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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 520-96, 1 May 1996

An Act to establish the permanent list of electors and amending the Election Act and other legislative provisions (1995, c. 23)
— Coming into force of certain provisions

Coming into force of certain provisions of the Act to establish the permanent list of electors and amending the Election Act and other legislative provisions (1995, c. 23)

WHEREAS the Act to establish the permanent list of electors and amending the Election Act and other legislative provisions (1995, c. 23) was assented to on 16 June 1995;

WHEREAS under section 107 of that Act, section 12 where it enacts sections 40.1 to 40.12 and 40.39 to 40.42, and sections 51 and 57 to 91 and the amendment in the schedule affecting section 570 will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the date of the coming into force of certain of those provisions;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Electoral and Parliamentary Reform:

THAT the date of coming into force of section 12 where it enacts sections 40.2, 40.3 and 40.4 except, in the third line of the first paragraph, the words “by electors and on the basis of the information transmitted” and except, in the second and third lines of the second paragraph, the words “or by the person responsible for a municipal poll”, 40.7 to 40.9, 40.11 and 40.12, 40.39 to 40.42 and section 91, be fixed at 1 May 1996.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9728

Gouvernement du Québec

O.C. 547-96, 8 May 1996

An Act to facilitate the payment of support (1995, c. 18)
— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to facilitate the payment of support (1995, c. 18)

WHEREAS the Act to facilitate the payment of support was assented to on 16 May 1995;

WHEREAS section 102 of the Act prescribes that it will come into force on the date or dates to be fixed by the Government;

WHEREAS Order in Council 1352-95 dated 11 October 1995 fixed 1 December 1995 as the date of coming into force of the Act, except sections 80, 85, 87, 88, 97 and 98, sections 81 and 96 where the collector of support payments is charged with compulsory execution of a judgment awarding support, subparagraph 1 of the first paragraph of section 99 and section 100;

WHEREAS it is expedient to fix 16 May 1996 as the date of coming into force of sections 81 and 96 where the collector of support payments is charged with compulsory execution of a judgment awarding support, of sections 97 and 98 and subparagraph 1 of the first paragraph of section 99 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for the Economy and Finance and of the Minister for Revenue:

THAT 16 May 1996 be fixed as the date of coming into force of sections 81 and 96 where the collector of support payments is charged with compulsory execution of a judgment awarding support, of sections 97 and 98 and subparagraph 1 of the first paragraph of section 99 of the Act to facilitate the payment of support (1995, c. 18).

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9724

Regulations and other acts

Gouvernement du Québec

O.C. 514-96, 1 May 1996

Education Act
(R.S.Q., c. I-13.3)

Basic school for secondary school education — Amendments

Regulation to amend the Basic school regulation for secondary school education

WHEREAS under section 447 of the Education Act (R.S.Q., c. I-13.3), the Government may make regulations to be known as the “basic school regulation”;

WHEREAS by Order in Council 74-90 dated 24 January 1990, the Government made the Basic school regulation for secondary school education, which was amended by Orders in Council 1636-92 dated 11 November 1992 and 586-94 dated 27 April 1994;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Basic school regulation for secondary school education was published in Part 2 of the *Gazette officielle du Québec* of 7 February 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 458 of the Act, the draft Regulation was submitted to the Conseil supérieur de l'éducation for examination and a notice has been presented to the Minister;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Basic school regulation for secondary school education, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Basic school regulation for secondary school education

Education Act
(R.S.Q., c. I-13.3, s. 447)

1. The Basic school regulation for secondary school education, made by Order in Council 74-90 dated 24 January 1990 and amended by Orders in Council 1636-92 dated 11 November 1992 and 586-94 dated 27 April 1994, is further amended in section 51:

(1) by substituting, in paragraph 2, the words “is at least 16 years of age on 30 September of the school year in which he begins his vocational training” for the words “is no longer subject to the compulsory school attendance requirement prescribed by section 14 of the Act”; and

(2) by adding the following paragraph:

“(4) has obtained the Secondary III credits in the language of instruction, in the second language and in Mathematics and registers in a vocational training program the credits of which include the Secondary IV credits in the language of instruction, in the second language and in Mathematics.”.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 1, which comes into force on 15 August 1996.

9727

Gouvernement du Québec

O.C. 517-96, 1 May 1996

Financial Administration Act
(R.S.Q., c. A-6)

Signing of documents relating to certain financial transactions

Signing, in the name of the Minister of Finance, of documents relating to certain financial transactions

WHEREAS under section 36.1 of the Financial Administration Act (R.S.Q., c. A-6), any document relating to a

transaction to which that section applies may be signed in the name of the Minister by any person designated by the Government;

WHEREAS it is expedient that persons be designated for that purpose;

WHEREAS by Order in Council 1493-93 dated 27 October 1993, the Government already designated persons for that purpose;

WHEREAS it is necessary to replace Order in Council 1493-93 dated 27 October 1993;

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

1- THAT any of the following persons be authorized to sign in the name of the Minister of Finance any document respecting options and futures contracts, currency exchange agreements, interest rate exchange agreements or any other instrument or contract of a financial nature determined by the Government:

- (a) the Deputy Minister of Finance;
- (b) The Associate Deputy Minister, Policies and Financial Transactions;
- (c) the Assistant Deputy Minister, Financing;
- (d) the Director General, Management, Funds and Public Debt;
- (e) the Director, Market Operations;
- (f) the Director, Treasury Operations;
- (g) the Director, Loan Contracting;
- (h) the Director, Management, Public Debt;
- (i) the Assistant Director, Market Operations;
- (j) Mr. Michel Beaudet, for as long as he will carry out his duties at the Ministère des Finances;

2- THAT, when the terms and conditions of a transaction referred to in paragraph 1 are approved in writing by any of the persons referred to in that paragraph, any of the following persons be authorized to sign in the name of the Minister of Finance any document relating to that transaction:

(a) the Delegate General of Québec or the Director of Political Affairs in Brussels;

(b) the Delegate General of Québec, the Director of Economic Services or the Cooperation Adviser in London;

(c) the Delegate General of Québec, the Director of Economic Services, the Public Affairs Adviser or the Management Adviser in New York;

(d) the Delegate General of Québec or the Director of Political Affairs in Paris;

(e) the Delegate General of Québec, the Director of Economic Services or the Administrative Attaché in Tokyo;

(f) the Head of Post of the office of Québec in Ottawa;

(g) the Head of Post of the office of Québec in Toronto;

3- THAT this Order in Council replace Order in Council 1493-93 dated 27 October 1993.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9729

Gouvernement du Québec

O.C. 523-96, 1 May 1996

Taxation Act
(R.S.Q., c. F-3)

Taxation — **Amendments**

Regulation to amend the Regulation respecting the Taxation Act

WHEREAS under subparagraph *f* of the first paragraph of section 1086 of the Taxation Act (R.S.Q., c. I-3), the Government may make regulations to generally prescribe the measures required for the application of the Act;

WHEREAS the Regulation respecting the Taxation Act (R.R.Q., 1981, c. I-3, r. 1) was made under that Act;

WHEREAS the Taxation Act was amended by Chapter 25 of the Statutes of 1991, Chapter 64 of the Statutes of 1993, Chapter 22 of the Statutes of 1994 and Chapter 1 of the Statutes of 1995 in order to implement fiscal measures announced on 26 April 1990, 14 May 1992, 20 May 1993, 12 May 1994, 21 December 1994 and 9 May 1995 by the Minister of Finance on the occasion of Budget Speeches and a Minister's Statement;

WHEREAS it is expedient to amend the Regulation respecting the Taxation Act, primarily to implement those fiscal measures of the Gouvernement du Québec;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the publication requirement of 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 therein 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 that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

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

WHEREAS under section 27 of the Regulations Act, a regulation may take effect before the date of its publication in the *Gazette officielle du Québec* where the Act under which it is made expressly provides therefor;

WHEREAS under the second paragraph of section 1086 of the Taxation Act, the regulations made under that Act may, once published and if they so provide, apply to a period prior to their publication, but not prior to the taxation year 1972;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and the Minister for Revenue:

THAT the Regulation to amend the Regulation respecting the Taxation Act, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Taxation Act

Taxation Act
(R.S.Q., c. I-3, s. 1086, 1st par., subpar. f)

1. 1. The Regulation respecting the Taxation Act (R.R.Q., 1981, c. I-3, r. 1), amended by the Regulations made by Orders in Council 3211-81 dated 25 November 1981 (Suppl., p. 767), 3438-81 dated 9 December 1981 (Suppl., p. 789), 144-82 dated 20 January 1982 (Suppl.,

p. 790), 1544-82 dated 23 June 1982 (Suppl., p. 792), 2823-82 dated 1 December 1982, 2962-82 dated 15 December 1982, 227-83 dated 9 February 1983, 500-83 dated 17 March 1983, 2486-83 dated 30 November 1983, 2727-84 dated 12 December 1984, 2847-84 dated 19 December 1984, 491-85 dated 13 March 1985, 2508-85 dated 27 November 1985, 2509-85 dated 27 November 1985, 2583-85 dated 4 December 1985, 544-86 dated 23 April 1986, 1239-86 dated 13 August 1986, 1811-86 dated 3 December 1986, 1812-86 dated 3 December 1986, 7-87 dated 7 January 1987, 1472-87 dated 23 September 1987, 1875-87 dated 9 December 1987, 421-88 dated 23 March 1988, 615-88 dated 27 April 1988, 838-88 dated 1 June 1988, 1076-88 dated 6 July 1988, 1549-88 dated 12 October 1988, 1745-88 dated 23 November 1988, 1746-88 dated 23 November 1988, 1747-88 dated 23 November 1988, 1819-88 dated 7 December 1988, 1038-89 dated 28 June 1989, 1344-89 dated 16 August 1989, 1764-89 dated 15 November 1989, 140-90 dated 7 February 1990, 223-90 dated 21 February 1990, 291-90 dated 7 March 1990, 1666-90 dated 28 November 1990, 1797-90 dated 19 December 1990, 143-91 dated 6 February 1991, 538-91 dated 17 April 1991, 1025-91 dated 17 July 1991, 1232-91 dated 4 September 1991, 1471-91 dated 23 October 1991, 1589-91 dated 20 November 1991, 1114-92 dated 29 July 1992, 1697-92 dated 25 November 1992, 208-93 dated 17 February 1993, 868-93 dated 16 June 1993, 1114-93 dated 11 August 1993, 1539-93 dated 3 November 1993, 1646-93 dated 24 November 1993, 91-94 dated 10 January 1994, 366-94 dated 16 March 1994, 849-94 dated 8 June 1994, 1660-94 dated 24 November 1994, 1691-94 dated 30 November 1994, 473-95 dated 5 April 1995, 522-95 dated 12 April 1995, 1562-95 dated 29 November 1995, 35-96 dated 10 January 1996 and 67-96 dated 16 January 1996, is further amended by substituting the following for sections 22R1 and 22R1.2:

“**22R1.** For the purposes of this Title and of the second paragraph of section 22 of the Act, the income earned in Québec by an individual for a taxation year is his income as determined under section 28 of the Act, without taking into account sections 36.1, 309.1, 334.1 and 1029.8.50 of the Act, less that part of his income derived from carrying on a business that is attributable to an establishment situated outside Québec in Canada; his income earned in Québec and elsewhere is his income as determined under section 28 of the Act, without taking into account those sections 36.1, 309.1, 334.1 and 1029.8.50.

22R1.2. For the purposes of section 22R1, where the individual is a person described in the second paragraph, his income earned in Québec and his income earned in Québec and elsewhere, computed for a taxation year

under section 22R1, shall be reduced by the amount that he deducted in computing his taxable income for the year under section 737.16.1, 737.21 or 737.25 of the Act, as the case may be.

The person contemplated in the first paragraph is a foreign researcher within the meaning assigned to that expression by paragraph *a* of section 737.19 of the Act or an individual contemplated in section 737.16.1 or 737.25 of the Act.”.

2. Subsection 1, where it makes section 22R1 of the Regulation respecting the Taxation Act, applies from the 1994 taxation year and, where it makes section 22R1.2 of that Regulation, it applies from the 1995 taxation year.

2. 1. Title IV.1 is revoked.

2. Subsection 1 applies from the 1995 taxation year.

3. 1. The following is substituted for section 87R3:

“**87R3.** For the purposes of paragraph *u* of section 87 of the Act, the prescribed amount is the amount that would be determined under subsection 5 or 6 of section 127 of the Income Tax Act (Revised Statutes of Canada (1985), c. 1, 5th Suppl.) if the definition of the expression “qualified expenditure” provided for in subsection 9 of that section 127 applied only in respect of an expenditure made before 1 May 1987.”.

2. Subsection 1 applies to a taxation year ending after 2 December 1992.

4. 1. Section 87R4 is amended

(1) by substituting the following for paragraph *a*:

“(a) an amount contemplated in paragraphs *n* to *s*, *u*, *v*, *x* or *x.1* of section 488R1;”;

(2) by substituting the following for paragraph *d*:

“(d) an amount that can reasonably be attributed to expenditures that are, for the purposes of section 127 of the Income Tax Act (Revised Statutes of Canada (1985), c. 1, 5th Suppl.), qualified expenditures in respect of scientific research and experimental development and that would be determined under subsection 5 or 6 of that section if the definition of the expression “qualified expenditure” provided for in subsection 9 of that section applied only in respect of an expenditure made or incurred after 30 April 1987;”.

2. Paragraph 1 of subsection 1 has effect from 19 January 1994.

3. Paragraph 2 of subsection 1 applies to a taxation year ending after 2 December 1992.

5. 1. Section 101R1 is amended by substituting the following for paragraph *e*:

“(e) an amount contemplated in paragraphs *n*, *p*, *r*, *s*, *x* or *x.1* of section 488R1;”.

2. Subsection 1 has effect from 19 January 1994.

6. 1. Section 232R2 is amended by substituting the words “Ministère de la Culture et des Communications” for the words “Ministère de la Culture” in paragraph *b*.

2. Subsection 1 has effect from 17 June 1994.

7. 1. Chapter II.1 of Title XIV is revoked.

2. Subsection 1 applies from the 1994 taxation year. In addition, where section 355R1 of the Regulation respecting the Taxation Act, revoked by it, applies to the 1988 to 1993 taxation years, it shall be read

(a) with the words “établissement d’enseignement agréé” being substituted for the words “établissement d’enseignement désigné” in the French text; and

(b) with a reference to subsection 1 of section 118.6 being substituted for the reference to paragraph *a* of subsection 9 of section 110.

8. 1. Section 488R1 is amended

(1) by substituting the following for paragraph *e*:

“(e) an amount that is specifically exempt from income tax by virtue of a law of Québec or of Canada, other than the Income Tax Act (Revised Statutes of Canada (1985) c. 1, 5th Suppl.), the Indian Act (Revised Statutes of Canada (1985), c. 1-5), the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, c. 18), the Foreign Missions and International Organizations Act (Statutes of Canada, 1991, c. 41) and the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), and which is not an amount that is exempt by virtue of a provision of a tax agreement entered into by Québec and a particular country in matters of income tax and which has force of law in Québec, or a tax convention or agreement entered into by Canada and a particular country in matters of income tax and which has force of law in Canada;”;

(2) by substituting the following for paragraph *k*:

“(k) the income, situated on a reserve or on premises, of an Indian or a person of Indian ancestry;”;

(3) by substituting the following for paragraph *w*:

“(w) an amount received from the Ministère de l’Éducation under the Programme d’allocations pour les besoins particuliers des étudiants atteints d’une déficience fonctionnelle majeure, established under paragraph 2 of section 10 of the Act respecting the Ministère de l’Enseignement supérieur et de la Science (R.S.Q., c. M-15.1.1), as it read before it was repealed, and mentioned in the Conseil du Trésor Decision 174 394 dated 4 July 1990;”;

(4) by inserting the following after paragraph *x*:

“(x.1) the amount of financial assistance granted under the Programme de stimulation de la rénovation résidentielle, implemented by the Société d’habitation du Québec by Order in Council 153-94 dated 19 January 1994;”;

(5) by substituting the words “Ministère de la Sécurité du revenu” for the words “Ministère de la Main-d’oeuvre, de la Sécurité du revenu et de la Formation professionnelle” in paragraph *y*.

2. Paragraph 1 of subsection 1 applies from the 1992 taxation year.

3. Paragraph 2 of subsection 1 applies to a taxation year ending after 31 December 1982. Notwithstanding the foregoing, subject to subsection 4, where paragraph *k* of section 488R1 of the Regulation respecting the Taxation Act, made by that paragraph 2, applies

(a) to a taxation year ending before 1 January 1992, it shall be read as follows:

“(k) the income earned by an Indian on a reserve or on premises, as well as any other amount received by an Indian, to the extent that a remission would be granted in respect of that other amount under the Indian Remission Order, made by Order in Council P.C. 1985-2446 of 7 August 1985, as amended by Orders in Council P.C. 1988-787 of 28 April 1988, P.C. 1991-264 of 14 February 1991 and P.C. 1992-938 of 7 May 1992, under the Financial Administration Act (Revised Statutes of Canada (1985), c. F-11), if the definition of the expression “Indian” provided for in subsection 1 of section 2 of that remission order had the meaning assigned to it by paragraph *a* of section 488R2 and the definition of the expression “reserve” provided for in subsection 1 of that section 2 also included a reserve within the meaning of paragraph *b* of section 488R2;”;

(b) to the 1992 taxation year, it shall be read as follows:

“(k) the income, situated on a reserve or on premises, of an Indian or a person of Indian ancestry, as well as any other amount received by an Indian or a person of Indian ancestry, to the extent that a remission would be granted in respect of that other amount under the Indian Remission Order, made by Order in Council P.C. 1985-2446 of 7 August 1985, as amended by Orders in Council P.C. 1988-787 of 28 April 1988, P.C. 1991-264 of 14 February 1991 and P.C. 1992-938 of 7 May 1992, pursuant to the Financial Administration Act (Revised Statutes of Canada (1985), c. F-11), if that remission order also applied to a person of Indian ancestry and the definition of the expression “reserve” provided for in subsection 1 of section 2 of that remission order had the meaning assigned to it by paragraph *b* of section 488R2;”.

4. Where paragraph *k* of section 488R1 of the Regulation respecting the Taxation Act, made by paragraph *a* or *b*, as the case may be, of subsection 3, applies

(a) before 12 December 1988, it shall be read with the words “(Statutes of Canada)” being substituted for the words “(Revised Statutes of Canada (1985), c. F-11)”;

(b) in respect of an order in council that is contemplated therein and is made or amended before 12 December 1988, it shall be read with the words “Loi sur l’administration financière” being substituted for the words “Loi sur la gestion des finances publiques” in the French version.

5. Paragraph 3 of subsection 1 has effect from 2 December 1993. Notwithstanding the foregoing, where paragraph *w* of section 488R1 of the Regulation respecting the Taxation Act, made by that paragraph 3, applies before 17 June 1994, it shall be read with the words “Ministère de l’Éducation et de la Science” being substituted for the words “Ministère de l’Éducation”.

6. Paragraph 4 of subsection 1 has effect from 19 January 1994.

7. Paragraph 5 of subsection 1 has effect from 17 June 1994.

9. 1. Section 488R2 is amended

(1) by substituting the following for the part preceding paragraph *a*:

“488R2. For the purposes of this section, of paragraph *k* of section 488R1 and of section 488R4, the following mean:”;

(2) by substituting the following for paragraphs *a.1* and *b*:

“(a.1) “person of Indian ancestry”: an individual who usually resides on a reserve or who is employed therein, and whose mother or father is an Indian;

(b) “reserve”:

i. a reserve within the meaning of subsection 1 of section 2 of the Indian Act;

ii. Category IA land or Category IA-N land within the meaning of subsection 1 of section 2 of the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, c. 18);

iii. the Hunter’s Point, Kitcisakik (Grand-Lac-Victoria), Pakuashipi and Winneway Indian settlements and an Indian settlement within the meaning of section 2 of the Indians and Bands on certain Indian Settlements Remission Order, made by Order in Council P.C. 1992-1052 of 14 May 1992, as amended by Order in Council P.C. 1994-2096 of 14 December 1994, under the Financial Administration Act (Revised Statutes of Canada (1985), c. F-11);

iv. Sechelt lands within the meaning of subsection 1 of section 2 of the Sechelt Indian Band Self-Government Act (Statutes of Canada, 1986, c. 27);”.

2. Paragraph 1 of subsection 1 applies from the 1992 taxation year.

3. Paragraph 2 of subsection 1, where it replaces paragraph *a.1* of section 488R2 of the Regulation respecting the Taxation Act, has effect from 1 January 1993.

4. Paragraph 2 of subsection 1, where it replaces paragraph *b* of section 488R2 of the Regulation respecting the Taxation Act, applies from the 1985 taxation year. Notwithstanding the foregoing, where paragraph *b* of that section 488R2, made by that paragraph 2, applies to a taxation year ending before 1 January 1992, it shall be read as follows:

“(b) “reserve”:

i. a tract of land the legal title to which is vested in Her Majesty, which has been set apart by Her Majesty for the use and benefit of Indians, and whose name appears in Schedule F; this expression also includes an establishment mentioned in that Schedule;

ii. an Indian settlement within the meaning of section 2 of the Indians and Bands on certain Indian Settlements

Remission Order, made by Order in Council P.C. 1992-1052 of 14 May 1992 under the Financial Administration Act (Revised Statutes of Canada (1985), c. F-11);”.

10. 1. The following is substituted for section 488R3:

“**488R3.** For the purposes of paragraph *a.1* of section 488R2, the expressions “mother” and “father”, in respect of an individual, do not include the following persons, where applicable:

(a) a person of whom the individual is the child within the meaning of any of paragraphs *b* to *d* of the definition of the expression “child” provided for in section 1 of the Act;

(b) a person of whom the individual was previously the child within the meaning of paragraph *b* of the definition of the expression “child” provided for in section 1 of the Act; or

(c) a person who is the mother or father of the individual’s spouse.”.

2. Subsection 1 has effect from 1 January 1993.

11. 1. The Regulation is amended by inserting the following after section 488R3:

“**488R4.** For the purposes of paragraph *k* of section 488R1, the income of an Indian or a person of Indian ancestry from an office or employment that that Indian or person of Indian ancestry performs for an employer who both resides on a reserve and is contemplated in the second paragraph is deemed to be an income situated on a reserve if the duties of that Indian or person of Indian ancestry related to that office or employment form part of the non-commercial activities of the employer that are intended solely for the greater welfare of the Indians living on the reserve.

The employer contemplated in the first paragraph is:

(a) a band, within the meaning of subsection 1 of section 2 of the Indian Act (Revised Statutes of Canada (1985), c. I-5), that owns a reserve;

(b) a council of the band, within the meaning of subsection 1 of section 2 of the Indian Act, representing one or more bands described in subparagraph *a*; or

(c) an Indian organization that falls within the jurisdiction of one or more bands described in subparagraph *a* or of one or more councils of the band described in subparagraph *b* and that is exclusively devoted to the social, cultural, educational or economical development of Indians the majority of whom live on a reserve.

Where the income of an Indian or a person of Indian ancestry from an office or employment is deemed, under the first paragraph, to be income situated on a reserve, any other amount received by that Indian or person of Indian ancestry and related to that office or employment is also, for the purposes of paragraph *k* of section 488R1, deemed to be situated on a reserve.”.

2. Subsection 1 applies from the 1992 taxation year.

12. 1. Section 712R1 is amended by substituting the following for paragraph *a*:

“(a) “recipient”: a person or entity contemplated in section 716R1 or any of paragraphs *a* to *b.1*, *d.1* to *i* or *l* of section 710 of the Act;”.

2. Subsection 1 applies in respect of a gift made after 12 May 1994.

13. 1. Section 726.4.43R1 is amended

(1) by substituting a semicolon for the period at the end of paragraph *e*; and

(2) by adding the following after paragraph *e*:

“(f) the Centre québécois de recherche et de développement de l’aluminium;

(g) the Centre interuniversitaire de recherche en analyse des organisations (CIRANO).”.

2. Subsection 1 has effect from 13 May 1994.

14. 1. Section 726.4.43R3 is amended

(1) by substituting a semicolon for the period at the end of paragraph *j*;

(2) by adding the following after paragraph *j*:

“(k) the Centre de recherche Louis-Charles Simard;

(l) the Canadian Dental Research Institute (CDRI).”.

2. Paragraph 1 of subsection 1 and paragraph 2 of that subsection, where it makes paragraph *k* of section 726.4.43R3 of the Regulation respecting the Taxation Act, apply in respect of scientific research and experimental development undertaken after 31 December 1993 under a university research contract entered into after that date.

3. Paragraph 2 of subsection 1, where it makes paragraph *l* of section 726.4.43R3 of the Regulation respect-

ing the Taxation Act, applies in respect of scientific research and experimental development undertaken after 21 December 1994 under a university research contract entered into after that date.

15. 1. Section 737.13R2 is amended by substituting the following for the part preceding paragraph *a*:

“**737.13R2.** The international transactions contemplated in subparagraph *b* of the definition of the expression “international financial centre” provided for in the first paragraph of section 737.13 of the Act are:”.

2. Subsection 1 applies from the 1995 taxation year.

16. 1. The Regulation is amended by inserting the following after section 737.21R1:

“**737.25R1.** For the purposes of subparagraph *b* of the first paragraph of section 737.25 of the Act, a prescribed activity is:

(a) an activity that consists in implementing a computer, telematic or office automation system, or a similar system, if such activity is the principal object of the contract contemplated in that section;

(b) a scientific or technical services activity;

(c) a management or administration activity related to an activity contemplated either in paragraph *a* or *b*, or in subparagraph *b* for the first paragraph of section 737.25 of the Act.”.

2. Subsection 1 applies from the 1995 taxation year.

17. 1. Section 752.0.1R1 is amended in the French text by substituting the word “élève” for the word “étudiant”.

2. Subsection 1 has effect from 17 June 1994.

18. 1. Section 752.0.1R2 is amended

(1) by substituting the word “élève” for the word “étudiant” in the French text in the part preceding paragraph *a* and in subparagraph *i* of paragraph *a*;

(2) by substituting the words “Act respecting financial assistance for students (R.S.Q., c. A-13.3)” for the words “Student Loans and Scholarships Act (R.S.Q., c. P-21)” in subparagraph *ii* of paragraph *a*.

2. Paragraph 1 of subsection 1 has effect from 17 June 1994.

3. Paragraph 2 of subsection 1 has effect from 1 May 1990. Notwithstanding the foregoing, for the period from 1 May 1990 to 30 July 1991, the reference in subparagraph ii of paragraph *a* of section 752.0.1R2 of the Regulation respecting the Taxation Act, as amended by that paragraph 2, to the Act respecting financial assistance for students (R.S.Q., c. A-13.3) shall be read as a reference to the Act respecting financial assistance for students (1990, c. 11).

19. 1. Section 752.0.10.3R1 is amended by substituting the following for the definition of the expression “donee”:

““donee” means a person or an entity to which an individual has made a gift and that is contemplated in section 752.0.10.12R1, in the definitions of the expressions “total Crown gifts” or “total cultural gifts” provided for in section 752.0.10.1 of the Act, in subparagraph *b* of the definition of the expression “total gifts of qualified property” provided for in that section 752.0.10.1 or in any of subparagraphs *c* to *h* of the definition of the expression “total charitable gifts” provided for in that section 752.0.10.1;”.

2. Subsection 1 applies in respect of a gift made after 12 May 1994.

20. 1. Section 890.1R1 is amended by substituting the following for paragraphs *a* and *b*:

“(a) the plan instituted under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

(b) a similar plan within the meaning of the Act respecting the Québec Pension Plan;”.

2. Subsection 1 has effect from 1 January 1994.

21. 1. The following is substituted for section 894R1:

“**894R1.** An educational institution contemplated in paragraph *d* of section 894 of the Act means a university, college or other educational institution in Canada, designated by the Lieutenant-Governor in Council of a province as being a specified educational institution within the meaning of the Canada Student Loans Act (Revised Statutes of Canada (1985), c. S-23) or recognized by the Minister of Education for the purposes of the Act respecting financial assistance for students (R.S.Q., c. A-13.3).”.

2. Subsection 1 has effect from 15 July 1985. Notwithstanding the foregoing, the reference in section 894R1 of the Regulation respecting the Taxation Act, made by subsection 1,

(a) to the Canada Student Loans Act (Revised Statutes of Canada (1985), c. S-23) shall be read, for the period from 15 July 1985 to 11 December 1988, as a reference to the Canada Student Loans Act (R.S.C., 1970, c. S-17);

(b) to the Minister of Education, shall be read,

i. for the period from 15 July 1985 to 20 December 1988, as a reference to the Minister of Higher Education, Science and Technology;

ii. for the period from 21 December 1988 to 1 December 1993, as a reference to the Minister of Higher Education and Science;

iii. for the period from 2 December 1993 to 16 June 1994, as a reference to the Minister of Education and Science; and

(c) to the Act respecting financial assistance for students (R.S.Q., c. A-13.3), shall be read,

i. for the period from 15 July 1985 to 30 April 1990, as a reference to the Student Loans and Scholarships Act (R.S.Q., c. P-21);

ii. for the period from 1 May 1990 to 30 July 1991, as a reference to the Act respecting financial assistance for students (1990, c. 11).

22. 1. The following is substituted for section 1015R1:

“**1015R1.** In this Chapter and in Schedule A, where applicable, the expression:

“personal income-tax credits” means, in respect of a particular taxation year, the greater of the product obtained by multiplying 5 by the first-mentioned deduction in section 752.0.1 of the Act that the employee may deduct from his tax otherwise payable for the year or the product obtained by multiplying 5 by the aggregate of the amounts, as indicated in his last return filed with the employer in accordance with section 19 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), that the employee may deduct from his tax otherwise payable for the year under:

(a) sections 752.0.1 to 752.0.9 of the Act;

(b) sections 752.0.14 to 752.0.16 and 752.0.19 of the Act or that he could deduct under that section 752.0.14 if it were read without taking into account its paragraph *d*;

(c) Title VII of Book V of Part I of the Act;

“employee” means any person receiving a remuneration;

“employer” means any person paying a remuneration;

“eligible child” has the meaning assigned to it by section 1029.8.67 of the Act;

“adjustment factor” means, in respect of an employee for a particular taxation year, the following number:

(a) where the family income of the employee for the year does not exceed \$9 999:

i. 2.25 where the employee’s total income for the year does not exceed \$9 999;

ii. 2 where the employee’s total income for the year is greater than \$9 999 without exceeding \$13 999;

iii. 1.75 where the employee’s total income for the year is greater than \$13 999;

(b) where the family income of the employee for the year is greater than \$9 999 without exceeding \$34 999:

i. 2 where the employee’s total income for the year does not exceed \$9 999;

ii. 1.75 where the employee’s total income for the year is greater than \$9 999 without exceeding \$13 999;

iii. 1.5 where the employee’s total income for the year is greater than \$13 999;

(c) where the family income of the employee for the year is greater than \$34 999 without exceeding \$39 999:

i. 1.75 where the employee’s total income for the year does not exceed \$9 999;

ii. 1.5 where the employee’s total income for the year is greater than \$9 999 without exceeding \$13 999;

iii. 1.25 where the employee’s total income for the year is greater than \$13 999;

(d) where the family income of the employee for the year is greater than \$39 999 without exceeding \$44 999:

i. 1.5 where the employee’s total income for the year does not exceed \$9 999;

ii. 1.25 where the employee’s total income for the year is greater than \$9 999 without exceeding \$13 999;

iii. 1 where the employee’s total income for the year is greater than \$13 999;

(e) where the family income of the employee for the year is greater than \$44 999:

i. 1.25 where the employee’s total income for the year does not exceed \$13 999;

ii. 1 where the employee’s total income for the year is greater than \$13 999;

“child care expense” means, in respect of an employee for a particular taxation year, the amount obtained by multiplying the employee’s qualified child care expenses for the year in respect of an eligible child of the employee by the appropriate adjustment factor;

“qualified child care expense” has the meaning assigned to it by section 1029.8.67 of the Act;

“pay” means a remuneration;

“annual pay” means the product obtained by multiplying the amount of the remuneration for the pay period by the number of pay periods in the year;

“pay period” means a 1-week period, a 2-week period, a semimonthly period or a monthly period;

“remuneration” means:

(a) salary, wages, allowance, benefit or other profit paid, allocated, granted or awarded to an employee or former employee;

(b) a payment of commissions or other similar amounts fixed by reference to the volume of the sales made or the contracts negotiated, referred to as “commissions” in this Chapter, if the payment is made to an employee or former employee;

(c) pension benefits, including an annuity payment under a pension plan;

(d) a retiring allowance;

(e) a death benefit;

(f) a payment as a benefit under the Unemployment Insurance Act (Revised Statutes of Canada (1985), c. U-1) or a benefit under a supplementary unemployment benefit plan;

(g) an adult training allowance paid under the National Training Act (Revised Statutes of Canada (1985), c. N-19), except to the extent that that allowance is paid as personal or living expenses while the recipient lives elsewhere than at his place of residence;

(h) a payment under a deferred profit sharing plan or a plan designated in subsection 15 of section 147 of the Income Tax Act (Revised Statutes of Canada (1985), c. 1, 5th Suppl.) as a revoked plan, reduced by the amounts determined under sections 883, 884 and 886 of the Act;

(i) an amount paid as proceeds of the surrender, cancellation or redemption of an income-averaging annuity contract;

(j) a payment that is an amount paid under a registered retirement income fund during his lifetime to an annuitant, within the meaning of paragraph *d* of section 961.1.5 of the Act, under the fund, excluding a payment made in respect of the minimum amount, within the meaning of paragraph *c* of that section 961.1.5, that is to be paid under the fund for a year;

(k) a payment that is a benefit of a registered retirement savings plan or under such a plan paid during his lifetime to an individual contemplated in the definition of the expression "retirement savings plan" provided for in subsection 1 of section 146 of the Income Tax Act for whom a retirement income is provided by the plan, excluding a periodical annuity payment or a payment made by a person who has reasonable grounds to believe that the payment is deductible in computing an individual's income under section 924 of the Act;

(l) a payment that is a benefit of a new plan contemplated in section 914 of the Act or under such a plan, excluding a periodical annuity payment or, where section 914 of the Act applies to that plan after 25 May 1976, a payment made in a year subsequent to the year during which that section 914 applies to the plan;

(m) a benefit under the Labour Adjustment Benefits Act (Revised Statutes of Canada (1985), c. L-1);

(n) an amount withdrawn from a reserve account for contingent losses described in section 979.2 of the Act;

(o) a payment that is an amount that can be regarded as having been received, in whole or in part, as consideration for entering into a contract for performance of services to be rendered in Québec or for an undertaking not to enter into such a contract with a third party;

(p) an amount received from a retirement compensation arrangement or under such an arrangement;

(q) an amount contemplated in section 43.2 of the Act, to the extent that it is not covered by paragraph *a*;

"family income" has the meaning assigned to it by section 1029.8.67 of the Act;

"total income" has the meaning assigned to it by section 1029.8.67 of the Act."

2. Subject to subsection 3, subsection 1 has effect from 1 January 1994, except where it makes the definition of the expressions "eligible child", "adjustment factor", "child care expense", "qualified child care expense", "family income" and "total income" in section 1015R1 of the Regulation respecting the Taxation Act, in which case it has effect from 1 July 1994. Notwithstanding the foregoing, where the definition of the expression "adjustment factor" applies before 1 January 1995, it shall be read as follows:

"adjustment factor" means, in respect of an employee for a particular taxation year, the following number:

(a) where the family income of the employee for the year does not exceed \$8 499:

i. 2.5 where the employee's total income for the year does not exceed \$8 499;

ii. 2.25 where the employee's total income for the year is greater than \$8 499 without exceeding \$13 999;

iii. 2 where the employee's total income for the year is greater than \$13 999;

(b) where the family income of the employee for the year is greater than \$8 499 without exceeding \$34 999:

i. 2 where the employee's total income for the year does not exceed \$13 999;

ii. 1.5 where the employee's total income for the year is greater than \$13 999;

(c) where the family income of the employee for the year is greater than \$34 999 without exceeding \$44 999:

i. 1.5 where the employee's total income for the year does not exceed \$13 999;

ii. 1.25 where the employee's total income for the year is greater than \$13 999;

(d) where the family income of the employee for the year is greater than \$44 999:

i. 1.25 where the employee's total income for the year does not exceed \$13 999;

ii. 1 where the employee's total income for the year is greater than \$13 999.”.

3. Where the definition of the expression “personal income-tax credits” provided for in section 1015R1 of the Regulation respecting the Taxation Act, made by subsection 1, applies in respect of a period commencing after 31 December 1993 and ending on the earlier of 31 December 1994 and the latter of either 1 July 1994 or the date on which the employee filed with his employer the return contemplated in section 19 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) in the prescribed form identified by number MR-19 (94-05), subparagraph *a* of that definition shall be read as if paragraphs *c* and *f* of section 752.0.1 of the Taxation Act (R.S.Q., c. I-3) applied as they read for the 1993 taxation year.

23. 1. The Regulation is amended by inserting the following after section 1015R1:

“**1015R1.0.0.1.** In this Chapter, any reference to a remuneration that a person or an employer pays or that is paid is a reference to a remuneration that that person or employer pays, allocates, grants or awards, or that is paid, allocated, granted or awarded.”.

2. Subsection 1 has effect from 12 May 1994.

24. 1. Section 1015R1.0.1 is revoked.

2. Subsection 1 has effect from 1 January 1994.

25. 1. Section 1015R1.1 is amended by substituting the following for the first paragraph:

“**1015R1.1.** For the purposes of subparagraph *b* of the definition of the expression “remuneration” provided for in section 1015R1, the expression “payment of commissions” in respect of a payment of commissions made in a taxation year means the amount of that payment.”.

2. Subsection 1 has effect from 1 January 1994.

26. 1. Section 1015R2.1 is amended

(1) by substituting the following for paragraph *a*:

“(a) his premium paid to a registered retirement savings plan;”;

(2) by substituting the following for paragraph *e*:

“(e) the amount deducted from his remuneration by the employer according to the authorization by the employee for the purchase, as first purchaser, of class “A” shares issued by the corporation governed by the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., c. F-3.2.1), without exceeding \$5 000 for one year;”.

2. Paragraph 1 of subsection 1 has effect from 1 January 1991.

3. Paragraph 2 of subsection 1 has effect from 1 January 1993.

27. 1. The following is substituted for sections 1015R2.2, 1015R2.3 and 1015R3.3:

“**1015R2.2.** For the purposes of paragraph *a* of section 1015R2.1, a premium contemplated therein in respect of a remuneration is, in respect of an employee:

(a) his premium that, after his agreement to that effect, is deducted directly from his remuneration by the employer and transferred by the latter to the issuer, within the meaning of paragraph *c* of section 905.1 of the Act, of a plan under which the employee or his spouse is the annuitant within the meaning of paragraph *b* of that section 905.1; or

(b) an amount equal to his premium, consisting of class “A” shares issued by the corporation governed by the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., c. F-3.2.1), that does not exceed the amount contemplated in paragraph *e* of section 1015R2.1 for that remuneration in his respect.

1015R2.3. For the purposes of this Chapter, the amount of the remuneration otherwise determined in respect of an employee for a pay period in a taxation year, including the amount deemed to be the amount of his remuneration under section 1015R2, shall be reduced by an amount equal to the quotient obtained by dividing the amount of the reduction for the year determined in respect of that employee under the second paragraph by the number of pay periods in the year.

For the purposes of the first paragraph, the amount of the reduction for a taxation year determined in respect of an employee is the aggregate of the following amounts, as indicated in his last return filed with the employer in accordance with section 19 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31):

(a) the amount that the employee may deduct for the year under Chapter III of Title VI of Book III of Part I of the Act, after having deducted the amount by which the

aggregate of the amounts that he expects to receive in the year as a scholarship, fellowship or bursary exceeds \$500, and under Title VI.6 of Book IV of Part I of the Act; and

(b) the amount of the employee's child care expenses for the year.

1015R3.3. Notwithstanding section 1015R3, the amount that an employer is required to deduct under section 1015 of the Act, in respect of a particular amount contemplated in subparagraph *n* of the definition of the expression "remuneration" provided for in section 1015R1, shall be equal to the amount obtained by applying to the particular amount the highest percentage of tax mentioned in section 750 of the Act and applicable at the time of the payment of the particular amount."

2. Subsection 1, where it makes section 1015R2.2 of the Regulation respecting the Taxation Act, has effect from 1 January 1991 and, where it makes sections 1015R2.3 and 1015R3.3 of that Regulation, it has effect from 1 January 1994. Notwithstanding the foregoing, where subparagraph *b* of the second paragraph of section 1015R2.3 of the Regulation respecting the Taxation Act, made by subsection 1, applies in respect of a period commencing after 31 December 1993 and ending on the earlier of 31 December 1994 and the latter of either 1 July 1994 or the date on which the employee filed with his employer the return contemplated in section 19 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31) in the prescribed form identified by number MR-19 (94-05), that subparagraph *b* shall be read as follows:

"(b) the amount that an employee could deduct for the year under Chapter VIII of Title VI of Book III of Part I of the Act if that Chapter applied to the 1994 taxation year in the same manner as it applied to the 1993 taxation year."

28. 1. Section 1015R3.4 is amended by substituting the following for the first paragraph:

"**1015R3.4.** Notwithstanding section 1015R3.3, an employer shall not make any deductions on the portion of an amount contemplated in subparagraph *n* of the definition of the expression "remuneration" provided for in section 1015R1 that a market-maker contemplated in section 979.11 of the Act uses to compensate for his share of a loss pursuant to an agreement entered into by him under section 979.2 of the Act."

2. Subsection 1 has effect from 1 January 1994.

29. 1. Section 1017R1 is amended

(1) by substituting the following for paragraph *a*:

"(a) a taxpayer shall make the election provided for in that section by filing with the person who pays, allocates, grants or awards an amount contemplated in section 1015 of the Act a return in prescribed form;"

(2) by substituting the following for paragraph *c*:

"(c) that person is required to take that election or that amendment into consideration only if it is made, within a reasonable time limit determined by him, before he pays, allocates, grants or awards such amount after the election or the amendment."

2. Subsection 1 has effect from 19 April 1995. Furthermore, where section 1017R1 of the Regulation respecting the Taxation Act applies before that date but after 11 May 1994, it shall be read as follows:

"**1017R1.** A taxpayer shall make the election provided for in section 1017 of the Act by filing with the person who pays, allocates, grants or awards an amount contemplated in section 1015 of the Act a return in prescribed form; he may amend that election by filing with that person a new return in prescribed form. That person is required to take that election or that amendment into consideration only if it is made, within a reasonable time limit determined by him, before paying, allocating, granting or awarding such amount after the election or the amendment."

30. 1. Section 1026.1R1 is revoked.

2. Subsection 1 applies in respect of a payment that must be made after 30 June 1994.

31. 1. Section 1029.8.1R0.2 is amended

(1) by substituting the following for that part preceding paragraph *a*:

"**1029.8.1R0.2.** The college centres for technology transfer contemplated in paragraph *a.1* of section 1029.8.1 of the Act are:"

(2) by substituting a semicolon for the period at the end of paragraph *n*;

(3) by adding the following after paragraph *n*:

"(o) the Centre d'innovation technologique agro-alimentaire Inc.;

(p) the Centre national d'électrochimie et de technologie environnementale Inc.;

(*q*) the Collège Édouard-Montpetit in respect of its Centre technologique en aérospatiale.”

2. Paragraph 1 of subsection 1 has effect from 12 May 1994.

3. Paragraphs 2 and 3 of subsection 1 apply in respect of scientific research and experimental development undertaken after 12 May 1994 under an eligible research contract entered into after that date.

32. 1. Section 1029.8.1R1 is amended

(1) by substituting a semicolon for the period at the end of paragraph *e*; and

(2) by adding the following after paragraph *e*:

“(f) the Centre québécois de recherche et de développement de l’aluminium;

(g) the Centre interuniversitaire de recherche en analyse des organisations (CIRANO).”

2. Subsection 1 has effect from 13 May 1994.

33. 1. Section 1029.8.1R3 is amended

(1) by substituting a semicolon for the period at the end of paragraph *j*;

(2) by adding the following after paragraph *j*:

“(k) the Centre de recherche Louis-Charles Simard;

(l) the Canadian Dental Research Institute (CDRI).”

2. Paragraph 1 of subsection 1 and paragraph 2 of that subsection, where it makes paragraph *k* of section 1029.8.1R3 of the Regulation respecting the Taxation Act, apply in respect of scientific research and experimental development undertaken after 31 December 1993 under a university research contract entered into after that date.

3. Paragraph 2 of subsection 1, where it makes paragraph *l* of section 1029.8.1R3 of the Regulation respecting the Taxation Act, applies in respect of scientific research and experimental development undertaken after 21 December 1994 under a university research contract entered into after that date.

34. 1. The Regulation is amended by inserting the following after 1029.8.34R2:

“**1029.8.70R1.** The educational institution referred to by clause *i* of subparagraph *b* of the second paragraph

of section 1029.8.70 of the Act is a designated educational institution within the meaning of subsection 1 of section 118.6 of the Income Tax Act (Revised Statutes of Canada (1985), c. 1, 5th Suppl.).”

2. Subsection 1 applies from the 1994 taxation year.

35. 1. Section 1079.1R2 is amended by substituting the words “Act respecting the Ministère de l’Industrie, du Commerce, de la Science et de la Technologie” for the words “Act respecting the Ministère de l’Industrie, du Commerce et de la Technologie” in subparagraph *e* of the second paragraph.

2. Subsection 1 has effect from 17 June 1994.

36. 1. Section 1086R7.6 is amended by substituting the words “Ministère de la Sécurité du revenu” for the words “Ministère de la Main-d’oeuvre, de la Sécurité du revenu et de la Formation professionnelle”.

2. Subsection 1 has effect from 17 June 1994.

37. 1. Section 1086R8.1.1 is amended by striking out the words “other than a qualified investment made in a research and development corporation within the meaning of paragraph *b.0.1* of that section 965.29.”.

2. Subsection 1 applies in respect of a qualified investment made by a Québec business investment company after 20 May 1993 in a research and development corporation as part of a scientific research and experimental development project, other than such a qualified investment the funds of which are used by the research and development corporation to make an expenditure for scientific research and experimental development, if those funds were collected as part of that project:

(*a*) through a distribution made in accordance with a final prospectus for which the receipt was granted before 23 April 1993 or under an exemption from filing a prospectus granted before that date;

(*b*) through a distribution made in accordance with a final prospectus for which the receipt was granted after 22 April 1993 but not later than 31 May 1993 or, where a pre-competitive research receipt was issued by the Minister of Industry, Trade, Science and Technology before 20 May 1993, not later than 31 August 1993, if the receipt for the preliminary prospectus was granted before 23 April 1993, if the funds collected through that distribution do not exceed the amount provided for in that respect in the preliminary prospectus and, where applicable, if the amount of the expenditure does not exceed the amount provided for in that respect in the pre-competitive research receipt issued;

(c) through a distribution made in accordance with a final prospectus for which the receipt was granted after 23 April 1993 but not later than 31 December 1993, if the receipt for the preliminary prospectus was granted on 23 April 1993 and if the funds collected through that distribution do not exceed the amount provided for in that respect in the preliminary prospectus;

(d) through a distribution made under an exemption from filing a prospectus, if the application for exemption from filing a prospectus was filed before 23 April 1993 and the exemption from filing a prospectus was granted after 22 April 1993 but not later than 31 May 1993 or, where a pre-competitive research receipt was issued by the Minister of Industry, Trade, Science and Technology before 20 May 1993, not later than 31 August 1993, if the funds collected through that distribution do not exceed the amount provided for in that respect in the application for exemption from filing a prospectus and, where applicable, if the amount of the expenditure does not exceed the amount provided for in that respect in the pre-competitive research receipt issued;

(e) through a distribution made under an exemption from filing a prospectus, if the application for exemption from filing a prospectus was filed on 23 April 1993 and the exemption from filing a prospectus was granted after 23 April 1993 but not later than 31 December 1993 and if the funds collected through that distribution do not exceed the amount provided for in that respect in the application for exemption from filing a prospectus;

(f) in respect of which a favourable advance ruling was given by the Ministère du Revenu before 23 April 1993, if the amount of the expenditure does not exceed the amount provided for in that respect in the application for an advance ruling and if the receipt for the final prospectus or the exemption from filing a prospectus, as the case may be, was granted not later than 30 June 1993 or, where a receipt for a final prospectus or an exemption from filing a prospectus, as the case may be, was not required under paragraph 2 of section 3 of the Securities Act (R.S.Q., c. V-1.1), if all the research and development shares issued as part of that project were issued before 1 January 1994;

(g) in respect of which a favourable advance ruling was given by the Ministère du Revenu on 23 April 1993, if the amount of the expenditure does not exceed the amount provided for in that respect in the application for an advance ruling and if the receipt for the final prospectus or the exemption from filing a prospectus, as the case may be, was granted not later than 31 December 1993 or, where a receipt for a final prospectus or an exemp-

tion from filing a prospectus, as the case may be, was not required under paragraph 2 of section 3 of the Securities Act, if all the research and development shares issued as part of that project were issued before 1 January 1994;

(h) in respect of which both a favourable advance ruling was given by the Ministère du Revenu before 24 April 1993 and a draft prospectus was filed before that date, if the amount of the expenditure does not exceed the amount provided for in that respect in the draft prospectus or the application for an advance ruling, if the receipt for the final prospectus was granted not later than 31 December 1993 and if the project in question is the same scientific research and experimental development project.

38. 1. Section 1086R8.1.2 is revoked.

2. Subsection 1 applies in respect of a qualified investment made by a Québec business investment company after 20 May 1993 in a research and development corporation as part of a scientific research and experimental development project, other than such a qualified investment the funds of which are used by the research and development corporation to make an expenditure for scientific research and experimental development, if those funds were collected as part of that project:

(a) through a distribution made in accordance with a final prospectus for which the receipt was granted before 23 April 1993 or under an exemption from filing a prospectus granted before that date;

(b) through a distribution made in accordance with a final prospectus for which the receipt was granted after 22 April 1993 but not later than 31 May 1993 or, where a pre-competitive research receipt was issued by the Minister of Industry, Trade, Science and Technology before 20 May 1993, not later than 31 August 1993, if the receipt for the preliminary prospectus was granted before 23 April 1993, if the funds collected through that distribution do not exceed the amount provided for in that respect in the preliminary prospectus and, where applicable, if the amount of the expenditure does not exceed the amount provided for in that respect in the pre-competitive research receipt issued;

(c) through a distribution made in accordance with a final prospectus for which the receipt was granted after 23 April 1993 but not later than 31 December 1993, if the receipt for the preliminary prospectus was granted on 23 April 1993 and if the funds collected through that distribution do not exceed the amount provided for in that respect in the preliminary prospectus;

(d) through a distribution made under an exemption from filing a prospectus, if the application for exemption from filing a prospectus was filed before 23 April 1993 and the exemption from filing a prospectus was granted after 22 April 1993 but not later than 31 May 1993 or, where a pre-competitive research receipt was issued by the Minister of Industry, Trade, Science and Technology before 20 May 1993, not later than 31 August 1993, if the funds collected through that distribution do not exceed the amount provided for in that respect in the application for exemption from filing a prospectus and, where applicable, if the amount of the expenditure does not exceed the amount provided for in that respect in the pre-competitive research receipt issued;

(e) through a distribution made under an exemption from filing a prospectus, if the application for exemption from filing a prospectus was filed on 23 April 1993 and the exemption from filing a prospectus was granted after 23 April 1993 but not later than 31 December 1993 and if the funds collected through that distribution do not exceed the amount provided for in that respect in the application for exemption from filing a prospectus;

(f) in respect of which a favourable advance ruling was given by the Ministère du Revenu before 23 April 1993, if the amount of the expenditure does not exceed the amount provided for in that respect in the application for an advance ruling and if the receipt for the final prospectus or the exemption from filing a prospectus, as the case may be, was granted not later than 30 June 1993 or, where a receipt for a final prospectus or an exemption from filing a prospectus, as the case may be, was not required under paragraph 2 of section 3 of the Securities Act (R.S.Q., c. V-1.1), if all the research and development shares issued as part of that project were issued before 1 January 1994;

(g) in respect of which a favourable advance ruling was given by the Ministère du Revenu on 23 April 1993, if the amount of the expenditure does not exceed the amount provided for in that respect in the application for an advance ruling and if the receipt for the final prospectus or the exemption from filing a prospectus, as the case may be, was granted not later than 31 December 1993 or, where a receipt for a final prospectus or an exemption from filing a prospectus, as the case may be, was not required under paragraph 2 of section 3 of the Securities Act, if all the research and development shares issued as part of that project were issued before 1 January 1994;

(h) in respect of which a favourable advance ruling was given by the Ministère du Revenu before 24 April 1993 and a draft prospectus was filed before that date, if

the amount of the expenditure does not exceed the amount provided for in that respect in the draft prospectus or the application for an advance ruling, if the receipt for the final prospectus was granted not later than 31 December 1993 and if the project in question is the same scientific research and experimental development project.

39. 1. The following is substituted for section 1086R8.8:

“**1086R8.8.** The Société de l’assurance automobile du Québec shall file an information return, in prescribed form, in respect of an indemnity it pays under Title II of the Automobile Insurance Act (R.S.Q., c. A-25), except in respect of an indemnity provided for in Chapter V of that Title.”.

2. Subsection 1 applies in respect of an indemnity paid after 31 December 1989. Notwithstanding the foregoing, where section 1086R8.8 of the Regulation respecting the Taxation Act, made by subsection 1, applies before 22 June 1990, it shall be read with the words “Régie de l’assurance automobile du Québec” being substituted for the words “Société de l’assurance automobile du Québec”.

40. 1. Section 1086R8.9 is amended by substituting the words “Minister of Income Security” for the words “Minister of Manpower, Income Security and Skills Development” in the part preceding paragraph *a*.

2. Subsection 1 has effect from 17 June 1994.

41. 1. Section 1086R23.12 is amended

(1) by substituting the following for the part preceding subparagraph *a* of the first paragraph:

“**1086R23.12.** Where, during a taxation year or a fiscal period, as the case may be, a particular person, other than a person exempt from tax for the year under Book VIII of Part I of the Act, or a partnership incurs expenditures for renovation, improvement, maintenance or repair work in respect of a building, structure or land that is property situated in Québec and used in the course of carrying on a business or to derive an income therefrom, that particular person or a member of that partnership designated by the members of the partnership shall attach to the fiscal return that he files for that year or for his taxation year during which the partnership’s fiscal period ends, under Part I of the Act, an information return in prescribed form in respect of every person having carried out the work, other than a person who is:”;

(2) by substituting the following for subparagraph *b* of the second paragraph:

“(b) where the particular person or the member of the partnership designated for the purposes of filing the information return is not required to file a fiscal return under Part I of the Act for the year or for the taxation year during which the partnership’s fiscal period ends, that particular person or that member shall file the information return not later than the day on which he would be required at the latest to file such fiscal return if he had tax to pay under that Part I for that year.”; and

(3) by deleting subparagraphs *c* and *d* of the second paragraph.

2. Subsection 1 applies in respect of work carried out after 30 June 1995.

42. 1. The Regulation is amended by inserting the following after the heading of Title XXXII:

**“CHAPTER 0.1
LOAN CORPORATIONS**

1130R1. For the purposes of the definition of the expression “loan corporation” in section 1130 of the Act, each of the following corporations is a prescribed corporation:

(a) a corporation of which all or substantially all of the assets are shares or indebtedness of corporations contemplated in Title II of Book III of Part IV of the Act and to which the corporation is related, within the meaning of Part I of the Act;

- (b) AVCO Financial Services Canada Limited;
- (c) AVCO Financial Services Realty Limited;
- (d) AVCO Financial Services Quebec Limited;
- (e) General Motors Acceptance Corporation of Canada, Limited;
- (f) Household Financial Corporation Limited;
- (g) Household Finance Corporation of Canada;
- (h) Household Realty Corporation Limited;
- (i) Merchant Retail Services Limited;
- (j) Superior Acceptance Corporation Limited;
- (k) Superior Credit Corporation Limited;

(l) Crédit Industriel Desjardins;

(m) Beneficial Canada Inc.;

(n) Beneficial Realty Ltd.;

(o) RT Mortgage-Backed Securities Limited;

(p) RT Mortgage-Backed Securities II Limited;

(q) T. Eaton Acceptance Co. Limited;

(r) National Retail Credit Services Limited;

(s) Ford Credit Canada Limited;

(t) Principal Fund Incorporated;

(u) Farm Credit Corporation;

(v) Canadian Cooperative Agricultural Financial Services.”.

2. Subsection 1 applies to a taxation year commencing after 12 May 1994.

43. 1. Schedule F is revoked.

2. Subsection 1 applies from the 1992 taxation year.

44. 1. The Regulation is amended

(1) by substituting the words “Canada or in Québec and elsewhere” for the words “Québec and elsewhere” in the heading of Title XX and in section 771R5.1;

(2) by substituting the word “Canada” for the words “Québec and elsewhere” in the part of section 771R21 preceding paragraph *a*, in the part of section 771R26 preceding paragraph *a*, in the part of section 771R30 preceding paragraph *a*, in section 771R35, in the part of the second paragraph of section 771R37 preceding subparagraph *a* and in section 771R38;

(3) by substituting the words “Canada or in Québec and elsewhere” for the words “Québec and elsewhere in Canada” in the part of section 771R23 preceding paragraph *a*.

2. Subsection 1 is declaratory, except in respect of cases pending not later than 8:00 p.m., Eastern Daylight Saving Time, on 12 May 1994 and notices of objection served on the Minister of Revenue not later than that time, where in respect of the cases or notices it is alleged in the grounds for contesting, expressly raised not later than that time, that the manner of determining business

carried on in various jurisdictions as prescribed in the Regulation respecting the Taxation Act does not comply with the manner of determining such business as prescribed in the Taxation Act (R.S.Q., c. I-3).

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

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Gouvernement du Québec

O.C. 527-96, 1 May 1996

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Cartage

— Québec

— Amendments

Decree to amend the Decree respecting the cartage industry in the Québec region

WHEREAS the Government made the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7);

WHEREAS in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Employment;

WHEREAS the contracting parties within the meaning of the Decree have petitioned the Minister of Labour for amendments to the Decree to be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft amending Decree was published in Part 2 of the *Gazette officielle du Québec* of 9 August 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve that petition with amendments and for that purpose to make the Decree attached hereto;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached hereto, be made.

MICHEL CARPENTIER,

Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Québec region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7), amended by Orders in Council 86-82 dated 13 January 1982 (Suppl., p. 413), 1691-82 dated 7 July 1982 (Suppl., p. 416), 1000-84 dated 25 April 1984, 639-85 dated 27 March 1985, 1338-85 dated 26 June 1985, 1569-85 dated 31 July 1985, 552-89 dated 12 April 1989, 1193-89 dated 19 July 1989, 1115-91 dated 7 August 1991, 1393-91 dated 9 October 1991, 1394-91 dated 9 October 1991, 955-93 dated 30 June 1993 and 569-95 dated 26 April 1995, is further amended by substituting the following for section 1.01:

“**1.01.** In this Part, unless the context indicates otherwise, the following expressions mean:

(1) “helper”: employee who helps the driver in the supervision and handling of any loading or unloading, without driving the road vehicle, even occasionally;

(2) “labourer”: employee who performs the work covered by the professional jurisdiction of Part I of this Decree, excluding the work performed by employees governed by paragraphs 1 and 3 to 18;

(3) “assistant-mechanic”: employee who works under the constant supervision of a qualified mechanic;

(4) “driver”: employee who operates a road vehicle as defined in paragraph 20;

(5) “road-train driver”: driver of a combination of road vehicles consisting of a tractor, semi-trailers and any dollies;

(6) “truck driver”: driver of a road vehicle that has a net weight in excess of 3 000 kilograms, built exclusively to transport goods or permanently fixed equipment, or both;

(7) “tractor semi-trailer driver”: driver of a road vehicle equipped with a fifth wheel designed to pull a semi-trailer;

(8) “tank-truck driver”: driver of a tank truck;

(9) “tank-trailer driver”: driver of a tractor designed to pull a tank trailer;

(10) “float driver”: driver of a float tractor designed to pull a lowered semi-trailer with a goose-neck and used in the transportation of extra-heavy or very large parts whose height, length, width or weight exceeds the legal limits allowed on public highways or roads;

(11) “loading machinery operator”: employee who drives a vehicle known as a “lift truck” or other loading or unloading machinery;

(12) “dockman”: employee assigned to the loading or unloading of products or merchandise and who usually works in the warehouse;

(13) “mechanic”: employee whose main duty consists in maintaining the employer’s vehicles and other equipment;

(14) “packer”: employee assigned to packing for moving purposes;

(15) “snow removal vehicle driver”: driver of a road vehicle used for snow removal except for trucks used to transport snow;

(16) “welder”: employee whose main duty consists in welding metal parts in order to manufacture or repair parts or tools;

(17) “secretary or shorthand typist”: employee whose main duty consists in preparing or transmitting correspondence, documents or vouchers necessary to the operations of an enterprise in the cartage industry;

(18) “office clerk”: employee whose work consists, in particular, in taking orders, answering telephone calls and invoicing;

(19) “cartage industry”: industry in which persons, partnerships or corporations perform, for others and for payment, the transport of merchandise or of any other transportable products or objects;

(20) “road vehicle”: motorized vehicle that can travel on a road;

(21) “spouse”: a man and a woman who:

(a) are married and cohabiting;

(b) are living together as husband and wife and are the father and mother of the same child;

(c) have been living together as husband and wife for at least one year;

(22) “continuous service”: means the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of the work has been interrupted without cancellation of the contract, and the period during which fixed term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed.”

2. The Decree is amended by substituting the words “secretaries or shorthand typists and office clerks” for the words “shorthand typists and office employees” in section 4.01.

3. The Decree is amended by substituting the words “secretaries or shorthand typists and office clerks” for the words “shorthand typists and office employees” in section 4.02.

4. The Decree is amended by deleting section 4.06.

5. The Decree is amended by adding the words “for each of the 2 days” at the end of section 6.06.

6. The Decree is amended by substituting the following for section 7.01:

“**7.01.** The following minimum hourly rate is effective as of 30 May 1996 for each of the employment categories determined below:

Employment category	Hiring rate	After 3 months	After 6 months	After 12 months	After 18 months	After 24 months
1. helper	\$6.85	\$7.21	\$7.81	\$8.41	\$9.02	\$9.62
2. labourer	6.85	7.21	7.81	8.41	9.02	9.62
3. assistant-mechanic	7.85	8.20	8.50	9.16	9.81	10.47
4. driver	7.68	8.00	8.32	8.96	9.60	10.24
5. road-train driver	7.85	8.20	8.50	9.16	9.81	10.47
6. truck driver	7.72	8.15	8.36	9.01	9.65	10.30
7. tractor semi-trailer driver	7.81	8.14	8.46	9.12	9.77	10.42
8. tank-truck driver	7.72	8.15	8.36	9.01	9.65	10.30
9. tank-trailer driver	7.85	8.20	8.50	9.16	9.81	10.47
10. float driver	7.99	8.32	8.65	9.32	9.99	10.66
11. loading machinery operator	7.60	7.92	8.23	8.86	9.50	10.13
12. dockman	7.60	7.92	8.23	8.86	9.50	10.13
13. mechanic	8.89	9.26	9.63	10.37	11.11	11.85
14. packer	7.47	7.78	8.09	8.71	9.34	9.96
15. snow removal vehicle driver	8.71	9.08	9.45	10.20	10.94	11.68
16. welder	8.89	9.26	9.63	10.37	11.11	11.85.”.

7. The Decree is amended by adding the following after paragraph 4 of section 7.03:

“(5) The employee paid by the kilometre receives, in addition to the other amounts to which he is entitled, payment for any hours spent waiting, loading or unloading at the wage rate mentioned in section 7.01 for the employment category to which he belongs.”.

8. The Decree is amended in section 7.04

(1) by substituting the word “prénom” for the word “prénoms” in the French version of paragraph *b*;

(2) by substituting the words “le numéro matricule” for the words “le matricule” in the French version of paragraph *d*;

(3) by substituting the following for paragraph *i*:

“(i) the number of hours, per pay period, entered in a bank of hours if the employee so requests;”;

(4) by changing the designation of paragraphs *j*, *k*, *l* and *m* to *n*, *o*, *p* and *q*, respectively;

(5) by inserting the following after paragraph *i*:

“(j) the total number of hours in the employee’s bank of hours;

(k) the number of hours deducted from the employee’s bank of hours for each pay period;

(l) the number of hours in the employee’s bank of hours that are paid to him for the pay period and the wage rate applicable thereto;

(m) the hourly or weekly wage or the rate per kilometre;”.

9. The Decree is amended by deleting section 7.06.

10. The Decree is amended by substituting the following for section 7.08:

7.08. The wage of the employee shall be equal to or higher than the wage he was receiving under this Decree on 30 May 1996.”

11. The Decree is amended by inserting the following after section 9.02:

9.02.1. Where the 1 July holiday falls on a Sunday, it is carried forward to the following Monday.”

12. The Decree is amended by substituting the words “the 30 days preceding” for the words “the 30 calendar days preceding” in paragraph *a* of section 9.04.

13. The Decree is amended by substituting the number “9.04” for “9.05” in section 9.08.

14. The Decree is amended by substituting the following for sections 10.03 and 10.04:

10.03. The employee who, on 1 January, has one year of continuous service with the same employer is entitled to 2 continuous weeks of vacation. The vacation pay is equal to 4 % of the employee’s wage during the qualifying period.

10.04. The employee who, on 1 January, has 5 years of continuous service with the same employer is entitled to 3 continuous weeks of vacation. The vacation pay is equal to 6 % of the employee’s wage during the qualifying period.”

15. The Decree is amended by substituting the following for sections 10.07 and 10.08:

10.07. The employee who is entitled to 2 continuous weeks of vacation may require that those weeks be granted him between 1 May and 30 September.

10.08. The employee who is entitled to 4 or 5 weeks of vacation may require that the first 3 weeks of his vacation be granted him as a continuous period between 1 May and 30 September. He may take the remaining weeks between 1 October and 30 April.”

16. The Decree is amended by adding the following after section 10.10 of Division 10.00:

10.11. In the event that the employee is absent because of sickness or accident or is on maternity leave during the qualifying period and such absence has the effect of decreasing his annual vacation pay, he is then entitled, as the case may be, to an indemnity equal to 2, 3, 4 or 5 times the average weekly wage earned during the period worked.”

17. The Decree is amended by substituting the following for sections 11.02 to 11.06:

11.02. The employee may be absent from work, without a loss in wages:

(1) for 5 days in the event of the death or funeral of his spouse;

(2) for 4 days in the event of the death or funeral of his child;

(3) for 3 days in the event of the death or funeral of his father, mother, brother or sister. He may also be absent for an extra day on that occasion but without pay;

(4) for 3 days in the event of the death or funeral of the father or mother of his spouse;

(5) for one day in the event of the death or funeral of his spouse’s child. He may also be absent for 3 extra days on that occasion but without pay;

(6) for one day in the event of the death or funeral of a brother or sister of his spouse.

The employee may be absent for one day, without pay, in the event of the death or funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren.

The employee may also be absent from work, without pay, for a longer period if the circumstances surrounding the death so require. In such case, he must provide the employer proof of the death.

11.03. The employee may be absent from work, without a loss in wages, on his wedding day.

The employee may also be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother or sister or of a child of his spouse.

The employee must notify his employer of his absence at least one week in advance.

11.04. The employee may be absent from work for 5 days at the birth of his child or the adoption of a child. The first 2 days of absence are paid if the employee is credited with 60 days of continuous service.

The leave may be taken on non-successive days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his father or mother.

However, an employee who adopts the child of his spouse may be absent from work for only 2 days, without pay.

11.05. The employee may be absent for 5 days per year, without pay, to fulfil obligations relating to the care, health or education of his minor child, in cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to fulfil those obligations without taking leave and to limit the duration of the leave.

The leave may be taken on non-successive days with the consent of the employer.

11.06. In the cases covered by sections 11.02, 11.04 and 11.05, the employee must notify his employer of his absence as soon as possible.

11.07. Maternity leave: The employee is entitled to maternity leave in accordance with the Act respecting labour standards (R.S.Q., c. N-1.1).

11.08. Notice of termination of employment: The employer must give written notice to an employee before terminating his contract of employment or laying him off for 6 or more months.

The notice shall be one week if the employer has less than one year of continuous service, 2 weeks if he has one to 5 years of continuous service, 4 weeks if he has 5 to 10 years of continuous service and 8 weeks if he has 10 or more years of continuous service.

The notice of termination of employment given to an employee during the period when he is laid off is null, except in the case of employment that usually lasts for not more than 6 months each year due to the seasonal nature of the employment.

11.09. Section 11.08 does not apply to an employee:

- (1) who has less than 3 months of continuous service;
- (2) whose contract for a fixed term or for a specific undertaking expires;
- (3) who has committed a serious fault;
- (4) for whom the termination of the contract of employment or the layoff is the result of a fortuitous event.

11.10. The employer who does not give the notice prescribed by section 11.08 or who gives insufficient notice must pay the employee a compensatory indem-

nity equal to his regular wage, excluding overtime, for a period equal to the period or remaining period of the notice to which he was entitled.

The indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than 6 months, or at the end of a period of 6 months after a layoff of indeterminate length, or a layoff expected to last less than 6 months but which exceeds that period.

11.11. In the case of an employee who, under a collective agreement, is entitled to recall privileges for more than 6 months, the employer is bound to pay the compensatory indemnity only from the earlier of the following dates:

- (1) the expiry of the recall privileges of the employee;
- (2) one year after the layoff.

The employee covered by the first paragraph is not entitled to the compensatory indemnity:

- (1) if he is recalled before the date on which his employer is bound to pay the indemnity and if subsequently he works for a period equal to or longer than that of the notice prescribed in section 11.08;
- (2) if he is not recalled as a result of a fortuitous event.”.

18. The Decree is amended by substituting the following for sections 12.01 and 12.02:

“**12.01.** This Part remains in force until 31 December 1997.

12.02. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of Labour and to the other contracting parties during the month of October 1997 or during the month of October of any subsequent year.”.

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

Gouvernement du Québec

O.C. 537-96, 8 May 1996

An Act respecting financial assistance for students
(R.S.Q., c. A-13.3)

Financial assistance for students — Amendments

Regulation to amend the Regulation respecting financial assistance for students

WHEREAS under section 57 of the Act respecting financial assistance for students (R.S.Q., c. A-13.3), the Government may make regulations for the application of the Act;

WHEREAS by Order in Council 844-90 dated 20 June 1990, the Government made the Regulation respecting financial assistance for students;

WHEREAS that Regulation was amended by the Regulations made by Orders in Council 767-91 dated 5 June 1991, 647-92 dated 29 April 1992, 761-93 dated 2 June 1993, 831-94 dated 8 June 1994, 1071-94 dated 13 July 1994 and 1103-95 dated 16 August 1995;

WHEREAS it is expedient to further amend the Regulation respecting financial assistance for students;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 March 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting financial assistance for students, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting financial assistance for students

An Act respecting financial assistance for students
(R.S.Q., c. A-13.1, s. 57)

1. The Regulation respecting financial assistance for students, made by Order in Council 844-90 dated 20 June 1990 and amended by the Regulations made by Orders in Council 767-91 dated 5 June 1991, 647-92 dated 29 April 1992, 761-93 dated 2 June 1993, 831-94 dated 8 June 1994, 1071-94 dated 13 July 1994 and 1103-95 dated 16 August 1995, is further amended by adding the following after subparagraph 4 of the first paragraph of section 2:

“(5) notwithstanding the preceding subparagraphs, for students referred to in paragraph 1, 2, 3 or 4 of section 5: none.”.

2. The following is substituted for subparagraph 3 of the first paragraph of section 3:

“(3) he receives benefits under the Unemployment Insurance Act (R.S.C. (1985) c. U-1) and is participating in a program of training offered to him and paid in accordance with that Act.”.

3. The following is substituted for subparagraph 2 of the first paragraph of section 4:

“(2) 60 % of his actual employment income referred to in Schedule II, for the calendar year or, in the case of income referred to in paragraph 11 of that Schedule, for the fiscal year ending during the current year of allocation, except income provided for in paragraph 7 of that Schedule where the student is participating in a program of training offered to him and paid in accordance with the Unemployment Insurance Act (R.S.C. (1985) c. U-1);”.

4. The following is added at the end of section 21:

“For the purposes of the computation provided for in subparagraph 1, the actual employment income referred to in paragraph 11 of Schedule II is the income for the fiscal year ending the current year of allocation.”.

5. The following is substituted for subparagraph 3 of the second paragraph of section 24:

“(3) he receives benefits under the Unemployment Insurance Act (R.S.C. (1985) c. U-1) and is participating in a program of training offered to him and paid in accordance with that Act.”.

6. The following is substituted for that part preceding subparagraph 1 of the first paragraph of section 38:

“**38.** A student who, under his course of study, must take a compulsory training period shorter than one trimester shall be allocated, upon request, the following amounts:”.

7. The following paragraph is added at the end of section 47:

“Where a student may receive financial assistance in the form of a loan only, the maximum amount of the authorized loan shall correspond to the amount of financial assistance in the form of loans and bursaries to which he would have been otherwise entitled.”.

8. The following is substituted for paragraph 2 of section 53:

“(2) shows that he is in a situation which, within the meaning of section 25 of the Act respecting income security (R.S.Q., c. S-3.1.1), could lead him to complete destitution; or

(3) suffers from a major functional deficiency within the meaning of section 54.”.

9. The following is substituted for section 55:

“**55.** A major functional deficiency must be attested to in a medical certificate issued by a physician.

An evaluation of the disabilities related to the major functional deficiency shall be made by a therapist specialized in the area of the deficiency. In the absence of specialized therapist or where the care of such therapist is not required, the evaluation shall be made by a physician.”.

10. The following paragraph is inserted after the first paragraph of section 56:

“Where a student cannot complete his studies within the time periods prescribed in the first paragraph by reason of a disability lasting longer than one month and attested to in a medical certificate issued by a physician, those periods shall be extended to cover the duration of the disability.”.

11. The second sentence of section 64 is struck out.

12. The following is substituted for paragraph 6 of section 76:

“(6) he is a permanent resident or a naturalized Canadian citizen and his parents or sponsor do not have their residence elsewhere in Canada, if he has a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) or if he has

been residing in Québec for at least 3 months without having resided in another province for more than 3 months;”.

13. Schedule IV is amended by striking out paragraphs 1, 2 and 7.

14. The following is substituted for Schedule VII:

“SCHEDULE VII
(s. 45)

ELIGIBILITY PERIOD
Secondary level in vocational training
College level or the equivalent

	Loan and bursary	Loan only	
		Number of trimesters	from to
(1) secondary level in vocational training:	5	6 th trim.	7 th trim.;
(2) general college level:	5	6 th	7 th ;
(3) general college level, under a program of study lasting 6 trimesters or more:	7	8 th	9 th ;
(4) vocational college level:	7	8 th	9 th ;
(5) the naval engineering program at the Institut maritime du Québec, Cégep de Rimouski:	9	10 th	11 th ;
(6) the navigation program at the Institut maritime du Québec, Cégep de Rimouski:	9	10 th	11 th ;
(7) Conservatoire de musique et d'art dramatique de la province de Québec (program of college study):	7	8 th	9 th ;
(8) the National Theater School of Canada:	11	12 th	13 th ;
(9) vocational college level, program of college study under a cooperative plan:	9	10 th	11 th .

In order to determine the eligibility period for financial assistance for a student at the college level in accordance with subparagraphs 2 to 9 of the first paragraph, deduction shall be made, from the number of trimesters authorized by the subparagraph in question, of the number of trimesters for which the student has already received financial assistance under one or more of subparagraphs 2 to 9 of the first paragraph.”.

15. The following is substituted for the table in Schedule VIII:

“ELIGIBILITY PERIOD
University level or the equivalent

	Loan and bursary	
	Number of trimesters	Loan only from to
(1) undergraduate level or the equivalent:	7	8 th trim. 9 th trim.;
(2) master's level:	5	6 th 7 th ;
(3) doctoral level:	9	10 th 11 th ;
(4) doctoral level, without having obtained a master's degree:	11	12 th 13 th ;
(5) undergraduate level, in Québec, under a program whose normal duration is 8 trimesters or more, or, outside Québec, 10 trimesters or more:	9	10 th 11 th ;
(6) undergraduate level, in medicine:	11	12 th 13 th ;
(7) undergraduate level, program of university studies under a cooperative plan:	11	12 th 13 th ;
(8) Conservatoire de musique et d'art dramatique de la province de Québec (graduate program of study):	7	8 th 9 th ;
(9) master's level, in the program “diplôme d'études spécialisées en médecine vétérinaire” offered by the Faculté de médecine vétérinaire of the Université de Montréal:	10	11 th 12 th ;
(10) Conservatoire de musique et d'art dramatique de la province de Québec, “programme de fin d'études après l'obtention d'un diplôme d'études supérieures”:	5	6 th 7 th . ”.

16. This Regulation applies from the 1996 summer trimester of the 1996-1997 year of allocation.

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

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Gouvernement du Québec

Decision CCQ-962072, 24 April 1996

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

Complementary social benefit plans in the construction industry — Amendment

Please take note that by decision CCQ-962072 of 24 April 1996, the Commission de la construction du Québec has enacted the Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry.

Please take note that the regulation is enacted under the authority of section 92 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20); it puts into effect sections 28.01 to 28.07 of the Construction Decree enacted by Order in Council 172-87 of 4 February 1987. The provisions of sections 28.01 to 28.07 of this decree are deemed to be common clauses applicable to collective agreements of each sector of the construction industry, under section 84 of the Act amending the Act respecting labour relations, vocational training and manpower management in the construction industry and amending other legal provisions (1993, c. 61).

Please take note that the Commission as submitted the draft regulation, prior to its adoption, to the Joint Committee on Construction, for the purposes of consultation, in accordance with section 123.3 of the Act respecting labour relations, vocational training and manpower management in the construction industry. This committee is composed of representatives from parties representing employers and salaried employees of the construction industry who are affected by this regulation. According to section 18 of that Act, the Commission is bound to the committee's decisions as regards to the use of social security funds. The Joint Committee of Construction has issued a notice stating that it was in favour of adopting the Regulation respecting complementary social benefit plans in the construction industry.

Please take note, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 21 February 1996 with a notice that it could be enacted to the Commission de la construction du Québec upon the expiry of 45 days following that publication.

Furthermore, please take note following that publication, no comments were received before the expiry of the 45-day period.

HUGUES FERRON,
Secretary

Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry

An act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 92; 1995, c. 8, s. 42)

1. The Regulation respecting complementary social benefit plans in the construction industry, enacted by decision CCQ-951991 dated 25 October 1995, is amended by deleting the hyphen between the words “assurance” and “vie”, “assurance” and “maladie”, and “assurance” and “salaire”, wherever they appear in the French version of this Regulation.

2. Section 41 of this Regulation is amended by inserting, in the first paragraph of the French version, the word “sont” after the word “heures”.

3. Section 45 of this Regulation is amended by replacing “2, 3 and 6” by “2 and 3”.

4. Section 50 of this Regulation is amended by replacing everything that comes before the words “are reduced” by “The amounts provided for in subsections 1 to 4 of the first paragraph of section 44, in section 45 and in the first paragraph of section 48, as well as the maximum provided for in the third paragraph of section 48”.

5. Section 52 of this Regulation is amended by inserting, after the words “in writing”, the words “in accordance with sections 2445 to 2452 of the Civil Code of Quebec”.

6. Section 84 of this Regulation is amended:

(1) by replacing, in subparagraph *b* of subsection 4, the words “adjustment of those shoes” by “adjustment of shoes”;

(2) by replacing, in subparagraph *g* of subsection 4, the word “neurosimulator” by the word “neurostimulator”;

(3) by replacing, in subparagraph *i* of subsection 4, the word “the person is” by the words “for a person”.

7. Section 89 of this Regulation is amended by replacing, in the second paragraph, “subsection 1 of the first paragraph” by “the first paragraph, except those affected by subparagraph *d* of subsection 1”.

8. Section 92 of this Regulation is amended:

(1) by replacing, in the first paragraph, the words “insurance plan” by “supplemental plan”;

(2) by adding the following after the second paragraph:

“Notwithstanding the first paragraph, the Commission shall authorize, in case of an emergency, more than 6 meetings per year, or in particular instances, authorize meetings for an electrician who is not covered by the supplemental plan for electricians, or post-traumatic interventions for a group of electricians.”.

9. Section 116 of this Regulation is amended by inserting, in subsection 5, and after the words “between spouses”, the words “or, in the case of common law spouses, the end of marital relations”.

10. Section 124 of this Regulation is amended:

(1) by deleting the word “temporary”;

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

“This supplement is adjusted every year; its purpose is to determine a retirement pension which comes into effect during the year this supplement is in force.”.

11. Section 128 of this Regulation is amended:

(1) by replacing, in the first paragraph, the words “a salaried employee” by the word “employed”;

(2) by replacing, in subparagraph *c* of subsection 2 of the first paragraph, and in the second paragraph, the words “optional pension” by the words “early pension, without reduction”.

12. Section 129 of this Regulation is amended by replacing the words “a salaried employee” by the word “employed”.

13. Section 132 of this Regulation is amended:

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

“**Delayed pension.** The Commission reimburses the contributions received from a subscriber, who, after having reached the age of retirement, continues to work for

an employer subject to the Act. Consequently, no pension is payable to this subscriber under the plan for any subsequent period of work.”;

(2) by adding the following at the end of subsection 1 of the second paragraph “for which he has continued to work, or for any other employer for which he has worked afterwards”.

14. Section 134 of this Regulation is amended by deleting, in subsection 3 of the first paragraph, the word “temporary”.

15. Sections 145 and 146 of this Regulation are amended by replacing “2449” by “2452”.

16. Section 149 of this Regulation is amended by adding the following sentence at the end: “The Commission shall proceed with the transfer at the deadline, even without a request from the beneficiary.”.

17. Section 154 of this Regulation is amended by replacing the words “a salaried employee and who does not have the right to receive a normal pension, an optional pension or an early pension” by “active and who does not have the right to receive a normal pension, an optional pension or an early pension without reduction”.

18. Section 159 of this Regulation is amended by replacing the words “the first payment” by the words “the first payments”.

19. Section 165 of this Regulation is amended by adding the following paragraph at the end:

“In the case of a subscriber affected by section 139 or 140, the statement also provides the following information:

(1) the date on which the subscriber ceases to be active;

(2) the services acknowledged by the subscriber’s plan, and those used to determine a deferred pension;

(3) the amount of the reimbursement or the deferred pension;

(4) the value of the subscriber’s deferred pension;

(5) the nature of the death benefit that would be payable depending on whether the death of the subscriber happens before or after the payment of a retirement pension;

(6) the rules applicable to the transfer of a subscriber’s rights in another pension plan;

(7) the reference of the provisions of the plan with regard to early, delayed or other form of payment of the subscriber’s deferred pension.”.

20. Section 166 of this Regulation is amended by replacing subsection 3 by the following:

“(3) the name of the pensioner’s spouse as it is written on the plan’s register or, failing that, the name of the beneficiaries;

(4) the solvency of the plan, as determined on the date of the last actuarial evaluation of the entire plan.”.

21. Section 167 of this Regulation is amended by adding the following sentence at the end: “This statement contains the information provided for in the statement affected by section 165, taking into consideration the required adaptations.”.

22. Section 170 of this Regulation is amended:

(1) by deleting “as of 31 December 1995”;

(2) by inserting, after “1 January 1996”, the words “or until the date on which his disability period ends”.

23. Section 171 of this Regulation is amended by adding the following after the fourth paragraph:

“For the purposes of the enforcement of the first paragraph, the hours credited to an insured employee in accordance with the deleted section 118 of the Regulation shall be added to the credits that he should have been granted in accordance with this section had it not been for his status of employer.”.

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

Draft Regulations

Draft Regulation

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

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

Regulation

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), that the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this Draft Regulation is to increase the contribution that may be required from adult users lodged in a facility maintained by an institution and to delay to 1 January 1998 the next annual indexing of those amounts according to the Pension Index established in accordance with the Act respecting the Québec Pension Plan (R.S.Q., c. R-9).

Under section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a shorter period than the period applicable to it by reason of the urgency due, in the opinion of the Government, to the following circumstances:

— the current prices of rooms, as fixed in the Regulation, do not allow for the recovery of all the expenses incurred by institutions for lodging and maintenance activities, so much so that lodged adults who can afford it do not pay for the full cost of their lodging. That situation leaves the society with the responsibility to bear those expenses through general taxation and it must be remedied as soon as possible;

— furthermore, the additional income resulting from that increase in prices, together with other money saving measures, will make it possible to make some funds available, in particular to maintain the rendering of proper services to adult users lodged in a facility and suffering from an important loss of autonomy.

The draft Regulation has an impact on lodged users who must, under the Regulation, pay the full tariff applicable to their room.

Further information may be obtained by contacting Mr. Serge Rouleau, 1005, chemin Sainte-Foy, rez-de-chaussée, Québec (Québec), G1S 4N4; Tel.: (418) 644-2985, Fax: (418) 643-3177.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,

Minister of Health and Social Services

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5, s. 159, 160 and 161.1; 1994, c. 23, s. 20)

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 512, 514, 515 and 619.41)

1. The Regulation respecting the application of the Act respecting health services and social services (R.R.Q., 1981, c. S-5, r. 1), amended by the Regulations made by Orders in Council 3411-81 dated 9 December 1981 (Suppl., p. 1183), 456-82 dated 3 March 1982 (Suppl., p. 1184), 613-82 dated 17 March 1982 (Suppl., p. 1188), 614-82 dated 17 March 1982 (Suppl., p. 1189), 685-82 dated 24 March 1982 (Suppl., p. 1191), 2076-82 dated 15 September 1982, 128-83 dated 26 January 1983, 476-83 dated 17 March 1983, 883-83 and 884-83 dated 4 May 1983, 1315-83 dated 22 June 1983, 1879-83 dated 21 September 1983, 2593-83 dated 14 December 1983, 642-84 dated 21 March 1984, 1127-84 dated 16 May 1984, 1320-84 dated 6 June 1984, 1373-84 dated 13 June 1984, 1426-84 dated 20 June 1984, 1632-84 dated 11 July 1984, 2050-84 dated 19 September 1984, 2809-84 dated 19 December 1984, 1039-89 dated 28 June 1989, 967-90 dated 4 July 1990, 1800-90 dated 19 December 1990, 1728-91 dated 11 December 1991, 288-92 dated 26 February 1992, 1757-92 dated 2 December 1992, 21-93 and 22-93 dated 13 January 1993, is further amended in section 360

(1) by substituting “\$41.72”, “\$34.88” and “\$25.92” for “\$36.40, “\$30.43” and “\$22.61”, respectively, in the first paragraph; and

(2) by substituting “1 January 1998” for “1 January 1993” in the second paragraph.

2. Section 372 is amended

(1) by substituting “\$715.50” and “\$863.70” for “\$645.90” and “\$779.70”, respectively, in the second paragraph;

(2) by substituting “\$715.50” and “\$863.70” for “\$645.90” and “\$779.70”, respectively, in the third paragraph; and

(3) by substituting “1 January 1998” for “1 January 1993” in the third paragraph.

3. This Regulation comes into force on 1 August 1996.

9731

Draft Regulation

Pesticides Act
(R.S.Q., c. P-9.3)

Permits and certificates for the sale and use of pesticides

Environment Quality Act
(R.S.Q., c. Q-2)

Regulation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting permits and certificates for the sale and use of pesticides and the Regulation to amend the Regulation respecting the application of the Environment Quality Act, the texts of which appear below, may be made by the Government upon the expiry of 45 days following this publication.

The Pesticides Act and the regulations thereunder are in force since July 1988 and implement a permit and certificate system designed to control the qualifications of pesticide sellers and users.

The Pesticides Act was amended in December 1993 so as to make it simpler and to rationalize its application, as well as to eliminate some irritants that have become obvious since its coming into force. In order to give effect to those legislative amendments and to allow

their coming into force, amendments are proposed to the existing regulations, that is, the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988, the Regulation respecting the application of pesticides on farms, made by Order in Council 875-88 dated 8 June 1988, and the Regulation respecting the application of pesticides in forests, made by Order in Council 876-88 dated 8 June 1988.

The amendments made to the Act eliminate the obligation to make separate regulations for farms and forests, with a view to making the Pesticides Act and the regulations thereunder easier to interpret and administer. They also extend the period of validity of permits and certificates to reduce the number of administrative formalities for the persons concerned and the Government. To replace the obligation to forward a statement of transactions each year to the Minister of the Environment and Wildlife, they give the Minister more flexible power in requiring that data concerning the sale and use of pesticides be forwarded to him.

Thus, the new draft Regulation is the result of the amalgamation of the 3 existing regulations and it indexes and adjusts the tariff of fees for permits and certificates to take into account the extension of their period of validity. Most provisions concerning statements of transactions are eliminated.

In addition, private users of molluscicides against the zebra mussel or of slimicides are exempted from the permit and certificate system. The draft Regulation defines classes and subclasses of activities and introduces some new ones for the purposes of harmonization with the federal-provincial guidelines concerning the certification of pesticide users. In the area of classification, minor adjustments have been made to include in specific classes certain mixtures of fertilizers and pesticides and certain active ingredients.

Since the Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, requires that authorization be obtained before using pesticides in Class 1 established by the Regulation respecting pesticides, concordance amendments are made thereto to make reference to the classification established in the new Regulation respecting permits and certificates.

As far as businesses are concerned, the proposed amendments will considerably reduce the number of administrative requirements related, in particular, to the applications for and the renewal of permits and certificates and to the drawing up of statements of sale and use. Greenhouse producers will have to comply with new qualification requirements as soon as the appropri-

ate training programs become available. Finally, the amendments made to the classification of pesticides will have no impact on current industry practices.

Further information on the draft Regulation respecting permits and certificates for the sale and use of pesticides and on the concordance amendment to the Regulation respecting the application of the Environment Quality Act may be obtained from Mr. Pierre-Paul Dansereau, Direction de la coordination réglementaire, ministère de l'Environnement et de la Faune, 3900, rue de Marly, 5^e étage, Sainte-Foy (Québec), G1X 4E4, tel. (418) 646-8274.

Any interested person having comments to make on the draft Regulation respecting permits and certificates for the sale and use of pesticides and on its concordance amendment is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment and Wildlife, 150, boulevard René-Lévesque Est, 17^e étage, Québec (Québec), G1R 4Y1.

JACQUES BRASSARD,
Minister of the
Environment and Wildlife

Regulation respecting permits and certificates for the sale and use of pesticides

Pesticides Act
(R.S.Q., c. P-9.3, ss. 32, 101, 104
and 109, pars. 1 to 11, 12 and 13)

DIVISION I SCOPE

1. This Regulation applies to pesticides included in the classes of pesticides established by sections 2 to 10.

It also applies to immovables comprised in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

DIVISION II CLASSES OF PESTICIDES

2. Classes of pesticides 1 to 5 are hereby established.

Pesticides belong to the class of pesticides in which they are respectively included by sections 3 to 7.

A pesticide used in a form different from the form in which it is marketed continues to belong to the class in which it is included.

3. The following pesticides are included in Class 1:

(1) any pesticide the registration of which is not required by the Pest Control Products Act (R.S.C., 1985, c. P-9), except for a mixture of pesticide and fertilizer; and

(2) any pesticide composed of a mixture containing one or more of the following active ingredients:

(a) aldicarb;

(b) aldrin;

(c) chlordane;

(d) dieldrin;

(e) endrin;

(f) heptachlor.

4. A pesticide that is not specifically included in Class 1 or Class 3 is included in Class 2, where the container bears the word "RESTRICTED" on a label or inscription or where that word appears in a document accompanying it.

5. The following pesticides are included in Class 3:

(1) any pesticide that is not specifically included in another class, where the container bears the word "COMMERCIAL", "AGRICULTURAL" or "INDUSTRIAL" on a label or inscription or where that word appears in a document accompanying it;

(2) any pesticide composed of *Bacillus thuringiensis Berliner var Kurstaki* intended for use in forests or on wooded land; and

(3) any pesticide prepared by the user by mixing a fertilizer with a Class 3 pesticide.

6. The following pesticides are included in Class 4:

(1) any pesticide that is not specifically included in one of the other classes, where the container bears the word "DOMESTIC" on a label or inscription or where that word appears in a document accompanying it;

(2) any fertilizer-pesticide mixture for the lawn, except a mixture included in Class 3.

7. A pesticide whose container bears the word "DOMESTIC" on an inscription or label is included in Class 5 where

(1) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than one litre or one kilogram, respectively, and it is intended for one or more of the following uses exclusively:

(a) fabric protection, if the product is composed of paradichlorobenzene or naphthalene;

(b) as ant bait, if the container protects users against contact with the product;

(c) as animal repellent, if the product is not polymerized butene-based or thiram-based;

(d) flea-repellant collars or tags for dogs and cats;

(e) insect repellent to be applied on human beings;

(f) herbicide for local treatment;

(2) it is marketed in a form requiring no preparation or dilution and in a volume or weight equal to or less than one litre or one kilogram, respectively, and it is composed of a mixture that contains one or more of the following active ingredients exclusively:

(a) allethrin;

(b) D-Trans allethrin;

(c) cypermethrin;

(d) tetramethrin;

(e) resmethrin;

(f) pyrethrin;

(g) piperonyl butoxide;

(h) bis (butylene-2) tetrahydro-2, 3, 4, 5 furfural-2;

(i) n-octyl bicycloheptene dicarboximide;

(j) di-n-propyl isocinchomeronate;

(k) n-octyl hydroxyethyl-2 sulphide;

(l) D-cis, trans allethrin;

(m) permethrin;

(n) deltamethrin;

(o) soap;

(p) diatomaceous earth; or

(3) it is composed of a mixture containing one or more of the following active ingredients exclusively:

(a) *Bacillus thuringiensis Berliner var Kurstaki*;

(b) diatomaceous earth;

(c) soap.

8. A word appearing on a label or inscription or in an accompanying document and referred to in sections 4 to 7 means the word appearing on the principal display panel prescribed by the Pest Control Products Regulations for the designation of the class of a pest control product.

9. Ingredients that are used or prepared for use as the following are not included in the classes of pesticides established in sections 2 to 7.

(1) an algicide or bactericide for swimming pools or aquariums or for the treatment of drinking water;

(2) an air cleanser;

(3) a disinfectant; or

(4) a detergent additive.

10. Class 4 and Class 5 pesticides and the pesticides mentioned in section 9 are hereby designated for domestic use for the purposes of the second paragraph of section 34 of the Pesticides Act (R.S.Q., c. P-9.3).

DIVISION III PERMITS

11. The following classes of permits relating to pesticides are hereby established:

(1) Class A: Wholesale Permit;

(2) Class B: Retail Permit;

(3) Class C: Remunerated Work Permit; and

(4) Class D: Non-Remunerated Work Permit.

§1. Sale of pesticides

12. Class A: “Wholesale Permit” covers the following sales activities for resale purposes:

(1) the sale or offer for sale of a Class 1 to Class 5 pesticide to a person holding a wholesale permit or a Subclass B1 retail permit;

(2) the sale or offer for sale of a Class 4 or Class 5 pesticide to a person holding a Subclass B2 retail permit; and

(3) the sale or offer for sale of a Class 5 pesticide or of a pesticide that is a topical medication for external use on animals to a person who retails those pesticides.

13. Class B: “**Retail Permit**” covers sales activities involving, for the purposes of use, Class 1 to Class 4 pesticides included in the following subclasses:

(1) Subclass B1: “**Retail Sale of Class 1 to Class 4 Pesticides**” covers the sale or offer for sale, for the purpose of use, of

(a) a Class 1 pesticide, to a person holding a certificate of authorization issued by the Minister of the Environment and Wildlife under section 22 of the Environment Quality Act (R.S.Q., c. Q-2);

(b) a pesticide composed in whole or in part of aluminum phosphide to a person holding

i. a Subclass C6 or D6 permit;

ii. a Subclass E4 or E5 certificate;

(c) a pesticide composed, in whole or in part, of methyl bromide, carbon dioxide and ethylene oxide to a person holding

i. a Subclass C6 or D6 permit;

ii. a Subclass E5 certificate;

(d) a Class 2 or Class 3 pesticide, other than those listed in subparagraphs *b* and *c*, to a person who

i. holds a permit authorizing that person to cause work involving the use of that pesticide to be performed; or

ii. is exempt from such permit, but holds an application certificate for Class E or Class F pesticides established by section 36 or 37 and authorizing that person to apply that pesticide or, if the person does not hold such a certificate, has a holder of such a certificate in his service;

(e) a Class 3 pesticide, other than a pesticide mentioned in subparagraph *c*, to the following persons or a person authorized to act on their behalf:

i. a farmer whose agricultural operation is registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 1692-91 dated 11 December 1991; and

ii. a forest manager holding a management permit issued under the Forests Act (R.S.Q., c. F-4.1) for the cultivation and operation of a sugar bush for acericultural purposes or for the supply of a wood processing plant, or recognized as a forest producer under Chapter II of Title II of that Act and holding a certificate issued under those legislative provisions; or

(f) a Class 4 pesticide to a legal person or a person at least 16 years of age;

(2) Subclass B2: “**Retail Sale of Class 4 Pesticides**” covers the sale or offer for sale, for the purpose of use, of a Class 4 pesticide to a legal person or a person at least 16 years of age.

§2. *Pesticide application*

14. Class C: “**Remunerated Work Permit**” covers activities involving the use of a Class 1 to Class 4 pesticide, carried on for remuneration and included in the following subclasses:

(1) Subclass C1: “**Aerial Application**” covers the application of a Class 1 to Class 4 pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass C2: “**Aquatic Application**” covers the application above water of a Class 1 to Class 4 pesticide on a boat’s hull and the application, using an application method other than an aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass C3: “**Application on Raw Land**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass C4: “**Ornamental Horticulture Application**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to eliminate plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or eliminate plants growing therein.

(5) Subclass C5: “**Application for Extermination**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, in order to destroy or control harmful vertebrate animals where they are, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass C6 and pesticide application to control or destroy undesirable fish in an aquatic environment are not covered by this Subclass;

(6) Subclass C6: “**Application by Fumigation**” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, ethylene oxide and phosphine;

(7) Subclass C7: “**Application in Forest Areas**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, in order to destroy or control animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass C8: “**Application on Cultivated Land**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an aircraft, on cultivated land, in order to destroy or control invertebrates harmful to crops growing thereon, except for decorative or ornamental plants, and to prevent or fight the parasitic diseases of those crops, to control their growth or to destroy plants harmful to them; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass;

(9) Subclass C9: “**Application for Control of Stinging Insects**” covers the application of a Class 1 to Class 4 pesticide, using an application method other than an

aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(10) Subclass C10: “**Application in Buildings for Horticultural Purposes**” covers the application, in a building, of a Class 1 to Class 4 pesticide that is not mentioned in Subclass C6

(a) on the plants cultivated in a building in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 metre in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

(11) Subclass C11: “**Other Applications**” covers the application of a Class C pesticide that is not included in Subclasses C1 to C10 and for which the application method, purpose and application place are specified in the permit.

15. Class D: “**Non-Remunerated Work Permit**” covers activities involving the use of a Class 1 to Class 3 pesticide, carried on without remuneration and included in the following subclasses:

(1) Subclass D1: “**Aerial Application**” covers the application of a Class 1 to Class 3 pesticide by means of an aircraft, for any purpose and over any space to which an aircraft has legal access;

(2) Subclass D2: “**Aquatic Application**” covers the application above water of a Class 1 to Class 3 pesticide on a boat’s hull and the application, using an application method other than an aircraft, of such pesticide in the sea, a gulf, a river, a watercourse, a lake, a pond, a swamp, a marsh, an ornamental lake or pond or a facility immersed therein, in order to destroy or control vegetation or an aquatic organism developing therein, except stinging insect larvae;

(3) Subclass D3: “**Application on Raw Land**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in road, rail and energy transportation corridors, related service areas or accessory spaces, parking areas or outdoor storing areas, as well as on raw land, in order to destroy or control the vegetation growing thereon;

(4) Subclass D4: “**Ornamental Horticulture Application**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft; fumigation of a gas mentioned in Subclass D6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants not intended for sale are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to eliminate plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or eliminate plants growing therein.

Fumigation of a pesticide mentioned in Subclass D6 is not covered by this Subclass;

(5) Subclass D5: “**Application for Extermination**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in order to destroy or control harmful vertebrate animals where they are, to destroy or control invertebrate animals that attack harvested plants or parts thereof or to prevent and fight the parasitic diseases of those plants, and to destroy or control harmful invertebrate animals in vehicles, containers, buildings and the areas around buildings, except for invertebrates harmful to plants; fumigation of a gas mentioned in Subclass D6 and pesticide application to control or destroy undesirable fish in an aquatic environment are not covered by this Subclass;

(6) Subclass D6: “**Application by Fumigation**” covers the application of the following gases, for any purpose, by means of fumigation in a closed or confined space: methyl bromide, carbon dioxide, ethylene oxide and aluminium phosphine;

(7) Subclass D7: “**Application in Forest Areas**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in order to destroy or control animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or the field production of plants intended for reforestation, and to eliminate or control plants on forest roads;

(8) Subclass D8: “**Application for Control of Stinging Insects**” covers the application of a Class 1 to Class 3 pesticide, using an application method other than an aircraft, in an aquatic environment, in order to destroy stinging insect larvae, or in the atmosphere, in order to control adult stinging insects;

(9) Subclass D9: “**Application in Buildings for Ornamental Horticultural Purposes**” covers the application, in a building, of a Class 1 to Class 3 pesticide, except fumigation of the gases referred to in Subclass D6,

(a) on ornamental or decorative plants not intended for sale and cultivated in a building, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

(b) in any ornamental lake or pond located in a building, in order to control or eliminate the plants growing therein; or

(c) on a strip not exceeding 1 metre in width around a greenhouse, in order to control or eliminate the harmful vegetation or animals in that strip;

(10) Subclass D10: “**Other Applications**” covers the application of a Class D pesticide that is not included in Subclasses D1 to D9 and for which the application method, purpose and application place are specified in the permit.

§3. *Exemption from permit*

16. A pesticide is exempted from the application of the second paragraph of section 34 of the Pesticides Act where it is used

(1) to prepare water or fluid used in the operation of evaporation, washing, extraction, cooling, pasteurization or heating equipment or in the manufacture of a product other than a pesticide; or

(2) in a pesticide injection system in a drinking water catchment facility or in an industrial water intake, in order to prevent the proliferation of zebra mussels in such facilities and in the pipes they supply.

§4. *Application for a permit or for a modification of a permit*

17. Every application for a permit or for a modification of a permit shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, domicile and postal address;

(2) if the applicant is a legal person, its name, head office, the names, domiciles and postal addresses of its officers, and the quality of the person signing the application;

(3) if the applicant is a partnership within the meaning of the Civil Code of Québec, the names, domiciles and postal addresses of the partners;

(4) a statement identifying the class and, where applicable, the subclasses of the permits covered by the application;

(5) a statement identifying the classes of pesticides the applicant intends to sell or use in carrying on his activities; and

(6) the name and address of the place of business or establishment for which the permit is applied for or, for a Class A, B or C permit, the name and address of each establishment located in Québec that is covered by the application and will be used in the carrying on of the activities for which the permit is applied for.

18. In addition to the information prescribed by section 17, the application for a permit or a modification of a permit shall be accompanied by,

(1) in the case of a legal person, its charter, a certified copy of the resolution authorizing the signing of the application for a permit and the designating number assigned by the Inspector General of Financial Institutions;

(2) in the case of a partnership within the meaning of the Civil Code of Québec, a copy of the contract of partnership or of the declaration of partnership required under that Code; and

(3) where a name different from its proper name is used, a copy of the notice to the Inspector General of Financial Institutions.

19. Where a modification of a permit is applied for, the applicant is exempt from the obligation to provide a document already provided to the Minister with a prior application, where the information in the document already provided is still up to date.

20. An applicant for a permit or a modification of a permit shall pay, with his application, the fees exigible in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

21. The fees exigible for the issue of a permit are

- (1) for a Class A permit: \$450;
- (2) for a Subclass B1 permit: \$450;
- (3) for a Subclass B2 permit: \$150;

(4) for a Class C permit: \$450;

(5) for a Class D permit: \$75.

22. The fees exigible for the issue of a temporary permit are

(1) for a Class C permit: \$200;

(2) for a Class D permit: \$75.

23. The fees exigible for the issue of a permit shall be indexed on 1 January of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 30 September of the preceding year, as determined by Statistics Canada.

The fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of the Environment and Wildlife shall inform the public, through Part One of the *Gazette officielle du Québec* and by such other means as he considers appropriate, of the indexing calculated under this section.

24. Every person who applies for a Class A, B or C permit and who carries on his activities in several establishments in Québec shall pay the fees exigible under section 21 for each establishment that he uses to carry on his activities.

25. A holder of a Class A, B or C permit who wishes to carry on an activity in a new establishment in Québec for the carrying on of activities already authorized by his permit shall first apply for modification of his permit; with his application for modification, he shall pay the fees exigible under section 21 for each establishment covered by the application. Notwithstanding the foregoing, if the application is made during the last 18 months of validity of the permit, the fees are fixed at half the fees prescribed in section 21.

26. The fees prescribed in sections 21 and 22 apply to an application for modification of a permit where the holder applies for a change in permit class or for a change from Subclass B2 to Subclass B1.

27. The charge exigible for the issue of a duplicate of a permit is \$5.

28. An application for renewal of a permit shall be made at least 30 days before it expires, on the form provided by the Minister.

The application shall include the information prescribed in section 17, the permit number and the date of expiry.

Where the application is made by a legal person, it shall also include the documents prescribed in paragraph 1 of section 18, except for the charter, unless the charter has been amended since the sending of a copy thereof at the time the permit was applied for; in such case, the application shall include a copy of the amendment to the charter.

The applicant shall pay, with his application, the fees exigible for the issue of a permit by means of a postal money order or certified cheque to the order of the Minister of Finance.

29. The issuance or renewal of a temporary Class C permit is conditional on the furnishing by the applicant or a third party on the applicant's behalf of a guarantee intended to repay the Minister any costs he may have to incur for measures taken pursuant to section 24, 26 or 27 of the Pesticides Act.

The minimum amount of such guarantee is \$50 000.

30. The guarantee shall be furnished as

(1) cash, a bank money order or a certified cheque to the order of the Minister of Finance;

(2) bearer bonds issued or guaranteed by Québec, Canada or a Canadian province or territory, the United States of America or one of its member states, the International Bank for Reconstruction and Development, a municipality or a school board in Canada or a fabrique in Québec;

(3) security or a guarantee policy, with a stipulation that it is joint and several and with a waiver of the benefits of discussion and division, taken out with a legal person authorized to stand surety under the Bank Act (S.C., 1991, c. 46), the Savings and Credit Unions Act (R.S.Q., c. C-4.1), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01) or the Act respecting insurance (R.S.Q., c. A-32); or

(4) an irrevocable letter of credit issued by a bank or a savings and credit union.

31. The cash, cheques or securities furnished as guarantee shall be deposited with the Minister of Finance for

the duration of the permit and until the expiry of the 6-month period following the date of expiry or revocation of the permit, whichever occurs first.

32. A guarantee furnished as security, a guarantee policy or a letter of credit shall be of a duration equal to the duration of the permit.

The guarantee shall contain a clause stipulating that any claim based on the permit holder's failure to discharge his obligations must be made at least 6 months after the guarantee expires or, as the case may be, after its revocation, resiliation or cancellation.

Any revocation, resiliation or cancellation clause in a guarantee may take effect only after advance notice of at least 15 days is sent to the Minister by registered mail.

DIVISION IV CERTIFICATES

33. The following classes of certificates relating to the sale and application of pesticides are hereby established:

- | | |
|--|-----------|
| (1) Certificate for the Sale of Pesticides: | Class AB; |
| (2) Certificate for the Application of Pesticides: | Class CD; |
| (3) Farmer's Certificate for the application of Pesticides: | Class E; |
| (4) Forest Manager's Certificate for the Application of Pesticides | Class F. |

§1. Sale of pesticides

34. A Class AB: "Certificate for the Sale of Pesticides" authorizes a natural person holding the certificate to perform the sales activities described in Class A: "Wholesale Permit", in respect of Class 1 to Class 5 pesticides, or the sales activities described in Class B: "Retail Permit", Subclass B1, in respect of Class 1 to Class 4 pesticides, or Subclass B2, in respect of Class 4 pesticides, or to supervise those activities on the premises where they are performed.

§2. Pesticide application

35. A Class CD: "Certificate for the Application of Pesticides" covers activities involving the use of Class 1 to Class 4 pesticides, carried on by a person who is not covered by Class E or Class F and included in the following subclasses:

(1) a Subclass CD1: “**Aerial Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C1, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D1, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(2) a Subclass CD2: “**Aquatic Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C2, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D2, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(3) a Subclass CD3: “**Raw Land Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C3, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D3, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(4) a Subclass CD4: “**Ornamental Horticulture Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C4, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D4, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(5) a Subclass CD5: “**Extermination Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C5, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D5, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(6) a Subclass CD6: “**Fumigation Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C6 or Subclass D6, in respect of the gases mentioned in those subclasses, or to supervise those activities on the premises where they are performed;

(7) a Subclass CD7: “**Forest Area Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C7, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D7, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(8) a Subclass CD8: “**Cultivated Land Application Certificate**” authorizes the natural person holding it to carry on the activities described in permit Subclass C8, in respect of a Class 1 to Class 4 pesticide, or to supervise those activities on the premises where they are performed;

(9) a Subclass CD9: “**Certificate for Application Against Stinging Insects**” authorizes the natural person holding it to carry on the activities described in permit Subclass C9, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D8, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(10) a Subclass CD10: “**Certificate for Application in Buildings for Horticultural Purposes**” authorizes the natural person holding it to carry on the activities described in permit Subclass C10, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D9, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed;

(11) a Subclass CD11: “**Certificate for Other Applications**” authorizes the natural person holding it to carry on the activities described in permit Subclass C11, in respect of a Class 1 to Class 4 pesticide, and the activities described in permit Subclass D10, in respect of a Class 1 to Class 3 pesticide, or to supervise those activities on the premises where they are performed.

36. A Class E: “**Farmer’s Certificate for the Application of Pesticides**” covers the activities involving the use of a Class 1 to Class 3 pesticide that are included in Subclasses E1 to E5 described below and are carried on by a natural person who is a farmer, a person authorized to act on behalf of a farmer, or a farmer’s employee, or who is acting under the supervision of a Class E certificate holder:

(1) a Subclass E1: “**Farm Producer’s Certificate**” authorizes the holder

(a) to perform, using an application method other than an aircraft, work involving the use of a Class 1 or Class 2 pesticide, except work described in Subclasses E3, E4 and E5, on an agricultural operation, including a woodlot forming a part thereof, registered under the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations, made by Order in Council 1692-91 dated 11 December 1991, as it reads at the time it is applied, in order to destroy or control harmful animals and plants, to control the growth of plants, to protect

those plants against parasitic diseases, or to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of the agricultural operation; and

(b) to supervise those activities on the premises where they are performed;

(2) a Subclass E2: “**Farmer’s Certificate**” authorizes the holder

(a) to perform, using an application method other than an aircraft, work involving the use of a Class 1 to Class 3 pesticide, except the work described in Subclasses E3, E4 and E5, in order to destroy or control harmful animals and plants on an agricultural operation and the woodlot forming a part thereof, to control the growth of plants and to protect them from parasitic diseases, to destroy or control aquatic plants in a pond without an outlet entirely contained within the limits of an agricultural operation; and

(b) to supervise those activities on the premises where they are performed;

(3) a Subclass E3: “**Farmer’s Certificate for Application in Buildings for Horticultural Purposes**” authorizes the holder

(a) to apply, in a building, Class 1 to Class 3 pesticides

i. on plants cultivated therein and intended for sale in whole or in part, in order to destroy or control plants and animals harmful to them, to control the growth of those plants or to protect them from parasitic diseases;

ii. in ornamental lakes and ponds located in the building, in order to control or to eliminate the plants growing therein;

(b) to apply a pesticide referred to in subparagraph *a* on a strip not exceeding 1 metre in width around a greenhouse, in order to control or to eliminate the harmful vegetation or animals within that strip;

(c) to supervise the activities provided for in subparagraphs *a* and *b* on the site where they are performed;

(4) a Subclass E4: “**Certificate for the Fumigation of Phosphine**” authorizes the holder to fumigate phosphine on an agricultural operation or to supervise that activity on the site where it is performed;

(5) a Subclass E5: “**Certificate for the Fumigation of Certain Gases**” authorizes the holder to fumigate methyl bromide, carbon dioxide, ethylene oxide or phos-

phine or to supervise that activity on the site where it is performed.

37. A Class F: “**Forest Manager’s Certificate for the Application of Pesticides**” covers activities involving the use of a Class 1 to Class 3 pesticide, included in Subclass F1 and Subclass F2 described below and carried on by a natural person who is a forest manager exempt from the obligation to hold a permit under paragraph 2 of section 35 of the Act, a person authorized to act on behalf of such forest manager or a person employed by such forest manager or acting under the supervision of a Class F certificate holder:

(1) a Subclass F1: “**Certificate of a Forest Producer or of a Holder of a Forest Management Permit**” authorizes the holder

(a) to apply, using an application method other than an aircraft, a Class 1 or Class 2 pesticide, in order to destroy or control harmful animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation in a forest operation managed by a forest producer recognized under Chapter II of the Forests Act and holding a certificate issued under those provisions or operated under a management permit issued under that Act for the cultivation and operation of a sugar bush for acericultural purposes or for the supply of a wood processing plant;

(b) to supervise those activities on the sites where they are performed;

(2) a Subclass F2: “**Forest Manager’s Certificate**” authorizes the holder to perform, using an application method other than an aircraft, work involving the use of a Class 1 to Class 3 pesticide in order to destroy or control harmful animals, parasitic vegetation or diseases in forest areas, farm woodlots and other wooded spaces or spaces reserved for reforestation or for the field production of plants intended for reforestation and to supervise those activities on the sites where they are performed.

§3. Application for a certificate or for modification of a certificate

38. Any application for a certificate or for a modification of a certificate shall be made on the form provided by the Minister.

Such application shall include

(1) the applicant’s name, address and telephone number;

(2) a statement identifying the certificate class and, where applicable, the subclasses covered by the application; and

(3) a statement identifying the classes of pesticides the applicant intends to sell or use in the carrying on of his activities.

The application for a certificate shall be accompanied by an attestation that the applicant has passed the examination prescribed or recognized by the Minister or by the documents required by the Minister pursuant to subparagraph 1 of the first paragraph of section 54 of the Act.

Where a Subclass E1 or F1 certificate is applied for, the application shall be accompanied, as the case may be, by a copy of the farm producer card, of the forest producer certificate or of the forest management permit.

An application for modification of a certificate shall also be accompanied by the attestation or documents referred to in the third paragraph where the holder applies for a change of certificate class or subclass or for the addition of a subclass.

39. The fees exigible for the issue of a certificate are \$125. They shall be paid with the application for a certificate, in cash or by means of a postal money order or certified cheque to the order of the Minister of Finance.

Those fees shall be indexed on 1 January of each year in accordance with the provisions of section 23.

40. The charge exigible for the issue of a duplicate of a certificate is \$5.

41. An application for renewal of a certificate shall be made at least 30 days before it expires, on the form provided by the Minister of the Environment and Wildlife.

The application shall include the information prescribed in the second paragraph of section 38, the certificate number, its date of expiry and the documents mentioned in the fourth paragraph of section 38.

42. An application for renewal shall be accompanied by the fees exigible under section 39 in the form of a postal money order or certified cheque to the order of the Minister of Finance.

DIVISION V TERMS AND CONDITIONS APPLICABLE TO PERMITS AND CERTIFICATES

43. A holder of a permit or certificate for the sale of pesticides may not sell or cause to be sold a pesticide that is specifically mentioned in section 13 or a pesticide belonging to a class of pesticides mentioned in his class of permit or certificate, to a person who is not identified in that class of permit or certificate as a person authorized to acquire that pesticide.

44. A holder of a remunerated work permit may neither offer to perform for remuneration, nor cause to be performed nor perform for remuneration work involving the application of a pesticide other than a Class 5 pesticide for a purpose, in a place, in a space, on an object or property or using an application method that is not covered by his permit.

45. A holder of a non-remunerated work permit may neither offer to perform, nor perform or cause to be performed work involving the application of a Class 1 to Class 3 pesticide for a purpose, in a place, in a space, on an object or property or using an application method that is not covered by his permit.

46. A holder of a Class CD, E or F certificate may not supervise or perform work involving the application of a pesticide of a class mentioned in one of the certificate subclasses of those classes for a purpose, in a place, in a space, on an object or property or using an application method that is not covered by his permit.

DIVISION VI REGISTERS

47. A holder of a Class A permit shall keep a register of his purchases and sales, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address and permit number and, for each transaction involving the purchase or sale of a Class 1 to Class 5 pesticide, at least the following information:

- (1) the name, address and permit number of the customer or supplier;
- (2) the name, class, federal registration number and quantity of pesticide purchased or sold; and
- (3) the date of the transaction.

48. A holder of a Class A permit shall forward to the Minister, not later than 31 January of each year, an account of the information kept in the registers, indicat-

ing for each Class 1 to Class 5 pesticide that he manufactures or buys directly from a supplier not holding a sales permit, the name, federal registration number and total quantity of pesticide sold between 1 January and 31 December of the preceding year.

49. A holder of a Subclass B1 permit shall keep a register of his purchases and sales, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address and permit number and at least the following information:

(1) for each transaction involving the purchase of a Class 1 to Class 3 pesticide:

(a) the name, address and permit number of the supplier;

(b) the name, class, federal registration number and quantity of pesticide purchased; and

(c) the date of the transaction;

(2) for each transaction involving the sale of a Class 1 to Class 3 pesticide:

(a) the customer's name and address and

i. the permit number, if he is the holder of a permit;

ii. the certificate number, if he is the holder of a certificate; and

iii. the certificate number of the customer's employee, if the customer is a person exempt from a permit under section 35 of the Act;

(b) the name, class, federal registration number and quantity of pesticide sold;

(c) the date of the transaction;

(d) where a Class 1 pesticide is sold, the file number of the customer's certificate of authorization issued under section 22 of the Environment Quality Act;

(e) where a Class 3 pesticide is sold to a person referred to in clauses *i* and *ii* of subparagraph *c* of paragraph 1 of section 13:

i. the number of the farmer's registration card;

ii. the number of the forest producer's card or of the forest manager's management permit.

50. A holder of a Class C or Class D permit shall keep a register of his purchases, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address, permit number and, for each transaction involving the purchase of a Class 1 to Class 3 pesticide, at least the following information:

(1) the supplier's name, address and permit number;

(2) the name, class, federal registration number and quantity of pesticide purchased; and

(3) where a Class 1 pesticide is purchased, the file number of his certificate of authorization issued under section 22 of the Environment Quality Act.

51. A holder of a Class C permit shall keep a pesticide use register, as well as account books. He shall also keep the related vouchers.

The registers, account books and vouchers shall indicate his name, address, permit number and, for each transaction relating to work involving the use of a Class 1 to Class 4 pesticide, at least the following information:

(1) the date on which the work is performed;

(2) the customer's name and address;

(3) the reasons warranting the work and the site where it was performed;

(4) identification of what the treatment was applied to, including the surface area, volume or quantity;

(5) the name, class, federal registration number and quantity of pesticide used;

(6) the name of the certificate holder who performed the work or supervised it and the certificate number; that certificate holder shall sign the register in respect of those entries.

In the case of a Subclass C1 permit, the following information shall be furnished, in addition to the information prescribed in the first paragraph:

(1) wind direction;

(2) the pilot's name, and the type and registration number of each aircraft used.

The holder of a Subclass C1 permit shall hold and keep a card indicating the space treated and the take-off site of the aircraft used.

52. A holder of a Class D permit shall keep a use register for Class 1 to Class 3 pesticides, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address, permit number and, for each use, at least the date, information and signatures referred to in subparagraphs 3 to 6 of the second paragraph of section 51.

In the case of a holder of a Subclass D1 permit, the registers, account books and vouchers shall also indicate the information provided for in the third paragraph of section 51. The holder of a Subclass D1 permit shall hold and keep the card provided for in the fourth paragraph of section 51. A holder of a Class C permit shall keep a pesticide use register, as well as account books. He shall also keep the related vouchers.

The registers, account books and vouchers shall indicate his name, address, permit number and, for each transaction relating to work involving the use of a Class 1 to Class 4 pesticide, at least the following information:

- (1) the date on which the work is performed;
- (2) the customer's name and address;
- (3) the reasons warranting the work and the site where it was performed;
- (4) identification of what the treatment was applied to, including the surface area, volume or quantity;
- (5) the name, class, federal registration number and quantity of pesticide used;
- (6) the name of the certificate holder who performed the work or supervised it and the certificate number; that certificate holder shall sign register in respect of those entries.

In the case of a Subclass C1 permit, the following information shall be furnished, in addition to the information prescribed in the first paragraph:

- (1) wind direction;
- (2) the pilot's name, and the type and registration number of each aircraft used.

The holder of a Subclass C1 permit shall hold and keep a card indicating the space treated and the take-off sit of the aircraft used.

52. A holder of Class D permit shall keep a use register for Class 1 to Class 3 pesticides, as well as account books. He shall also keep the related vouchers.

The register, account books and vouchers shall indicate his name, address, permit number and, for each use, at least the date, information and signatures referred to in subparagraphs 3 to 6 of the second paragraph of section 51.

In the case of a holder of a Subclass D1 permit, the registers, account books and vouchers shall also indicate the information provided for in the third paragraph of section 51. The holder of a Subclass D1 permit shall hold and keep the card provided for in the fourth paragraph of section 51.

53. The holder of a C6 or D6 Class permit shall also record in the pesticide use register, the date and time of each gas content measurement taken during the ventilation period of a place he has fumigated, as well as the concentration of fumigated gas measured.

54. A permit holder shall keep the registers and account books referred to in sections 47 to 53 for 5 years following the last entry, the vouchers for 5 years following their date and the card referred to in section 51 for 5 years following completion of the work.

55. A document evidencing a transaction and containing at least the information that must be recorded in a register provided for in sections 47 to 53 may stand in lieu of such register. That document shall be kept by the person required to keep the register for at least 5 years following its date.

DIVISION VII **PENAL, TRANSITORY AND FINAL**

56. A contravention of sections 43 to 46 constitutes an offence.

57. This Regulation replaces the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988, the Regulation respecting the application of pesticides on farms, made by Order in Council 875-88 dated 8 June 1988 and the Regulation respecting the application of pesticides in forests, made by Order in Council 876-88 dated 8 June 1988.

58. The permits and certificates issued under the replaced regulations remain in force until they expire and remain governed by the provisions of the former regulations that established them.

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

Regulation to amend the Regulation respecting the application of the Environment Quality Act

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, par. f)

1. The Regulation respecting the application of the Environment Quality Act, made by Order in Council 1529-93 dated 3 November 1993, is amended by substituting the following in subparagraph *b* of paragraph 10 of section 2: “, as established by the Regulation respecting permits and certificates for the sale and use of pesticides, made by Order in Council (*indicate the number and date of the Order in Council*)” for “established in Schedule I to the Regulation respecting pesticides, made by Order in Council 874-88 dated 8 June 1988”.

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

9733

Draft Regulation

Nurses Act
(R.S.Q., c. I-8)

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

Nurses — Professional acts which may be performed by persons other than other nurses

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses.

For the purposes of section 95 of the Professional Code, the Regulation, the text of which appears below, will be examined by the Office des professions du Québec. Subsequently, it will be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendments upon the expiry of 45 days following this publication.

The purpose of the Regulation is to allow persons defined in the Regulation as “candidates for the profession of nursing” and “graduates eligible by equivalence” to practise nursing under certain terms and conditions while waiting for the issue of their permit by and their entry on the roll of the Ordre des infirmières et infirmiers du Québec.

The Regulation has no impact on businesses.

Further information on the Regulation may be obtained by contacting:

- Mme Hélène Rajotte
Secretary of the Ordre des infirmières et infirmiers du Québec
- M^e Claudette Ménard, advocate and legal counsel
Director of the Services juridiques de l'Ordre des infirmières et infirmiers du Québec
4200, boulevard Dorchester
Montréal (Québec) H3Z 1V4
Tel.: (514) 935-2501
1-800-363-6048
Fax: (514) 935-1799.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order which made the Regulation and to interested persons, departments or bodies.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Draft regulation respecting the professional acts contemplated in section 36 of the Nurses Act which, under certain terms and conditions, may be performed by persons other than nurses

Nurses Act
(R.S.Q., c. I-8, s.3)

Professional Code
(R.S.Q., c. C-26, s. 94, subpar. *h.*; 1994, c. 40, s. 81)

1. This Regulation applies to both a candidate for the profession of nursing and a graduate eligible by equivalence.

The following expression shall mean:

(1) “candidate for the profession of nursing”: means a person who holds a diploma meeting the permit requirements of the “Ordre des infirmières et infirmiers du Québec”, a person recognized by the Bureau of the Order as having successfully completed a program in nursing or a person whose training received in Québec has been recognized as equivalent by the Bureau of the Order, and who has completed an application for admission to the nursing profession in accordance with the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, approved by decree (*insert the date and O.C. number here*);

(2) “graduate eligible by equivalence”: means a person who holds a diploma issued by an educational establishment outside Québec and of recognized equivalence by the Bureau of the Order or whose training acquired outside Québec has been recognized as equivalent by the Bureau of the Order, has completed an application for admission to the nursing profession in accordance with the regulation mentioned in subparagraph (1);

(3) “nurse”: means any person entered on the roll of the Order;

(4) “program of nursing”: means courses in theory and the clinical practice, as a whole, that lead to a diploma meeting the permit requirements of the Order.

2. A candidate for the profession of nursing may, while awaiting the issuance of her permit and her entry on the roll of the Order, carry out an act provided for in section 36 of the Nurses Act, but only under the supervision of a nurse available in the building where the act is carried out.

Her status shall be that of candidate for the profession of nursing and shall take effect on the day on which the Bureau of the Order recognizes her diploma meeting the permit requirements of the Order, or recognizes that she has successfully completed a program in nursing or that the training received in Québec is recognized as equivalent.

3. A graduate eligible by equivalence may also, while awaiting the issue of her permit and her entry on the roll of the Order, carry out an act provided for in section 36 of the same Act, but only under the supervision of a nurse available in the building where the act is carried out.

Her status shall be that of candidate for the profession of nursing and shall take effect on the day on which the Bureau of the Order recognizes as equivalent either a diploma issued to her by an educational establishment outside Québec or her training received outside Québec.

4. The graduate eligible by equivalence obliged to carry out a professional adaptation training period in accordance with section 3 of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations may, for the duration only of such training period, carry out an act provided for in section 36 of the Nurses Act, under the supervision of a nurse available in the building where the act is carried out.

Her status shall be that of candidate for the profession of nursing and shall take effect on the day on which the Bureau of the Order recognizes that she has accomplished the adaptation training period referred to in the first paragraph of the present section.

5. The status of candidate for the profession of nursing shall end either on the day on which the permit is issued by the Order or upon the expiration of a two year period beginning upon the first registration of the candidate for the professional examination referred to in the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations.

6. The Secretary of the Order shall, in an official or regular publication sent by the Order to every nurse, publish the names of all persons having lost the status of candidate for the profession of nursing.

7. This Regulation comes into force on the day of coming into force of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, approved by decree (*insert the date and O.C. number here*).

9734

Draft Regulation

Nurses Act
(R.S.Q., c. I-8)

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

Nurses

— Terms and conditions for the issue of permits and special authorizations

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des infirmières et infirmiers du Québec made the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations.

For the purposes of section 95 of the Professional Code, the Regulation, the text of which appears below, will be examined by the Office des professions du Québec. Subsequently, it will be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendments upon the expiry of 45 days following this publication.

The purpose of the Regulation is to allow the Ordre des infirmières et infirmiers du Québec to continue to impose, as an additional condition for the issue of a permit to practise the nursing profession, the passing of an examination consisting in a method of assessment of the assimilation of knowledge of candidates for the profession of nursing and of graduates eligible by equivalence and of their capacity to apply their knowledge in solving problems specific to nursing.

The Regulation has no impact on businesses.

Further information on the Regulation may be obtained by contacting:

- Mme Hélène Rajotte
Secretary of the Ordre des infirmières et infirmiers du Québec
- M^e Claudette Ménard, advocate and legal counsel
Director of the Services juridiques de l'Ordre des infirmières et infirmiers du Québec
4200, boulevard Dorchester
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Tel.: (514) 935-2501
1-800-363-6048
Fax: (514) 935-1799.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place-Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. The comments will be sent by the Office to the Minister responsible for the administration of legislation respecting the professions. They may also be sent to the professional order which made the Regulation and to interested persons, departments or bodies.

ROBERT DIAMANT,
*Chairman of the Office des
professions du Québec*

Draft regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations

Nurses Act
(R.S.Q., c. I-8, s. 38, 1st par., subpar. c)

Professional Code
(R.S.Q., c. C-26, s. 94, par. *i* and s. 94.1;
1994, c.40, s. 81 and 82)

DIVISION I INTERPRETATION

1. In this Regulation, unless otherwise indicated by the context, the following expression shall mean:

(1) “candidate for the profession of nursing”: means a person who holds a diploma meeting permit requirements of the Order, a person who has proven to the Bureau of the Order that she has successfully completed a program in nursing or a person whose training received in Québec has been recognized as equivalent by the Bureau of the Order, who has applied to the Order for a permit and is awaiting its issue;

(2) “graduate eligible by equivalence”: means a person who holds a diploma issued by an educational establishment outside Québec and recognized as equivalent by the Bureau of the Order or a person whose training acquired outside Québec has been recognized as equivalent by the Bureau of the Order, and who has applied to the Order for a permit and is awaiting its issue;

(3) “nurse”: means any person entered on the roll of the Order;

(4) “Order”: means the “Ordre des infirmières et infirmiers du Québec”;

(5) “program in nursing”: means courses in theory and the clinical practice, as a whole, that lead to a diploma meeting permit requirements of the Order;

(6) “applicant for special authorization”: means a person who is legally authorized to practise outside Québec the same profession as the members of the Order and who applies for authorization to practise nursing in Québec for the account of a person or a group of persons;

(7) “secretary”: means the secretary of the Order.

DIVISION II GENERAL

2. To obtain a permit issued by the Order in accordance with the Nurses Act (R.S.Q., c. I-8), the Professional Code (R.S.Q., c. C-26) and the Charter of the French language (R.S.Q., c. C-11), any person shall pass the professional examination and, in certain cases, carry out a professional adaptation training period prescribed in this Regulation and shall comply with the other terms and conditions set out herein.

The dues required under this Regulation shall be determined by the Bureau of the Order pursuant to paragraph (8) of section 86.01 of the Professional Code.

Unless otherwise indicated by the context, the provisions of this Regulation that refer to the professional examination apply to the supplemental examination.

DIVISION III PROFESSIONAL ADAPTATION TRAINING PERIOD

3. In the interest of public protection, the Bureau of the Order may oblige a graduate eligible by equivalence to carry out a professional adaptation training period.

“Professional adaptation training period” means a period of integration of forty days of work in a clinical setting completed under the supervision of a nurse available in the building where the act is carried out, in a centre operated by an establishment within the meaning of the Act respecting health services and social services.

4. The professional adaptation training period shall be completed once a candidate has passed the professional examination, although the Bureau may decide that it will be completed at some other time.

Within ten days following completion of the training period, a graduate eligible by equivalence shall submit to the secretary an attestation of completion issued by the centre at which she received the training.

DIVISION IV PROFESSIONAL EXAMINATION

§1. General

5. The professional examination shall assess the extent to which candidates for the profession of nursing and graduates eligible by equivalence have assimilated their knowledge, as well as their capacity to apply their knowledge in solving problems specific to nursing.

6. A candidate for the profession of nursing shall register for and sit the first examination held following, if applicable, the day on which the Bureau of the Order recognizes her diploma meeting the permit requirements, recognizes that she has successfully completed a program in nursing or recognizes the training she received in Québec as equivalent. The candidate may take up to two years from the date set for the first examination for which she must register and that she must sit, to meet all the requirements for the issue of a permit.

The Bureau may excuse a candidate for the profession of nursing from the above-mentioned examination for a satisfactory reason, in particular where her absence is due to illness, accident, childbirth, the death of an immediate family member, or some other major event.

7. A graduate eligible by equivalence shall register for and sit the first examination held following the day on which the Bureau of the Order recognizes as equivalent a diploma issued to her by an educational establishment outside Québec or training that she received outside Québec.

The graduate eligible by equivalence shall pass the professional examination and, where required, shall complete the professional adaptation training period within two years following the decision of the Bureau of the Order to grant an equivalence for a diploma issued by an educational establishment outside Québec or for training received outside Québec.

8. Not less than sixty days preceding the date set for examination, the secretary shall send a notice of examination to each educational establishment that grants a diploma meeting permit requirements. The notice shall be published once in Québec, in a French-language and an English-language daily.

9. Each year the Bureau shall set the registration fees for the examination.

10. The examination may be written in French or in English.

11. The Order shall hold the examination not less than twice per year at locations determined by the Bureau of the Order. The supplemental examination shall be held at the same time.

12. The Bureau of the Order shall determine the passing mark and may decide that the result obtained on the professional examination will be expressed simply as a pass or a failure. Within fifteen days following receipt of the examination results at the corporate seat of the Order, the secretary shall send these to the persons who sat the examination.

13. Where so decided by the professional examination committee, a candidate fails the professional examination where she

(1) registers for the examination under false pretences; or

(2) copies or is party to copying during the examination.

Such decision by the committee may not be revised or appealed and a person who fails for either of the foregoing reasons shall not have the right to sit the supplemental examination.

14. Any person who fails the examination has the right to appeal to an authority designated by the Bureau of the Order to review her mark. An application to that effect shall be made in writing within thirty days following the mailing of the result.

15. No person may rewrite the examination more than twice. A person who fails shall sit the next examination held.

§2. Professional examination committee

16. The professional examination committee set up by resolution under paragraph (2) of section 86.01 of the Professional Code shall be made up of five nurses and a number of substitute members determined by the Bureau of the Order; committee members shall have not less than five years of experience in nursing, in a clinical setting or in teaching in nursing, and shall hold a master's degree.

17. The Bureau of the Order shall appoint the nurses and the substitute members of the committee for a three year term of office, which may be renewed once, and shall designate a chairperson from among the committee members.

18. The committee shall be accountable to the Bureau of the Order for the entire professional examination process, in particular for drafting, evaluating, revising and correcting the examination questions and for supervising all examination sessions held.

The committee shall examine the overall report on the results of each examination and shall make its recommendations to the Bureau of the Order.

19. The committee may appoint experts to sit with its members, subject to the Bureau of the Order's approval for each appointment.

20. Nurses, substitute members of the committee and, where applicable, experts shall take an oath to the effect that they will respect the confidential nature of all information that comes to their attention during the performance of their duties.

21. The Bureau shall determine the general operating rules of the committee in accordance with paragraph (2) of section 86.01 of the Professional Code.

§3. Eligibility for the professional examination for a person having successfully completed a program in nursing

22. To be eligible for the professional examination, a person having successfully completed a program in nursing shall hold:

(1) a registration certificate issued by the secretary when the person registered for the first term of the program in nursing or at the beginning of a professional training period carried out under such program; or

(2) a diploma meeting the Order's permit requirements.

Where the diploma referred to in subparagraph (2) of the first paragraph is not available, the person shall provide proof of successful completion of the program in nursing, particularly by having the educational establishment attended by the person send a transcript to the secretary not less than thirty days preceding the date set for the examination.

§4. Examination registration process

23. Every person registering for the professional examination shall

(1) fill out and sign an application for registration using the form determined by the Bureau of the Order and send the application to the secretary so that it arrives not less than thirty days before the date set for the examination;

(2) enclose, with the application prescribed in paragraph 1, two recent, identical photographs of passport size (5 cm x 7 cm), signed on the white strip intended for that purpose; the photographs shall be authenticated on the back by the persons designated as sponsors for Canadian passports; and

(3) pay the examination fees not less than thirty days preceding the date set for the examination.

DIVISION V OTHER TERMS AND CONDITIONS FOR THE ISSUE OF A PERMIT

24. Every person applying for a permit provided for in section 40 of the Professional Code shall also

(1) not suffer from a physical or mental condition incompatible with the practice of nursing;

(2) provide proof that her knowledge of French is appropriate for the practice of nursing;

(3) complete an application for admission to nursing using the form determined by the Bureau of the Order;

(4) pay the fees required by the Bureau of the Order for the processing of an application and the issue of a permit;

(5) in the case where she practises nursing in another jurisdiction, provide proof that she is regularly practising in such jurisdiction.

DIVISION VI TERMS AND CONDITIONS FOR THE ISSUE OF TEMPORARY AND RESTRICTED PERMITS

25. The Bureau of the Order may, in accordance with section 41 of the Professional Code, issue a temporary permit to a person who is legally authorized to practise nursing outside Québec and who meets all the terms and conditions for the issue of a permit set out in this Regulation, except the condition in paragraph (2) of section 24.

26. The Bureau of the Order may, in accordance with section 37 of the Charter of the French language, issue a temporary permit to a person from outside Québec who:

(1) is a graduate eligible by equivalence; and

(2) meets all the terms and conditions for the issue of a permit set out in this Regulation, except the condition in paragraph (2) of section 24.

27. The Bureau of the Order may, in accordance with section 40 of the Charter of the French language, issue a restricted permit to a person who is already authorized to practise nursing under the laws of another province or country and who:

(1) is a graduate eligible by equivalence;

(2) has the official depositary of the documents in question forward to the secretary an attestation to the effect that the person is legally authorized to practise nursing under the laws of another province or country with which the person must comply at the time of her permit application; and

(3) meets all the terms and conditions for the issue of a permit set out in section 24, except the condition mentioned in paragraph (2).

DIVISION VII TERMS AND CONDITIONS FOR THE ISSUE OF A SPECIAL AUTHORIZATION

28. The president of the Order may, in accordance with section 33 of the Professional Code, empower a person legally authorized to practise nursing outside Québec to do so in Québec where the person

(1) submits a written application for special authorization to the president of the Order;

(2) has the official depositary of the documents in question forward to the president of the Order an attestation to the effect that the person is legally authorized to practise nursing outside Québec under the laws with which the person must comply at the time of her permit application;

(3) where the official documents are drafted in a language other than French or English, provides an authenticated French translation of the documents; and

(4) pays the fees required by the Bureau of the Order.

29. A person who, in accordance with section 33 of the Professional Code, is empowered to practise nursing in Québec for the purpose of completing a professional training period may practise only in accordance with the following terms and conditions:

(1) she shall practise under the supervision of a nurse or a group of nurses;

(2) she shall practise in the area of nursing required for the training period and required by the person or the group of persons indicated in the special authorization; and

(3) she shall practise during the hours required for the training period, for the account of the person or the group of persons and for the period indicated in the special authorization.

DIVISION VIII

TRANSITIONAL AND FINAL

30. Candidates for the profession of nursing and graduates eligible by equivalence referred to in section 34 of the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec and respecting special authorizations, approved by decree 644-93 on May 5, 1993 and which ceased to have effect on (*insert the date here*), may not make use of this regulation.

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

Erratum

Decision 6402, 5 March 1996

An Act respecting the marketing of agricultural, food and fish products
(R.S.Q., c. M-35.1)

Fees exigible by the Régie des marchés agricoles et alimentaires du Québec

Gazette officielle du Québec, Part 2, Laws and Regulations, Volume 128, number 17, April 24, 1996, pages 2099-2100.

This regulation should have read as follows:

Regulation respecting the fees exigible by the Régie des marchés agricoles et alimentaires du Québec

An Act respecting the marketing of agricultural, food and fish products
(R.S.Q., c. M-35.1, s. 41.1)

1. The Régie des marchés agricoles et alimentaires du Québec shall issue free of charge and upon application

(1) to each of the persons and parties addressing the Régie, a copy of the vouchers and documents filed during a hearing and of the decision rendered based on the hearing;

(2) to each permit holder, a copy of his permit; and

(3) to the parties to an agreement, a copy of the attestation of homologation of the agreement.

2. The Régie shall issue to any applicant a copy of any document it holds, upon payment of

(1) \$0.25 per page for a printed document;

(2) \$10.00 per diskette for a computerized document; and

(3) \$10.00 per audiocassette.

Where the fees exigible amount to more than \$100, the Régie shall receive a partial payment equivalent to half of the approximate amount of the fees before forwarding the requested documents.

The Régie shall deduct \$5 from the fees exigible under subparagraph 1 of the first paragraph.

3. Any person may obtain a copy of the following documents for a period of one year following the date of his application or during the period from 1 January to 31 December of the year in which he files his application, after payment of the following fees:

(1) all decisions: \$375;

(2) a specific category of decisions: \$200;

(3) all attestations of homologation of an agreement: \$600;

(4) all homologated agreements: \$1 200;

(5) a specific part of the attestations of homologation of an agreement: \$150; and

(6) a specific part of the homologated agreements: \$300.

4. The Régie shall distribute free of charge a copy of the annual register of factory permits issued pursuant to the provisions of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., c. P-30) to each permit holder, to a certified association representing the permit holders or to every person referred to in section 48 of that Act. Any other person may obtain a copy upon payment of \$10.

5. Any person applying for a permit to operate under the Dairy Products and Dairy Products Substitutes Act shall pay \$100 with his application.

Any person applying for an amendment to a permit to operate a dairy plant or a plant manufacturing dairy substitutes shall pay \$25 with his application.

6. The Régie shall distribute free of charge a copy of a list of persons who have deposited a guarantee of financial liability that it administers or a copy of a list of the holders of permits issued under the Act respecting the marketing of agricultural, food and fish products (R.S.Q., c. M-35.1) to the certified associations representing them or to the producer marketing boards applying therefor. Any other person may obtain a copy upon payment of \$10.

7. For any investigation and inspection work carried out under Chapter XII of Title III of the Act respecting the marketing of agricultural, food and fish products, the Régie shall bill the body making the application

(1) \$50 per hour of work or \$230 per day of work, whichever is less;

(2) the costs of meals and lodging paid; and

(3) the travel expenses that are necessary for carrying out the work and have been paid or, where such is not the case, expenses calculated at a rate of \$0.34 per kilometre.

This section does not apply to investigation and inspection work pertaining to the application of the Règlement sur les livres, registres et rapports des entreprises laitières (1993, 125 G.O. II, 8417).

8. Any person who registers for a training course on grain grading shall pay \$75 with his application.

For any verification of that training or for any upgrading session, the Régie shall bill the person or body making the application

(1) \$29 per hour of work; and

(2) a flat charge of \$35 per verification or per upgrading session requiring an employee of the Régie to travel.

9. Any person who registers for the upgrading program for grain handlers shall pay \$35 with his application.

10. For holders of permits issued in accordance with the Grain Act (R.S.Q., c. G-1.1), the Régie shall verify and approve, once a year and free of charge, the accuracy of the hygrometers used to determine the moisture content of grain, pursuant to section 52 of the Regulation respecting grain made by Order in Council 1724-92 dated 2 December 1992.

Any person may ask the Régie to determine the accuracy of the same hygrometer more than once during the same 12-month period upon payment of the fees provided for in the second paragraph of section 8.

11. Any person may ask the Régie to verify the performance of a grain dryer or a grain cleaner or to make a sketch of a project for the installation of those devices upon payment of \$140 per verification or per sketch.

12. Any person may obtain authorization from the Régie to use its software entitled "Calcul des coûts d'opération des centres régionaux" upon payment of \$300; that amount includes installation of the software in the proper computer and the necessary operating instructions.

13. Any person may ask the Régie to program the HP 48-G, HP 27-S and HP 42-S calculators to replace the moisture conversion tables 919/3,5 and the specific grain weight tables upon payment of

(1) \$25 for the HP 48-G model; and

(2) \$50 for the HP 27-S and HP 42-S models.

14. As of 1 April 1997, the amounts fixed in this Regulation shall be indexed on 1 April of each year, on the basis of the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the 12-month period ending on 31 January preceding that indexation.

The amounts thus indexed shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Régie shall inform the public of the indexation carried out under this section through Part 1 of the *Gazette officielle du Québec* and by any other means it considers appropriate.

15. The fees exigible pursuant to this Regulation do not include the applicable taxes.

16. The Public Protector and the Auditor General are exempted from the fees provided for in this Regulation.

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

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

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Permits and certificates for the sale and use of pesticides (Environment Quality Act, R.S.Q., c. Q-2)	2244	Draft
Pesticides Act — Permits and certificates for the sale and use of pesticides (R.S.Q., c. P-9.3)	2244	Draft
Professional Code — Nurses — Professional acts which may be performed by persons other than nurses (R.S.Q., c. C-26)	2257	Draft
Professional Code — Nurses — Terms and conditions for the issue of permits and special authorizations (R.S.Q., c. C-26)	2259	Draft
Signing of documents relating to certain financial transactions (Financial Administration Act, R.S.Q., c. A-6)	2217	N
Taxation (Taxation Act, R.S.Q., c. I-3)	2218	M
Taxation Act — Taxation (R.S.Q., c. I-3)	2218	M