

2. For the purposes of this Statement, “competitor” means any partnership or other person, other than the tenderer, whether or not associated with the tenderer,

(a) who has submitted a tender;

(b) who could potentially submit a tender in response to the call for tenders based on their qualifications, abilities or experience.

For the same purposes, “associate” means an associate within the meaning of the second paragraph of section 21.2 of the Act respecting contracting by public bodies.

3. The tenderer has arrived at this tender independently from and without agreement or arrangement with any competitor that is in contravention of the Competition Act (R.S.C. 1985, c. C-34), in particular as regards

— prices;

— methods, factors or formulas used to calculate prices;

— a decision to submit, or not to submit, or withdraw a tender; or

— the submitting of a tender that knowingly does not meet the specifications of the call for tenders.

4. Except as concerns a subcontract possibly being entered into, the terms of the tender have not been, and will not be, knowingly disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time set for the tender opening, unless otherwise required by law.

5. Neither the tenderer, nor any associate of the tenderer, has had any discussion concerning the tender that would compromise the integrity of the contractual relationship with the State.

IN WITNESS WHEREOF, the tenderer, through the tenderer's duly authorized representative, hereby declares that the information given in this Statement is true and accurate, and signs the Statement on _____.

(Date)

(Signature of tenderer's representative)

(Name of tenderer's representative in block letters)”.

11. Schedule 5 is amended

(1) in section 8

(a) by replacing “15%” in the formula for the quality adjustment factor by “K”;

(b) by adding the following paragraph at the end:

“The value of K is 15% and it expresses as a percentage the increase in what the public body is prepared to pay to move from a 70 point tender to a 100 point tender, for all the criteria.”;

(2) by inserting the following after section 8:

“9. Despite the third paragraph of section 8, where the Ministère des Transports, de la Mobilité durable et de l'Électrification des transports or the Société québécoise des infrastructures awards a contract in accordance with section 21.1, it must specify in the tender documents the value of the parameter K; that value cannot be less than 15% nor greater than 30%.”.

12. Sections 1 to 11 apply only to public calls for tenders appearing in notices published on or after (*insert the date of coming into force of this Regulation*).

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

Regulation to amend the Regulation respecting contracting by public bodies in the field of information technologies

An Act respecting contracting by public bodies (chapter C-65.1, s. 23, par. 1)

1. Section 6 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended by inserting the following after subparagraph 2 of the first paragraph:

“(2.1) for the contract for which the call for tenders is made, not propose a person who, during the year preceding the time the tender is submitted, was employed by the public body and, as regards the project, took part in any of the following activities:

- (a) need identification;
- (b) cost estimation;
- (c) work schedule determination;
- (d) risk management;
- (e) preparation of the final call for tenders; and”.

2. Section 8 is amended in the first paragraph

(1) by inserting the following after subparagraph 1:

“(1.1) the form in Schedule 0.1 for the statement of integrity has not been complied with;”;

(2) by striking out “, in the case of a tender sent in paper form,” in subparagraph 2.

3. The Regulation is amended by inserting the following after section 10:

“**10.1.** The public body must require a statement of integrity in the form in Schedule 0.1.”.

4. Section 13 is amended by adding the following paragraphs:

“If the signature of a person is required on a document and the tender is transmitted electronically, the signature is affixed to the document in paper form, prior to the tender information being transferred to an information technology medium.

The documentation confirming that the tender information has been transferred to an information technology medium in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) is transmitted through the electronic tendering system.”

5. The Regulation is amended by inserting the following after section 13:

“**13.0.1.** Where tender security is required and the tender is transmitted electronically, the tender security must be given in the form of a bond. The public body must so specify in the tender documents.”

6. The Regulation is amended by inserting the following Schedule after section 89:

“**SCHEDULE 0.1**
(s. 10.1)

STATEMENT OF INTEGRITY

1. This Statement of Integrity is provided by, _____
_____ in relation to
(Name of tenderer)
the call for tenders launched by _____
_____.
(Name of public body)

2. For the purposes of this Statement, “competitor” means any partnership or other person, other than the tenderer, whether or not associated with the tenderer,

(a) who has submitted a tender;

(b) who could potentially submit a tender in response to the call for tenders based on their qualifications, abilities or experience.

For the same purposes, “associate” means an associate within the meaning of the second paragraph of section 21.2 of the Act respecting contracting by public bodies.

3. The tenderer has arrived at this tender independently from and without agreement or arrangement with any competitor that is in contravention of the Competition Act (R.S.C. 1985, c. C-34), in particular as regards

—prices;

—methods, factors or formulas used to calculate prices;

—a decision to submit, or not to submit, or withdraw a tender; or

—the submitting of a tender that knowingly does not meet the specifications of the call for tenders.

4. Except as concerns a subcontract possibly being entered into, the terms of the tender have not been, and will not be, knowingly disclosed by the tenderer, directly or indirectly, to any competitor, prior to the date and time set for the tender opening, unless otherwise required by law.

5. Neither the tenderer, nor any associate of the tenderer, has had any discussion concerning the tender that would compromise the integrity of the contractual relationship with the State.

IN WITNESS WHEREOF, the tenderer, through the tenderer’s duly authorized representative, hereby declares that the information given in this Statement is true and accurate, and signs the Statement on _____
(Date)

(Signature of tenderer’s representative)

(Name of tenderer’s representative in block letters)”.

7. Sections 1 to 6 apply only to public calls for tenders appearing in notices published on or after (insert the date of coming into force of this Regulation).

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

103547

Draft Regulation

Youth Protection Act
(chapter P-34.1)

An Act respecting health services and social services
(chapter S-4.2)

An Act respecting health services and social services
for Cree Native persons
(chapter S-5)

Financial assistance to facilitate the adoption and Aboriginal customary adoption of a child

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting financial assistance to facilitate the adoption and Aboriginal customary adoption of a child, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the cases and conditions according to which a person who adopts a child whose situation is taken in charge by the director of youth protection may benefit from financial assistance for the child's upkeep. It also provides for the amount of the financial assistance granted and the terms of payment of that assistance.

The draft Regulation also provides that, if an adopted child is, under an Act, placed, entrusted or provided with foster care outside the residence of the adoptive parent, no financial contribution may be required from the parent for the length of stay.

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

Further information may be obtained by contacting Pascale Lemay, Director of youth and family services, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 8^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-6840; email: pascale.lemay@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

LUCIE CHARLEBOIS,
*Minister for Rehabilitation, Youth
Protection, Public Health and
Healthy Living*

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation respecting financial assistance to facilitate the adoption and aboriginal customary adoption of a child

Youth Protection Act
(chapter P-34.1, ss. 71.3, 71.3.3 and 132)

An Act respecting health services and social services
(chapter S-4.2, s. 512)

An Act respecting health services and social services
for Cree Native persons
(chapter S-5, s. 159)

CHAPTER I ELIGIBILITY FOR FINANCIAL ASSISTANCE

1. Any person who provides for the upkeep of a child under 18 years of age whose situation has been taken in charge by the director of youth protection pursuant to the Youth Protection Act (chapter P-34.1) and who is in one of the following situations is entitled to the financial assistance provided for in this Regulation:

(1) the person obtained an order of placement for the child's adoption;

(2) the person is covered by a certificate, issued by a competent authority in accordance with article 543.1 of the Civil Code and section 71.3.2 of the Youth Protection Act, certifying that the person is the adopter of the child and the following conditions are met:

(a) the child was entrusted to that person pursuant to the Youth Protection Act under the taking in charge of the child's situation by the director;

(b) the adoption allowed for the director's intervention with the child to end once the director has received the new act of birth drawn up by the registrar of civil status;

(c) neither of the child's parents of origin provide for the child's upkeep.

Entitlement to financial assistance begins, as the case may be, as of the date of the order of placement or the date on which the director's intervention with the child ends, pursuant to the Youth Protection Act.

CHAPTER II APPLICATION FOR FINANCIAL ASSISTANCE

2. An adopter who wishes to benefit from the financial assistance provided for in this Regulation must apply therefor to the institution of his or her territory operating a child and youth protection centre, within 60 days, as the case may be, of the date of the order of placement or the date on which the director of youth protection ends the intervention with the child.

If an application is not submitted within the time prescribed in the first paragraph, financial assistance may, despite the delay, be granted to the adopter if the adopter shows that he or she was unable to act within the time prescribed for reasonable cause. Where applicable, financial assistance may be granted retroactively for not more than 6 months as of the date of receipt of the duly completed application.

The application must be made using the form provided by the institution. It must also contain the adopter's name, address, date of birth and social insurance number as well as the name of the child for whom financial assistance is applied for.

3. Every application for financial assistance must be accompanied by the child's certificate of birth and by affidavits from the adopter and a third person certifying that the adopter provides for the child's upkeep, resides in Canada or, as the case may be, is in a situation described in the first paragraph of section 19.

The third person referred to in the first paragraph may not be the adopter's spouse, an ascendant, a descendant or a relative in the collateral line to the third degree of the adopter. Nor may the third person be the spouse of that ascendant, descendant or relative.

4. The application for financial assistance for an Aboriginal customary adoption must be accompanied, in addition to the documents provided for in the first paragraph of section 3, by the following documents:

(1) a copy of the Aboriginal customary adoption certificate issued by the registrar of civil status;

(2) a written statement by the director of youth protection indicating that the conditions provided for in subparagraph 2 of the first paragraph of section 1 are met.

5. Where there are 2 adopters, the application for financial assistance may be submitted by one of them or jointly by both adopters.

If the application is submitted jointly, the affidavits provided for in the first paragraph of section 3 must be filed for each of the 2 adopters. Despite the foregoing, if, at the time of the joint application, both adopters have left Canada to establish their residence in another country, only one of them must file an affidavit certifying that the adopter is in a situation described in the first paragraph of section 19.

CHAPTER III TERM AND RENEWAL OF FINANCIAL ASSISTANCE

6. Financial assistance is granted, for the first time, for 1 year, as the case may be, from the date of the order of placement or from the date on which the director of youth protection's intervention ends. Despite the foregoing, where on that date, the adopter receives adoption benefits under the Act respecting parental insurance (chapter A-29.011), financial assistance may, on the adopter's request, be granted to the adopter as of the date on which payment of those benefits ends.

7. Financial assistance may be renewed for 2 consecutive years following the date of termination of the first year of financial assistance.

To that end, the adopter must submit to the institution, for each of those 2 years, a renewal application within 60 days preceding the date on which financial assistance must cease.

The renewal application must be made using the form provided by the institution, contain the information provided for in the third paragraph of section 2 and be accompanied by the affidavits provided for in the first paragraph of section 3.

8. Where a renewal application is submitted outside the time prescribed in the second paragraph of section 7, financial assistance may, despite the delay, be granted to the adopter if the adopter shows that he or she was unable to act within the time prescribed for reasonable cause. Where applicable, financial assistance may be granted retroactively for not more than 6 months as of the date of receipt of the duly completed application.

9. Where there are 2 adopters, the renewal application for financial assistance may be submitted by only one of them, although the initial application was submitted jointly, and vice versa.

If the renewal application is submitted jointly, the affidavits provided for in the first paragraph of section 3 must be filed for each of the 2 adopters. Despite the foregoing, if at the time of the joint renewal application, both adopters have left Canada to establish their residence in another country, only one of them must file an affidavit certifying that the adopter is in a situation described in the first paragraph of section 19.

CHAPTER IV AMOUNT AND PAYMENT OF FINANCIAL ASSISTANCE

10. Except in the case provided for in section 11, the adopter is entitled, as financial assistance for the child's upkeep, to the amount of financial assistance to which a tutor is entitled in accordance with section 11 of the Regulation respecting financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child made by Order in Council (insert the number and date of the Order in Council), less the amounts, that are reasonably attributable to the child, to which the adopter and the adopter's spouse are entitled, on a daily basis, as a child assistance payment provided for in section 1029.8.61.18 of the Taxation Act (chapter I-3) and the Canada child benefit provided for in section 122.61 of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)).

For the purposes of the first paragraph, the adopter's spouse is his or her "cohabiting spouse" according to the definition of that expression provided for in section 1029.8.61.8 of the Taxation Act, or his or her "cohabiting spouse or common-law partner" according to the definition provided for in section 122.6 of the Income Tax Act.

The level of services required to determine the amount of compensation provided for in the first paragraph is established by the institution at the time of the initial application for financial assistance. To that end, 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-resource (chapter S-4.2, r. 3.1).

11. An adopter covered by an Aboriginal customary adoption certificate who, before becoming an adopter, was not receiving the child as a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) is entitled, as financial assistance for the child's upkeep, 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 and Aboriginal customary tutorship to a child made by Order in Council (insert the number and date of the Order in Council), less the amounts, that are reasonably attributable to the child, to which the adopter and the adopter's spouse are entitled, on a daily basis, as a child assistance payment provided for in section 1029.8.61.18 of the Taxation Act (chapter I-3) and the Canada child benefit provided for in section 122.61 of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)).

For the purposes of the first paragraph, the adopter's spouse is his or her "cohabiting spouse" according to the definition of that expression provided for in section 1029.8.61.8 of the Taxation Act, or his or her "cohabiting spouse or common-law partner" according to the definition provided for in section 122.6 of the Income Tax Act.

12. The adopter must, for the purposes of sections 10 and 11, provide the institution with the documents issued by the authorities concerned that set out the amounts, referred to in those sections, to which the adopter and his or her spouse are entitled.

13. In the first year of financial assistance, the adopter is entitled to 100% of the amount calculated, as the case may be, in accordance with section 10 or 11. The adopter is entitled to only 75% of that amount in the second year and to only 50% of that amount in the third year.

14. Financial assistance is paid to the adopter in a single monthly payment.

CHAPTER V REDUCTION AND CESSATION OF FINANCIAL ASSISTANCE

15. The amount of financial assistance granted to an adopter under this Regulation is reduced if the child is, under an Act, placed, entrusted or provided with foster care outside the residence of the adopter for a period exceeding 30 consecutive days.

In such a case, the adopter is only entitled, as of the 31st day of the child's stay outside the adopter's residence, to a daily amount of \$16.07, adjusted on 1 January of each year in accordance with the Pension Index established

in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9), less the amounts, that are reasonably attributable to the child, to which the adopter and the adopter's spouse are entitled, on a daily basis, as a child assistance payment provided for in section 1029.8.61.18 of the Taxation Act (chapter I-3) and the Canada child benefit provided for in section 122.61 of the Income Tax Act (R.S.C. 1985, c. 1 (5th Suppl.)).

Financial assistance is entirely granted again as of the date on which the child returns living with the adopter.

For the purposes of the second paragraph, the adopter's spouse is his or her "cohabiting spouse" according to the definition of that expression provided for in section 1029.8.61.8 of the Taxation Act, or his or her "cohabiting spouse or common-law partner" according to the definition provided for in section 122.6 of the Income Tax Act. In addition, the adopter is subject to the requirement provided for in section 12 of this Regulation.

16. An institution that takes charge of a child who is in the situation described in section 15 must so inform the institution that pays financial assistance under this Regulation. It must also inform it of the date on which the child returns living with the adopter.

17. If a child is in the situation referred to in section 15, no contribution provided for in section 512 of the Act respecting health services and social services (chapter S-4.2) or in section 159 of the Act respecting health services and social services for Cree Native persons (chapter S5) may be required from the adopter or adopters.

18. Entitlement to financial assistance ends as soon as

- (1) the child reaches 18 years of age;
- (2) the child dies;
- (3) the adopter dies;
- (4) the bond of filiation between the child and the adopter is dissolved;
- (5) the adopter leaves Canada to establish his or her residence in another country, unless the adopter is in one of the situations described in the first paragraph of section 19.

The adopter is required to notify the institution in writing as soon as one of the situations referred to in the first paragraph occurs and, if leaving Canada, the adopter must do so before leaving.

Despite the first paragraph, if the application for financial assistance was made jointly by both adopters, financial assistance ends, in the cases provided for in subparagraphs 3 to 5 of the first paragraph, only if both adopters are in one of the situations described therein.

19. Financial assistance granted to an adopter who leaves Canada to establish his or her residence in another country is maintained if the adopter

(1) is registered as a student in an educational institution in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec or Canada to which the adopter is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head office in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces and is posted outside Canada.

An adopter who is in one of the situations referred to in the first paragraph must, to take advantage of the right to maintain financial assistance, provide the institution with a supporting document.

If the application for financial assistance was made jointly by both adopters and both adopters left Canada to establish their residence in another country, only one of the adopters must be in one of the situations described in the first paragraph to maintain financial assistance.

20. An adopter who ceased receiving financial assistance because the adopter established his or her residence elsewhere than in Canada and returns to Canada to establish his or her residence may, if the 3-year period following the date on which the first year of financial assistance began has not expired, file a new application for financial assistance in accordance with Chapter II.

In such a case, entitlement to financial assistance begins as of the date of receipt of the duly completed application.

CHAPTER VI INSTITUTION'S RESPONSIBILITIES

21. Any institution operating a child and youth protection centre must ensure that assistance is provided to any person wishing to apply for financial assistance and inform that person of the rights and obligations under this Regulation.

22. An institution that receives an application for financial assistance ascertains its admissibility, determines the amount to which the adopter is entitled and pays the financial assistance.

The institution informs the adopter in writing of any decision made pursuant to this Regulation.

CHAPTER VII FINAL

23. The Regulation respecting financial assistance to facilitate the adoption of a child (chapter P-34.1, r. 4) is revoked.

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

103553

Draft Regulation

Youth Protection Act
(chapter P-34.1)

An Act respecting health services and social services
(chapter S-4.2)

An Act respecting health services and social services
for Cree Native persons
(chapter S-5)

Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the cases and conditions according to which a person who becomes a tutor or customary tutor to a child whose situation is taken in charge by the director of youth protection may benefit from financial assistance for the child's upkeep. It also provides for the amount of the financial assistance granted and the terms of payment of that assistance.

The draft Regulation also provides that, if a child under tutorship is, under an Act, placed, entrusted or provided with foster care outside the tutor's residence, no financial contribution may be required from the tutor or parents of that child for the length of stay.

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

Further information may be obtained by contacting Pascale Lemay, Director of youth and family services, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 8^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-6840; email: pascale.lemay@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister for Rehabilitation, Youth Protection, Public Health and Healthy Living, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

LUCIE CHARLEBOIS,
*Minister for Rehabilitation, Youth
Protection, Public Health
and Healthy Living*

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation respecting financial assistance to facilitate tutorship and aboriginal customary tutorship to a child

Youth Protection Act
(chapter P-34.1, ss. 70.3, 71.3.3 and 132)

An Act respecting health services and social services
(chapter S-4.2, s. 512)

An Act respecting health services and social services
for Cree Native persons
(chapter S-5, s. 159)

CHAPTER I ELIGIBILITY FOR FINANCIAL ASSISTANCE

1. Any person who provides for the upkeep of a child whose situation has been taken in charge by the director of youth protection pursuant to the Youth Protection Act (chapter P-34.1) and who is in one of the following situations is entitled to the financial assistance provided for in this Regulation:

(1) a person referred to in section 70.2 of the Youth Protection Act and appointed as tutor to the child pursuant to section 70.1 of the Act;

(2) the person is covered by a certificate, issued by a competent authority in accordance with article 199.10 of the Civil Code and section 71.3.2 of the Youth Protection Act, certifying that the person is the tutor to the child and the following conditions are met:

(a) the child was entrusted to that person pursuant to the Youth Protection Act under the taking in charge of the child's situation by the director;

(b) the tutorship allowed for the director's intervention with the child to end once the tutorship certificate issued by the competent authority has been received by the director;

(c) neither of the child's parents provide for the child's upkeep.

Entitlement to financial assistance begins, as the case may be, as of the date of the tutorship judgment or the date on which the director's intervention with the child ends, pursuant to the Youth Protection Act.

CHAPTER II APPLICATION FOR FINANCIAL ASSISTANCE

2. A tutor who wishes to benefit from the financial assistance provided for in this Regulation must apply therefor to the institution of his or her territory operating a child and youth protection centre, within 60 days, as the case may be, of the date of the tutorship judgment or the date on which the director of youth protection ends the intervention with the child.

If an application is not submitted within the time prescribed in the first paragraph, financial assistance may, despite the delay, be granted to the tutor if the tutor shows that he or she was unable to act within the time prescribed for reasonable cause. Where applicable, financial assistance may be granted retroactively for not more than 6 months as of the date of receipt of the duly completed application.

The application must be made using the form provided by the institution. It must also contain the tutor's name, address, date of birth and social insurance number as well as the name of the child for whom financial assistance is applied for.

3. Every application for financial assistance must be accompanied by the child's certificate of birth and by affidavits from the tutor and a third person certifying that the tutor provides for the child's upkeep, resides in Canada or, as the case may be, is in a situation described in the first paragraph of section 19.

The third person referred to in the first paragraph may not be the tutor's spouse, an ascendant, a descendant or a relative in the collateral line to the third degree of the tutor. Nor may the third person be the spouse of that ascendant, descendant or relative.

4. The application for financial assistance for a tutorship granted under section 70.1 of the Youth Protection Act (chapter P-34.1) must be accompanied, in addition to the documents provided for in the first paragraph of section 3, by the tutorship judgment or a copy of the minutes of the judgment.

5. The application for financial assistance for Aboriginal customary tutorship must be accompanied, in addition to the documents provided for in the first paragraph of section 3, by a copy of the certificate issued by the competent authority and a written statement by the director of youth protection indicating that the conditions provided for in subparagraph 2 of the first paragraph of section 1 are met.

6. Where the certificate of Aboriginal customary tutorship certifies that the child has 2 tutors, the application for financial assistance may be submitted by one of them or jointly by both tutors.

If the application is submitted jointly, the affidavits provided for in the first paragraph of section 3 must be filed for each of the 2 tutors. Despite the foregoing, if, at the time of the joint application, both tutors have left Canada to establish their residence in another country, only one of them must file a declaration certifying that the tutor is in a situation described in the first paragraph of section 19.

CHAPTER III

TERM AND RENEWAL OF FINANCIAL ASSISTANCE

7. Financial assistance is granted, for the first time, for the period beginning, as the case may be, on the date of the tutorship judgment or on the date on which the director of youth protection's intervention ends, and ending on 31 December of the current year.

8. Financial assistance may be renewed on 1 January of each year until the child reaches 18 years of age or, if the child attends a school providing secondary school education, except educational services in vocational training, governed by the Education Act (chapter I-13.3), the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) or section 5 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15), or if the child is registered therein, and that the child's upkeep is provided by the person who acted as tutor, until the child reaches 21 years of age.

To that end, the tutor must submit a renewal application to the institution not later than on 30 November of the preceding year.

The renewal application must be made using the form provided by the institution, contain the information provided for in the third paragraph of section 2 and be accompanied by the affidavits provided for in the first paragraph of section 3. In addition, if the child is 18 years of age at the time of the application, the application must be accompanied by proof that the child attends an educational institution referred to in the first paragraph or is registered therein.

9. Where a renewal application is submitted outside the time prescribed in the second paragraph of section 8, financial assistance may, despite the delay, be granted to the tutor if the tutor shows that he or she was unable to act within the time prescribed for reasonable cause. Where applicable, financial assistance may be granted retroactively for not more than 6 months as of the date of receipt of the duly completed application.

10. Where the Aboriginal customary tutorship certificate certifies that the child has 2 tutors, the renewal application for financial assistance may be submitted by only one of them, although the initial application was submitted jointly, and vice versa.

If the renewal application is submitted jointly, the affidavits provided for in the first paragraph of section 3 must be filed for each of the 2 tutors. Despite the foregoing, if at the time of the joint renewal application, both tutors have left Canada to establish their residence in another country, only one of them must file an affidavit certifying that the tutor is in a situation described in the first paragraph of section 19.

CHAPTER IV

AMOUNT AND PAYMENT OF FINANCIAL ASSISTANCE

11. Except in the case provided for in section 13, a tutor is entitled, as financial assistance for the child's upkeep, to a daily amount obtained by adding the following amounts:

(1) a daily 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 that Act as a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2);

(2) the daily 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 \$2.24 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 accordance with the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

The amounts referred to in subparagraphs 1 and 2 of the first paragraph and determined pursuant to the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, are published on the website of the Ministère de la Santé et des Services sociaux.

12. The level of services required to determine the amount of compensation provided for in subparagraph 1 of the first paragraph of section 11 is established by the institution 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 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.

13. A tutor covered by an Aboriginal customary tutorship certificate who, before becoming a tutor, was not receiving the child as a foster family within the meaning of the Act respecting health services and social services (chapter S-4.2) is entitled, as financial assistance for the child's upkeep, to a daily amount of \$74.99, adjusted on 1 January of each year in accordance with the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9), to which a daily amount of \$5 is added to cover the child's personal expenses.

14. Financial assistance is paid to the tutor in a single monthly payment.

CHAPTER V REDUCTION AND CESSATION OF FINANCIAL ASSISTANCE

15. The amount of financial assistance granted to a tutor under this Regulation is reduced if the child under tutorship is, under an Act, placed, entrusted or provided with foster care outside the residence of the tutor for a period exceeding 30 consecutive days.

In such a case, the tutor is only entitled, as of the 31st day of the child's stay outside the tutor's residence, to a daily amount of \$16.07. The amount is adjusted on 1 January of each year in accordance with the Pension Index established in accordance with section 117 of the Act respecting the Québec Pension Plan (chapter R-9).

Financial assistance is entirely granted again as of the date on which the child returns living with his or her tutor.

16. An institution that takes charge of a child who is in the situation described in section 15 must so inform the institution that pays financial assistance under this Regulation. It must also inform it of the date on which the child returns living with his or her tutor.

17. If a child is in the situation described in section 15, no contribution provided for in section 512 of the Act respecting health services and social services (chapter S-4.2) or in section 159 of the Act respecting health services and social services for Cree Native persons (chapter S-5) may be required from the child's tutor or parents.

18. Entitlement to financial assistance ends as soon as

- (1) the child dies;
- (2) the child reaches 18 years of age, or 21 years of age if the child attends or is registered in an institution referred to in the first paragraph of section 8 and the child's upkeep is provided by the person who has acted as tutor;
- (3) at least one of the child's parents has been reinstated as tutor;
- (4) tutorship ends for other reasons, including the tutor's death or replacement; or
- (5) the tutor leaves Canada to establish his or her residence in another country, unless the tutor is in one of the situations described in the first paragraph of section 19.

The tutor is required to notify the institution in writing as soon as one of the situations referred to in the first paragraph occurs and, if leaving Canada, the tutor must do so before leaving.

Despite the first paragraph, if, in the case of Aboriginal customary tutorship, the application for financial assistance was made jointly by both tutors, financial assistance ends, in the cases provided for in subparagraphs 4 and 5 of the first paragraph, only if both tutors are in one of the situations described therein.

19. Financial assistance granted to a tutor who leaves Canada to establish his or her residence in another country is maintained if the tutor

(1) is registered as a student in an educational institution in Québec or Canada while pursuing a program of study outside Canada;

(2) is a trainee outside Canada at a university, an institution affiliated with a university, a research institute, a government or international body or an enterprise or agency affiliated with such an institute or body;

(3) is employed by the government of Québec, the government of another province in Canada or the government of Canada and is posted outside Canada;

(4) holds employment outside Canada on behalf of a legal person, a partnership or an organization having its head office or a place of business in Québec or Canada to which the tutor is directly accountable;

(5) works abroad as an employee of a non-profit organization having its head office in Canada, under an international aid or cooperation program; or

(6) is a member of the Royal Canadian Mounted Police or the Canadian Forces and is posted outside Canada.

A tutor who is in one of the situations referred to in the first paragraph must, to take advantage of the right to maintain financial assistance, provide the institution with a supporting document.

If, in the case of Aboriginal customary tutorship, the application for financial assistance was made jointly by both tutors and both tutors left Canada to establish their residence in another country, only one of the tutors must be in one of the situations described in the first paragraph to maintain financial assistance.

20. A tutor who ceased receiving financial assistance because the tutor established his or her residence elsewhere than in Canada and returns to Canada to establish his or her residence therein, may file a new application for financial assistance in accordance with Chapter II.

In such a case, entitlement to financial assistance begins as of the date of receipt of the duly completed application.

CHAPTER VI INSTITUTION'S RESPONSIBILITIES

21. Any institution operating a child and youth protection centre must ensure that assistance is provided to any person wishing to apply for financial assistance and inform that person of the rights and obligations under this Regulation.

22. An institution that receives an application for financial assistance ascertains its admissibility, determines the amount to which the tutor is entitled and pays the financial assistance.

The institution informs the tutor in writing of any decision made pursuant to this Regulation.

CHAPTER VII FINAL

23. The Regulation respecting financial assistance to facilitate tutorship to a child (chapter P-34.1, r. 5) is revoked.

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

103552

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Health of drivers — 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 the health of drivers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation abolishes the hearing standard in the Regulation respecting the health of drivers (chapter C-24.2, r. 40.1) applicable to bus and minibus drivers, emergency vehicle drivers and taxi drivers as well as drivers transporting dangerous substances. It also makes certain adjustments to medical standards in that Regulation.

The draft Regulation will have an impact on the public suffering from an average loss of hearing because it will obtain, from now on, a licence to drive such vehicles. The draft Regulation will have no impact on small and medium-sized businesses.

Further information may be obtained by contacting Jamie Dow, physician, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, case postale 19600, Québec (Québec) G1K 8J6; telephone: 418 528-4984; fax: 418 643-1003; email: jamie.dow@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Dave Leclerc, Vice-President, Public Affairs and Road Safety Strategy, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-9, case postale 19600, Québec (Québec) G1K 8J6. The comments will be sent by the Société to the Minister of Transport, Sustainable Mobility and Transport Electrification.

ANDRÉ FORTIN,
*Minister of Transport, Sustainable Mobility
and Transport Electrification*

Regulation to amend the Regulation respecting the health of drivers

Highway Safety Code
(chapter C-24.2, s. 619, par. 8)

1. The Regulation respecting the health of drivers (chapter C-24.2, r. 40.1) is amended in section 2 by adding the following paragraph at the end:

“The same applies to a person who must complete an investigation to establish the person’s fitness to drive, but fails to comply with the instructions or refuses to complete it despite the physician’s recommendations.”

2. Division III, including section 13, is revoked.

3. Section 24 is amended by striking out “or when 3 episodes or more occur within 3 years” in the second paragraph.

4. Section 25 is amended by replacing “6 months” in the first paragraph by “3 months”.

5. The heading of Division VII is replaced by the following:

“ALCOHOL OR OTHER SUBSTANCES USE DISORDERS”.

6. Section 32 is amended

(1) by replacing paragraph 1 by the following:

“(1) has had focal seizures, somatosensory seizures or motor seizures involving only one anatomical area and having no impact on driving, provided that the seizures are always of the same type and do not perturb the person’s state of consciousness, and a period of not less than 3 years has elapsed since the first seizure of that type;”;

(2) by replacing “without any other type of seizure” in paragraph 4 by “since the first seizure of that type”.

7. Section 33 is amended

(1) by replacing paragraph 1 by the following:

“(1) has had focal seizures, somatosensory seizures or motor seizures involving only one anatomical area and having no impact on driving, provided that the seizures are always of the same type and do not perturb the person’s state of consciousness, and a period of not less than 12 months has elapsed since the first seizure of that type;”;

(2) by replacing “without any other type of seizure” in paragraph 4 by “since the first seizure of that type”.

8. Section 36 is replaced by the following:

“**36.** One or more convulsive seizures without evident cause are essentially inconsistent with driving a road vehicle of Class 1 to Class 4 if a period of less than 12 months has elapsed without any seizure or loss of consciousness.”

9. Section 37 is replaced by the following:

“**37.** One or more convulsive seizures without evident cause are essentially inconsistent with driving a road vehicle of Class 5, Class 6 or Class 8 if a period of less than 3 months has elapsed without any seizure or loss of consciousness.”

10. Section 45 is amended

(1) by inserting “or insulin” after “hypoglycemic” in the portion before paragraph 1;

(2) by replacing paragraph 3 by the following:

“(3) the person’s glycated hemoglobin is less than twice the normal limit;

- (4) self-monitoring of glycemia is conducted properly;
- (5) the person's condition is subject to an annual medical follow-up.”

11. Section 46 is revoked.

12. Section 50 is amended by inserting “or the use of day oxygen” after “Class V”.

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

103550

Draft Regulation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)

Issuance of competency certificates — 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 the issuance of competency certificates, made by the Commission de la construction du Québec (CCQ) and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

In accordance with subparagraphs 4, 7 and 8 of the first paragraph of section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the draft Regulation determines the criteria applicable to a holder of an occupation competency certificate to obtain and maintain the indication “water system worker” on the certificate.

The draft Regulation has no impact on enterprises. As for the public, it allows workers in the construction industry performing certain work on drinking water distribution networks to acquire and maintain their competency in that regard.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

DOMINIQUE VIEN,
Minister responsible for Labour

Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpars. 4, 7 and 8)

1. The Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended by adding the following after section 4.4:

“**4.5.** The Commission, in accordance with the fifth paragraph of section 44 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40), enters the indication “water system worker” on a valid occupation competency certificate

1° where it notes that its holder has successfully completed, in the 24 previous months, the training provided for that purpose; or

2° if more than 24 months have elapsed since the successful completion of the training, where its holder shows that the holder has performed, for at least 25 hours during the 14 months preceding the renewal of the certificate bearing that indication, the work authorized by the indication under the Regulation respecting the quality of drinking water (chapter Q-2, r. 40).

In addition, where refresher training is required, the Commission so informs the holder of an occupation competency certificate bearing the indication “water system worker” on the renewal of the certificate. The holder must then successfully complete the training before the date of expiry of the certificate so renewed to obtain a subsequent renewal.”

2. The following is added after section 33:

“**34.** A valid occupation competency certificate bearing the indication “water system worker” as of 5 November 2018 that is renewed, bears such an indication. As of the date of the renewal, the holder of that certificate must meet the criteria set out in section 4.5 to maintain that indication on a subsequent renewal.”

3. This Regulation comes into force on 5 November 2018.

106551

Draft Regulation

An Act respecting the lands in the domain of the State (chapter T-8.1)

Sale, lease and granting of immovable rights on lands in the domain of the State

—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 the sale, lease and granting of immovable rights on lands in the domain of the State, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides for a new annual rent for telecommunication leases situated on the lands in the domain of the State that are allocated to enterprises employing less than 500 persons. It also introduces an exception to the increase already provided for in the Regulation for the installation of additional telecommunication equipment.

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

Further information on the draft Regulation may be obtained by contacting Sonia Grenon, Director of policies and the integrity of the land, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, Québec (Québec) G1H 6R1; telephone: 418 627-6362, extension 2496; fax: 418 644-2774; email: sonia.grenon@mern.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mario Gosselin, Associate Deputy Minister for the Territory, Ministère de l'Énergie et des Ressources naturelles, 5700, 4^e Avenue Ouest, bureau E-330, Québec (Québec) G1H 6R1.

PIERRE MOREAU,
*Minister of Energy
and Natural Resources*

Regulation to amend the Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State

An Act respecting the lands in the domain of the State (chapter T-8.1, s. 71, 1st par., subpar. 3, and 2nd par.)

1. The Regulation respecting the sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1, r. 7) is amended in section 35.4

(1) by replacing “or a non-profit organization” in subparagraph 3 of the second paragraph by “, a non-profit organization or an enterprise employing less than 500 persons,”;

(2) by inserting “or to an enterprise employing less than 500 persons,” after “to a non-profit organization” in the fourth paragraph.

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

103548

Draft Regulation

An Act to promote workforce skills development and recognition (chapter D-8.3)

Eligible training expenditures

—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 eligible training expenditures, made by the Commission des partenaires du marché du travail and appearing below, may be approved by the Government, with or without amendment on the expiry of 45 days following this publication.

The changes made by the Regulation to amend the Regulation respecting eligible training expenditures are to specify that expenditures related to certain types of activities are not eligible for the purposes of calculating the employers' minimum participation to the workforce skills development required by the Act to promote workforce skills development and recognition (chapter D-8.3), because those expenditures do not comply with the purpose of the Act. The expenditures in question are those

incurred for a recreational or sports activity, an activity of a social nature, an activity related to personal growth or an activity of an informational nature, unless the employer can justify the expenditures as related to the employer's field of activity. The amendments will also make it possible to consider financial assistance paid by an employer to a trainee in the form of a bursary as an eligible expenditure, and any expenditure related to an internship will be accounted for at 125% of its value for the purposes of calculating the employers' minimum participation.

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

Further information may be obtained by contacting Lilliam Sosa, Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 27^e étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 873-0800; fax: 514 864-1288; email: lilliam.sosa@mess.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Audrey Murray, President of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28^e étage, C.P. 100, Montréal (Québec) H4Z 1B7.

FRANÇOIS BLAIS,
*Le ministre de l'Emploi et
de la Solidarité sociale*

Regulation to amend the Regulation respecting eligible training expenditures

An Act to promote workforce skills development and recognition
(chapter D-8.3, s. 20, 1st par., subpar. 1)

1. The Regulation respecting eligible training expenditures (chapter D-8.3, r. 3) is amended in section 1

(1) by replacing “training periods” in the English version of paragraph 14 by “internships”;

(2) by inserting the following after paragraph 15:

“(15.1) the financial assistance paid by an employer to a trainee in the form of a bursary”;

(3) by replacing “a training session” in the English version of paragraph 16 by “an internship”.

2. The following is inserted after section 1:

“**1.1.** An expenditure that is incurred for a recreational or sports activity, an activity of a social nature, an activity related to personal growth or an activity of an informational nature is not an eligible expenditure, unless the employer is able to demonstrate that the activity is in conformity with the purpose of the Act, considering the employer's field of activity.”

3. Section 4 is amended by inserting the following paragraph after the second paragraph:

“For expenditures in financial assistance paid to a trainee in the form of a bursary in accordance with paragraph 15.1 of section 1, justification is proved by the trainee's name and the amount that was granted to the trainee.”

4. Section 7 is amended by replacing “a training session” in the English version of paragraph 3 by “an internship”.

5. The following is inserted after section 7:

“**7.1.** For the purpose of calculating the employers' minimum participation set under section 3 of the Act, any expenditure referred to in paragraphs 14 to 16 of section 1, where the expenditure is related to an internship, is accounted for at 125% of its value.”

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

103555

Draft Regulation

An Act respecting the sharing of certain health information
(chapter P-9.0001)

Making

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

The purpose of the draft Regulation is to add new persons and partnerships to which the specific information management rules defined by the health and social services network information officer and approved by the Conseil

du trésor will apply. The draft Regulation also determines the additional health information that will make up the clinical domains called the medication domain and the hospitalization domain. The draft Regulation also adds new providers who may be assigned access authorizations for the health information banks in a clinical domain or for an electronic prescription management system for medication. Lastly, the draft Regulation determines in which case an institution operating a centre where a pharmacist practises must release health information in the medication domain.

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

Further information may be obtained by contacting Benoit Lessard, Information Security Governance Advisor, Ministère de la Santé et des Services sociaux, 555, boulevard Wilfrid-Hamel, bureau E620, Québec (Québec) G1M 3X7; telephone: 418 529-4898, extension 387; email: benoit.lessard@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

GAÉTAN BARRETTE,
*Minister of Health and
Social Services*

Regulation respecting the application of the Act respecting the sharing of certain health information

An Act respecting the sharing of certain health information

(chapter P-9.0001, ss. 4, par. 20, 24, 26, par. 18, 44, par. 4, 69, par. 16, and 120, pars. 1, 2 and 4)

1. In addition to the persons and partnerships provided for in section 4 of the Act respecting the sharing of certain health information (chapter P-9.0001), the specific information management rules apply to the following persons and partnerships:

- (1) a person or a partnership that operates a private dental office;
- (2) the Institut national de santé publique du Québec;
- (3) Transplant Québec.

2. Within the meaning of this Regulation, private dental office means a consulting room or office, situated elsewhere than in a facility maintained by an institution, in which one or more dentists, individually or as a group, regularly practise their profession, privately and solely on their own account, without directly or indirectly providing their patients with lodging.

3. For the purposes of section 24 of the Act, the health information that must be released is the information concerning any medication dispensed and administered to a person in a facility maintained by an institution as part of medical oncology services that the person receives.

4. In addition to the information provided for in section 26 of the Act, the medication domain is made up of the following health information, if available:

- (1) the date of administration of the medication;
- (2) the name of the department and service where the medication was dispensed and administered;
- (3) the name of the medication in research protocol in the case of such medication;
- (4) the name of the medication in Health Canada's Special Access Programme for Drugs in the case of such medication.

5. In addition to the information provided for in section 44 of the Act, the hospitalization domain is made up of the following health information, if available:

- (1) the date on which the person concerned was admitted to the location where services are provided and where the person is hospitalized;
- (2) diagnoses concomitant with the main diagnosis and chronic diseases that have no impact on the taking in charge during hospitalization;
- (3) the indication that a transfusion of blood products or products derived from blood products was performed;
- (4) the date of each of the consultations carried out by a physician during the hospitalization and the specialty of each of those physicians;
- (5) the fact that the hospitalization is part of a research protocol;
- (6) the departure date of the person concerned from the location where services are provided and where the person was hospitalized;

(7) the names of the medications dispensed at the time of departure of the person concerned, their dosage, frequency and duration;

(8) a summary comparing the medications dispensed at the time of departure of the person concerned with the medications that the person was taking before being admitted;

(9) the place towards which the person concerned was directed on the departure date, that is, the person's domicile with or without service or another institution;

(10) the various recommendations and follow-ups related to the health problems presented by the patient on the departure date;

(11) the progress notes written during the hospitalization that indicate the main steps of the hospitalization;

(12) the name and unique provider number of the health professional responsible for the hospitalization;

(13) the date and cause of death of the person concerned;

(14) the indication that an autopsy was performed;

(15) the registration number of the hospitalization summary sheet.

6. In addition to the providers provided for in section 69 of the Act, the following providers may be assigned an access authorization for a health information bank in a clinical domain or an electronic prescription management system for medication:

(1) a dentist practising in a private dental office, in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(2) a dietitian or a nutritionist practising in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(3) a physiotherapist practising in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(4) a physical rehabilitation therapist practising in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(5) a respiratory therapist practising in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(6) a medical imaging technologist, a radiation oncology technologist and a medical electrophysiology technologist practising in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(7) a laboratory technologist practising in a centre operated by an institution, in a private physician's office, a specialized medical centre or a medical biology laboratory;

(8) a social worker practising in a centre operated by an institution, in a private physician's office or a specialized medical centre;

(9) a nurse practising at Transplant Québec, in the Laboratoire de santé publique du Québec or the Centre de toxicologie du Québec administered by the Institut national de santé publique du Québec;

(10) a pharmacist practising in a private physician's office or a specialized medical centre;

(11) a physician practising in the Laboratoire de santé publique du Québec or the Centre de toxicologie du Québec administered by the Institut national de santé publique du Québec;

(12) a biochemist or a microbiologist practising or working in the Laboratoire de santé publique du Québec or in the Centre de toxicologie du Québec administered by the Institut national de santé publique du Québec.

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

(1) section 3, which comes into force on the date of coming into force of section 24 of the Act;

(2) paragraphs 3 and 4 of section 4, which come into force respectively on the date of coming into force of paragraphs 2 and 3 of section 25 of the Act; and

(3) section 5, which comes into force on the date of coming into force of section 44 of the Act.

103549

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

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Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child (An Act respecting health services and social services for Cree Native persons, chapter S-5)	2735	Draft
Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child (An Act respecting health services and social services, chapter S-4.2)	2735	Draft
Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child (Youth Protection Act, chapter P-34.1)	2735	Draft
Health of drivers. (Highway Safety Code, chapter C-24.2)	2739	Draft

Health services and social services for Cree Native persons, An Act respecting... — Financial assistance to facilitate the adoption and Aboriginal customary adoption of a child (chapter S-5)	2731	Draft
Health services and social services for Cree Native persons, An Act respecting... — Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child (chapter S-5)	2735	Draft
Health services and social services, An Act respecting... — Financial assistance to facilitate the adoption and Aboriginal customary adoption of a child (chapter S-4.2)	2731	Draft
Health services and social services, An Act respecting... — Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child (chapter S-4.2)	2735	Draft
Highway Safety Code — Health of drivers (chapter C-24.2)	2739	Draft
Highway Safety Code — Net mass of certain road vehicles converted to electricity (chapter C-24.2)	2723	N
Issuance of competency certificates. (An Act respecting labour relations, vocational training and workforce management in the construction industry, chapter R-20)	2741	Draft
Labour relations, vocational training and workforce management in the construction industry, An Act respecting... — Issuance of competency certificates (chapter R-20)	2741	Draft
Labour relations, vocational training and workforce management in the construction industry, An Act respecting..., amended (2018, Bill 152)	2685	
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Lands in the domain of the State, An Act respecting the... — Sale, lease and granting of immovable rights on lands in the domain of the State (chapter T-8.1)	2742	Draft
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Medical Act — Nurse — Certain professional activities that may be engaged in by a nurse (chapter M-9)	2722	M
Net mass of certain road vehicles converted to electricity (Highway Safety Code, chapter C-24.2)	2723	N
Nurse — Certain professional activities that may be engaged in by a nurse (Medical Act, chapter M-9)	2722	M
Occupational health and safety, An Act respecting..., amended. (2018, Bill 152)	2685	

Promote workforce skills development and recognition, An Act to... — Eligible training expenditures. (chapter D-8.3)	2742	Draft
Sale, lease and granting of immovable rights on lands in the domain of the State (An Act respecting lands in the domain of the State, chapter T-8.1)	2742	Draft
Sharing of certain health information, An Act respecting the... — Regulation (chapter P-9.0001)	2743	Draft
Tribunal administratif du Québec — Number of members (An Act respecting administrative justice, chapter J-3)	2717	N
Various labour-related legislative provisions mainly to give effect to certain Charbonneau Commission recommendations, An Act to amend... (2018, Bill 152)	2685	
Various Regulations (An Act respecting contracting by public bodies, chapter C-65.1)	2725	Draft
Youth Protection Act — Financial assistance to facilitate the adoption and Aboriginal customary adoption of a child. (chapter P-34.1)	2731	Draft
Youth Protection Act — Financial assistance to facilitate tutorship and Aboriginal customary tutorship to a child (chapter P-34.1)	2735	Draft

