

# Gazette officielle du Québec

## Part 2 Laws and Regulations

Volume 128  
18 September 1996  
No. 38

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Legal deposit — 1<sup>st</sup> Quarter 1968  
Bibliothèque nationale du Québec  
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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 1088-96**, 4 September 1996

**An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions**  
(1996, c. 21)

— **Coming into force**

COMING INTO FORCE of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions

WHEREAS the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21) was assented to on 20 June 1996;

WHEREAS section 75 of the Act provides that it will come into force on the date fixed by the Government;

WHEREAS it is expedient to fix 4 September 1996 as the date of coming into force of that Act;

IT IS ORDERED, therefore, upon the recommendation of the Prime Minister

THAT 4 September 1996 be fixed as the date of coming into force of the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21).

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 1051-96**, 28 August 1996

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10)

#### **Amendments to Schedules I and II.1 to the Act**

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under paragraph 6 of section 2 of that Act, enacted by section 3 of Chapter 46 of the Statutes of 1995, the plan applies to an employee who is released without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor:

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220)

**1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1321-94, 1322-94, 1323-94 and 1324-94 dated 7 September 1994, 1800-94 dated 21 December 1994, 538-95 dated 26 April 1995, 928-95 dated 5 July 1995, 1194-95 dated 6 September 1995, 1506-95 dated 22 November 1995, 81-96 dated 24 January 1996, 556-96 and 557-96 dated 15 May 1996, 821-96 dated 3 July 1996, and also by sections 79 of Chapter 2 of the Statutes of 1994, 49 of Chapter 21 of the Statutes of 1994, 42 of Chapter 27 of the Statutes of 1994, 20 of Chapter 27 of the Statutes of 1995 and 20 of Chapter 46 of the Statutes of 1995, is further amended by inserting in paragraph 1, in alphabetical order, the name “the Centrale de coordination santé de la région de Québec (03) Inc.”.

**2.** Schedule II.1 to the Act, amended by Orders in Council 1323-94 dated 7 September 1994, 1639-94 dated 24 November 1994, 842-95 dated 21 June 1995, 1322-95 dated 4 October 1995, 82-96 and 83-96 dated 24 January 1996, 184-96 dated 14 February 1996, 556-96 dated 15 May 1996 and 615-96 dated 29 May 1996, 821-96 dated 2 July 1996, and also by section 21 of Chapter 46 of the Statutes of 1995, is further amended by inserting, in alphabetical order, the names “The Syndicat professionnel des infirmières et infirmiers de Québec”, “The Syndicat régional des infirmières et infirmiers” and “The Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R)”.

**3.** This Order in Council has effect from 1 January 1996 in respect of “The Syndicat régional des infirmières et infirmiers du Québec”, from 7 January 1996 in respect of “the Centrale de coordination santé de la région de Québec (03) Inc.”, from 4 April 1996 in respect of “The Syndicat professionnel des infirmières et infirmiers de Trois-Rivières (SPII-3R)” and from 1 July 1996 in respect of “The Syndicat professionnel des infirmières et des infirmiers de Québec”.

Gouvernement du Québec

## O.C. 1079-96, 28 August 1996

Professional Code  
(R.S.Q., c. C-26)

### Nursing Assistants

#### — Procedure for conciliation and arbitration of accounts

#### — Amendments

Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants

WHEREAS under section 2 of the Professional Code (R.S.Q., c. C-26; 1994, c. 40, s. 2), subject to the inconsistent provisions of a special act, the Code applies, in particular, to all professional orders;

WHEREAS pursuant to the Code, the Ordre des infirmières et infirmiers auxiliaires du Québec made the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants (R.R.Q., 1981, c. C-26, r. 117);

WHEREAS, in 1990, section 88 of the Code read as follows:

“88. The Bureau must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the corporation which may be used by persons having recourse to the services of the members.

The regulation shall include

(1) provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part, provided the application for conciliation is made within 45 days after the day he receives the account. The Bureau may extend the time limit up to a maximum of one year. Where the member has withdrawn or withheld sums from funds he holds or has received for or on behalf of the person, the time limit runs from the time the person becomes aware that such sums have been withdrawn or withheld;

(2) provisions for the setting up of a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled;

(3) provisions for the arbitration of accounts by a council of arbitration composed of one or three arbitrators, according to the amount of the dispute as prescribed in the regulation.

The regulation may provide that where the fees or the specific terms and conditions allowing to determine the fees are fixed in a written agreement between the member and the person, the procedure may be used only to ensure that the services rendered are in conformity with the said agreement.”;

WHEREAS pursuant to that section of the Code, at its meeting held on 29 March 1990, the Bureau of the Ordre des infirmières et infirmiers auxiliaires du Québec made, in French and in English, the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants (Amendment);

WHEREAS in accordance with the provisions of the third paragraph of section 95 of the Code, as it read in 1989, the secretary of the professional Order sent the draft of the regulation to every member of the Order at least thirty days before it was formally made by the Bureau of the Order;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published, as a draft, in Part 2 of the *Gazette officielle du Québec* of 1 May 1991;

WHEREAS the Regulation was published with a notice indicating that it could be submitted to the Government, which could approve it with or without amendment, upon the expiry of 45 days following the date of its publication and asking any person having comments to make to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec;

WHEREAS following the publication of the Regulation, the Chairman of the Office received no comments;

WHEREAS under section 95 of the Professional Code, amended by section 83 of Chapter 40 of the Statutes of 1994, subject to sections 95.1 and 95.2 of the Code, every regulation made by the Bureau of a professional order under the Code shall be transmitted to the Office for examination and shall be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS at its meeting held on 30 May 1995, the Office examined the Regulation and recommended its approval by the Government, with amendments;

WHEREAS pursuant to section 35 of the Professional Code, enacted by section 31 of Chapter 40 of the Statutes of 1994, the Order decided to substitute the word “Ordre” for the words “Ordre professionnel” in its name and it is expedient to amend the Regulation to reflect that decision;



WHEREAS it is expedient to approve the Regulation, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants, the text of which is attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**Regulation to amend the Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants**

Professional Code  
(R.S.Q., c. C-26, s. 88)

**1.** The Regulation respecting the procedure for conciliation and arbitration of accounts of nursing assistants (R.R.Q., 1981, c. C-26, r. 117), amended by section 457 of Chapter 40 of the Statutes of 1994, is further amended by substituting the following for section 2.03:

“**2.03.** An application for conciliation in respect of an account which was not paid or was paid, in whole or in part, must be transmitted to the syndic within 45 days following the day on which the patient received the account.

An application for conciliation in respect of a sum withdrawn or withheld by a member from funds he is holding or has received for or on behalf of the patient must be transmitted to the syndic within 45 days following the day the patient becomes aware that such sum has been withdrawn or withheld.

An application for conciliation in respect of an account or part thereof which was not paid may be transmitted to the syndic after the expiry of the 45-day period, provided that it is transmitted before a legal action is served by the member on the patient in respect of the unpaid account or part thereof.”

**2.** Section 3.02.01 of the Regulation is amended by adding the following after the first paragraph:

“Notwithstanding the foregoing, where the amount in dispute is less than \$1 500, only one arbitrator is appointed by the administrative committee and he shall act as council for the purposes of this Regulation.”

**3.** Section 3.02.05 of the Regulation is amended by adding the following after the first paragraph:

“In the case of a council consisting of one arbitrator, the latter shall be replaced by a new arbitrator appointed by the administrative committee and the dispute shall be re-heard.”

**4.** Section 3.04.02 of the Regulation is amended by adding the following paragraph after the first paragraph:

“The council shall determine, where applicable, the reimbursement of fees to which the patient is entitled.”

**5.** Schedule 1 to the Regulation is amended by substituting the following for paragraph 2:

Check the appropriate box

“(2) I refuse to pay this account

or

I ask for a reimbursement of \$ .....

for the following reasons:

.....  
.....  
.....”

**6.** Schedule 2 to the Regulation is amended:

(1) by substituting the following for clause 2:

“(2) The party of the first part

Check the appropriate box

(a) refuses to pay this account

or

(b) asks for a reimbursement of \$ .....

for the following reasons:

.....  
.....  
.....

For the purposes of prescription, the party of the first part waives the benefit of elapsed time.”;

(2) by adding the following after the first paragraph of clause 5:

“The party of the first part undertakes, for the duration of the arbitration, not to claim, before civil courts, reimbursement of the amount it paid towards all or part of the account in dispute;”.

**7.** The Regulation is amended by striking out the word “professionnel” which appears in the name of the Order in paragraph *a* of section 1.01 and in Schedule 2.

**8.** 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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Gouvernement du Québec

### **O.C. 1108-96, 4 September 1996**

An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21)

#### **Signing of certain documents**

Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration

WHEREAS the Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21) was assented to on 20 June 1996;

WHEREAS under the second paragraph of section 7 of that Act, no deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the personnel of the department or by an employee of the Government and in the last two cases, only so far as determined by the Government;

WHEREAS under section 73 of the Act, the members of the personnel assigned to the “Immigration and Cultural Communities Program” of the Ministère des Relations internationales, to the registrar of civil status at the Ministère de la Justice, to the youth secretariat and the family secretariat at the Ministère de la Sécurité du revenu and the members of the personnel of the Conseil du trésor put at the disposal of the Minister responsible for the administration of the Act respecting government services to departments and public bodies (R.S.Q., c. S-6.1) and assigned to the “Communication-Québec” directorate become, without further formality, members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration;

WHEREAS by Order in Council 910-94 dated 22 June 1994, the Government made the Rules respecting the signing of certain writings of the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles and it is expedient to make them applicable to the members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration;

WHEREAS it is expedient, therefore, to make the Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration, attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister for Relations with the Citizens and of the Minister of State for Employment and Solidarity:

THAT the Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

#### **Rules respecting the signing of certain documents of the Ministère des Relations avec les citoyens et de l'Immigration**

An Act respecting the Ministère des Relations avec les citoyens et de l'Immigration and amending other legislative provisions (1996, c. 21, s. 7)

**1.** The members of the personnel of the Ministère des Relations avec les citoyens et de l'Immigration are authorized to sign documents on behalf of the Minister of Relations with the Citizens and Immigration in accordance with the provisions of the Rules respecting the signing of certain writings of the Ministère des Affaires internationales, de l'Immigration et des Communautés culturelles, made by Order in Council 910-94 dated 22 June 1994.

The associate deputy ministers for Youth and the Family, the registrar of civil status, the director of Communication-Québec and the directors under their authority are also authorized to sign as associate deputy minister, as director general of management services or as a director mentioned in those Rules, respectively.

**2.** These Rules come into force on the date of their making.

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Gouvernement du Québec

## O.C. 1113-96, 4 September 1996

Forest Act  
(R.S.Q., c. F-4.1)

### **Rate per cubic metre of timber applicable to the computation of the contribution payable**

Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit

WHEREAS under section 124.29 of the Forest Act (R.S.Q., c. F-4.1), as introduced by section 14 of Chapter 14 of the Statutes of 1996, every holder of a wood processing plant operating permit who acquires a volume of timber originating from the territory of an agency shall pay a contribution to the agency;

WHEREAS under that section, the contribution shall be established each year by the agency on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber from private forests purchased by a permit holder in a year;

WHEREAS under section 124.30 of that Act, as introduced by section 14 of Chapter 14 of the Statutes of 1996, each holder of a wood processing plant operating permit must state, on the form and subject to the conditions determined by by-law of the agency, the volume of timber from private forests that he purchased in the period preceding his report;

WHEREAS under that section, the permit holder shall file his report according to the schedule fixed by regulation of the Government and pay his contribution in accordance with such schedule and on the basis of the volume declared;

WHEREAS under paragraph 18.4 of section 172 of that Act, as amended by section 16 of Chapter 37 of the Statutes of 1995 and by section 18 of Chapter 14 of the Statutes of 1996, the Government may, by regulation, fix the rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, and determine the schedule according to which permit holders are required to file their statements with the agencies;

WHEREAS under that section, such a regulation may vary depending on the regional agencies;

WHEREAS under section 40 of Chapter 14 of the Statutes of 1996, the first regulations made under paragraphs 18.2 and 18.4 of section 172, introduced by section 18 of that Act, are not subject to the requirements of sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1) as regards publication and coming into force and come into force on the day they are published in the *Gazette officielle du Québec* or on any later date provided therein;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources:

THAT the Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### **Regulation respecting the rate per cubic metre of timber applicable to the computation of the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit**

Forest Act  
(R.S.Q., c. F-4.1, ss. 124.29, 124.30 and 172,  
par. 18.4; 1996, c. 14)

**1.** The rate per cubic metre of timber applicable to the contribution payable to a regional agency for private forest development by holders of a wood processing plant operating permit under section 124.29 of the Forest Act (R.S.Q., c. F-4.1) shall be \$1.45.

**2.** The report referred to in section 124.30 of the Act shall be filed by the permit holder every two months, on the first of the month, from 1 August 1996 to 1 February 1997, and on the first of each month following that date.

Notwithstanding the foregoing, a permit holder who has purchased a volume of timber of less than 100 cubic metres originating from the territory of an agency during a reference period for which he must normally file a report referred to in the first paragraph, may only file his report at the end of the reference period during which he completes that minimum purchase. However, he shall send his report not later than on 1 March.

**3.** The first report of a permit holder following the establishment of an agency on the territory of which he has purchased timber between 1 April 1996 and the first date scheduled in section 2 following the date of that establishment shall be filed on the following scheduled date and not later than on 1 March following such establishment, if the second paragraph of section 2 applies to him.

**4.** 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. 1115-96, 4 September 1996

Forest Act  
(R.S.Q., c. F-4.1)

### Fonds forestier — Contribution

Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier

WHEREAS under the first paragraph of section 73.4 of the Forest Act (R.S.Q., c. F-4.1), as introduced by section 5 of Chapter 14 of the Statutes of 1996, every holder of a timber supply and forest management agreement must, at such intervals as are determined by regulation of the Government, pay to the Minister a contribution for the financing of activities related to seedling production, forest inventory data and forest research;

WHEREAS under the second paragraph of section 73.4 of that Act, as introduced by section 5 of Chapter 14 of the Statutes of 1996, the contribution shall be established by the Minister on the basis of a rate per cubic metre of timber, fixed by regulation of the Government, that is applicable to the volume of timber allotted to the agreement holder in his agreement and is determined on the date or dates fixed by the regulation;

WHEREAS under paragraph 18.2 of section 172 of that Act, as amended by section 16 of Chapter 37 of the Statutes of 1995 and by section 18 of Chapter 14 of the Statutes of 1996, the Government may, by regulation, fix the rate referred to in section 73.4, the date or dates on which the volume allotted to an agreement holder under an agreement must be determined for the purposes of the contribution, and determine the intervals, dates and methods of payment of the contribution;

WHEREAS under section 40 of Chapter 14 of the Statutes of 1996, the first regulations made under paragraphs 18.2 and 18.4 of section 172, introduced by section 18 of that Act, are not subject to the requirements of sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1) as regards publication and coming into force and come into force on the day they are published in the *Gazette officielle du Québec* or on any later date provided therein;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Natural Resources:

THAT the Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier

Forest Act  
(R.S.Q., c. F-4.1, s. 73.4 and s. 172, par. 18.2;  
1996, c. 14)

**1.** On 1 January, 1 April, 1 July and 1 October of each year, a holder of a timber supply and forest management agreement shall pay his contribution to the Fonds forestier.

**2.** The rate per cubic metre of timber on the basis of which the agreement holder's contribution is established shall be:

- (1) \$0.1133 for the 1996-1997 fiscal year;
- (2) \$0.17 for the 1997-1998 fiscal year; and
- (3) \$0.2575 for the 1998-1999 fiscal year.

**3.** The volume of timber allotted to an agreement holder in his agreement and on which the rate established in section 2 must be applied shall be determined on the dates of payment of the contribution.

**4.** The contribution shall be payable by the agreement holder within 30 days of the date of a notice of assessment by the Minister following the dates provided for in section 1.

**5.** Notwithstanding sections 1, 3 and 4 for the 1996-1997 year:

(1) the payment of the contribution scheduled for 1 July 1996 is postponed to the first day of the month following 18 September 1996;

(2) the volume of timber allotted to an agreement holder and on which the rate established in section 2 must be applied to fix the payment shall be determined on the first day of the month following 18 September 1996;

(3) that payment shall be payable within 30 days of the date of a notice of assessment by the Minister following the first day of the month following 18 September 1996.

**6.** 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. 1117-96, 4 September 1996**

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

### **Fiscal administration — Amendment**

Regulation to amend the Regulation respecting fiscal administration

WHEREAS under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations to prescribe the measures required to carry out the Act;

WHEREAS the first paragraph of section 28 of the Act prescribes that, notwithstanding any inconsistent provision, a debt owed to the Crown, including interest and penalties, by any person under a fiscal law bears interest at the rate determined according to the rules provided by regulation;

WHEREAS the Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r. 1) was made under the Act;

WHEREAS it is expedient, in order to follow up on the Budget Speech tabled on 9 May 1996, to amend subparagraph 3 of the first paragraph of section 28R2, in order to bring from 2 to 3 percentage points the increase

applicable to the interest rate on a fiscal debt owed to the Ministère du Revenu;

WHEREAS according to the Budget Speech, that amendment is applicable in respect of the quarter beginning with 1 July 1996;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or repealed 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 the Government is of the opinion that the fiscal nature of the norms established, amended or repealed by the Regulation warrants 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 97 of the Act respecting the Ministère du Revenu, as amended by section 18 of Chapter 36 of the Statutes of 1995, every regulation made under that Act may, if it so provides, apply to a period prior to its publication;

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

THAT the Regulation to amend the Regulation respecting fiscal administration, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting fiscal administration**

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 28, 96 and 97)

**1.** The Regulation respecting fiscal administration (R.R.Q., 1981, c. M-31, r. 1), amended by the Regulations made by Orders in Council 80-82 dated 13 January

1982 (Suppl., p. 909), 499-82 dated 3 March 1982 (Suppl., p. 910), 1408-84 dated 13 June 1984, 1876-84 dated 16 August 1984, 2728-84 dated 12 December 1984, 251-85 dated 6 February 1985, 1863-85 dated 11 September 1985, 2584-85 dated 4 December 1985, 1240-86 dated 13 August 1986, 1270-86 dated 20 August 1986, 1930-86 dated 16 December 1986, 1725-88 dated 16 November 1988, 879-89 dated 7 June 1989, 922-89 dated 14 June 1989, 1798-90 dated 19 December 1990, 49-91 dated 16 January 1991, 497-92 dated 1 April 1992, 647-92 dated 29 April 1992, 993-92 dated 30 June 1992, 1078-92 dated 15 July 1992, 1498-93 dated 27 October 1993, 748-94 dated 18 May 1994, 960-94 dated 22 June 1994, 385-95 dated 22 March 1995, 472-95 dated 5 April 1995, 1693-95 dated 20 December 1995, 262-96 dated 28 February 1996 and 466-96 dated 17 April 1996, is further amended by substituting the following for subparagraph 3 of the first paragraph of section 28R2:

“(3) by adding 3 percentage points to the result obtained in subparagraph 2.”.

**2.** This Regulation has effect from 1 July 1996.

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## Draft Regulations

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### Draft Regulation

An Act respecting market intermediaries  
(R.S.Q., c. I-15.1)

#### **Association des intermédiaires en assurance de personnes du Québec** — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law amending the By-law of the Association des intermédiaires en assurance de personnes du Québec, the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication. The Government may approve it with or without amendments.

According to the Association des intermédiaires en assurance de personnes, the purpose of the draft By-law is to provide the public with better protection by amending certain conditions applicable to a refusal of admission, a readmission, a membership renewal and a removal from the Association and by adding other conditions to those already provided for in the By-law.

In a more detailed manner, the Association proposes to eliminate the criteria of relation with the activity, presently required in cases of criminal acts and bankruptcies, which are already conditions for refusal. Thus, regardless of the nature of the criminal act or the cause of the bankruptcy, the person will not be admitted, readmitted or renewed as a member and will also be removed from the Association.

The draft By-law also proposes that the Association may withdraw its refusal or lift a member's removal from the Association, where it is convinced that public protection is not in danger.

According to the terms of the draft By-law, the Supervision Committee will be allowed to impose such conditions related to the practice of the activity that it deems reasonable in the particular circumstances to ensure public protection.

The By-law also proposes to add 2 new cases in which admission must be denied or a member removed from the Association, that is, where the person fails to furnish the required security of where amounts are owed to a compensation fund.

According to the Association des intermédiaires en assurance de personnes du Québec, to date, study of the matter has revealed no impact on businesses, on small and medium-sized businesses and on the public, except that the mechanisms to control the activity of market intermediary in insurance of persons will be tighter and faster.

Further information may be obtained by contacting Anne-Marie Beaudoin, Directrice des services professionnels, Association des intermédiaires en assurance de personnes du Québec, 1, carré Westmount, bureau 500, Westmount (Québec), H3Z 2P9; tel.: (514) 932-4277; fax: (514) 932-6400.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Inspector General of Financial Institutions, 800, place d'Youville, 9<sup>e</sup> étage, Québec (Québec), G1R 4Y5. Those comments will be forwarded to the Minister of Finance by the Inspector General of Financial Institutions.

ALFRED VAILLANCOURT,  
*Acting Inspector General  
of Financial Institutions*

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### **By-law amending the By-law of the Association des intermédiaires en assurance de personnes du Québec**

An Act respecting market intermediaries  
(R.S.Q., c. I-15.1, s. 104, par. (1) and (4))

**1.** Section 10 of the By-law of the Association des intermédiaires en assurance de personnes du Québec approved by order in council 1016-91 dated July 17, 1991, is modified

1° by deleting the words “related to the activity of market intermediary” in paragraph 1°;

2° by deleting the words “except where the bankruptcy results from causes unrelated to the activities of a market intermediary” in paragraph 3°;

3° by adding the following paragraphs after paragraph 6°:

“7° has failed to furnish security or keep professional liability coverage in force as required under the By-law of the Conseil des assurances de personnes respecting market intermediaries in insurance of persons;

8° is in arrears in contributions to the Fonds d'indemnisation en assurance de personnes du Québec or to any other compensation fund.”.

**2.** This by-law is modified by adding the following section after section 10:

“**10.1.** In the cases provided for in paragraphs 1°, 3°, 7° and 8° in section 10 and paragraph 4° in section 14, the Association may, on request to the Supervision Committee, withdraw its refusal or lift a member's removal after it has ascertained that the public's interest will not be prejudiced, and determine the terms under which the right to practise may be reinstated.”.

**3.** Section 14 of this by-law has been amended by adding the following paragraph after paragraph 3°:

“4° in the cases provided for in section 10, paragraphs 1°, 2°, 3°, 7° and 8° of these by-laws.”.

**4.** Section 16 of this by-law has been amended by adding the following phrase to the end of the last sentence:

“except in the case of removals under paragraph 4°, section 14”.

9953

## Draft Regulation

Civil Code of Québec  
(1991, c. 64)

### Discounting of damages for bodily injury

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the discounting of damages for bodily injury, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to prescribe the discount rates applicable to the assessment of damages for bodily injury, that is, the percentage based on which the amount to be remitted to the victim of the bodily injury is calculated, for expenses or losses that will materialize in the future only.

To that end, the draft regulation makes a distinction, as authorized by the Civil Code, between losses or expenses of a salary nature and those of a non-salary nature, by fixing a separate rate of assessment for each loss or expense, while taking into account the different parameters used to determine the applicable rate based on whether the losses or expenses are of a salary nature or a non-salary nature. Historically, the latter rate has always been different from the former.

To date, study of the matter has revealed that the setting of discount rates by regulation is the measure most likely to facilitate the assessment of damages resulting from bodily injury, to develop standards applicable to cases in which compensation is paid for bodily injury and to reduce the costs and delays imposed on courts and the administration of justice by the presentation of expert's reports before the courts.

Further information may be obtained by contacting Mr. Albert Bélanger, Direction générale des affaires législatives, Ministère de la Justice, 1200, route de l'Église, 4<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1; tel. (418) 643-5379, fax: (418) 643-9749.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Sainte-Foy (Québec), G1V 4M1.

PAUL BÉGIN,  
*Minister of Justice*

## Regulation respecting the discounting of damages for bodily injury

Civil Code of Québec  
(1991, c. 64, art. 1614)

**1.** The discount rates applicable to the calculation of the damages owed to the creditor for the bodily injury he sustains are, as to the future aspects of the injury,

(1) for losses resulting from a decrease in earning capacity and progression of income, salary or wages: 2 %; and

(2) for other loss resulting from inflation: 3.25 %.

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

9957



## Draft Regulation

An Act respecting safety in sports  
(R.S.Q., c. S-3.1)

### Equipment for the practice of ice hockey — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting protective equipment for the practice of ice hockey, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to extend by 2 years, that is, until 1 August 1998, the duration of the exemption granted to players of the Ligue de hockey junior majeur du Québec, allowing them to wear a protective visor instead of a full face protector.

To date, study of the matter has revealed no impact on the public or on businesses.

Further information may be obtained by contacting Mr. Michel Fafard, 100, rue Laviolette, bureau 302, Trois-Rivières (Québec), G9A 5S9 (tel. (819) 371-6134, fax: (819) 371-6992).

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executive Officer of the Régie de la sécurité dans les sports du Québec, 100, rue Laviolette, bureau 302, Trois-Rivières (Québec), G9A 5S9.

ROGER LANDRY,  
*Chairman and Chief Executive Officer  
of the Régie de la sécurité dans les sports du Québec*

## Regulation to amend the Regulation respecting protective equipment for the practice of ice hockey

An Act respecting safety in sports  
(R.S.Q., c. S-3.1, s. 55, par. 3, and s. 55.2)

**1.** The Regulation respecting protective equipment for the practice of ice hockey, approved by Order in Council 36-92 dated 15 January 1992 and amended by the Regulation made by Order in Council 633-95 dated 10 May 1995, is further amended in section 3 by substituting “1 August 1998” for “1 August 1996”.

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

9958

## Draft Regulation

An Act respecting market intermediaries  
(R.S.Q., c. I-15.1)

### Market intermediaries in damage insurance — Conseil des assurances de dommages

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the By-law to amend the By-law of the Conseil des assurances de dommages respecting market intermediaries in damage insurance, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The draft By-law amends the rules governing the fees and contributions to be paid to the Conseil des assurances de dommages and into its Fonds d'indemnisation. It fixes the fee payable annually for the right to carry on activities as a market intermediary in damage insurance and it increases the fee payable for the study of the file of a candidate for a certificate of a market intermediary in damage insurance and that applicable to examinations and supplementals. It introduces a fee for the review of an examination required to obtain a certificate of a market intermediary in damage insurance, for the study of the file of a market intermediary in damage insurance who wishes to change his activities or status, for the issue of an attestation and for the recording or deleting of a franchisor or franchisee in the register of franchises.

The draft By-law also amends the method of calculation for the annual contribution payable by an insurer using the services of market intermediaries in damage insurance.

Finally, the draft By-law increases from \$15 to \$40 the annual contribution payable by every market intermediary in damage insurance to the Fonds d'indemnisation en assurance de dommages.

To date, according to the Conseil, study of the amendments has revealed an impact on holders of certificates of market intermediaries in damage insurance whose activities are governed by the Conseil, on the Conseil and on the Fund. They will have a positive impact on consumers since the amendments will help the Conseil and the Fund to better fulfil their needs.

Additional information may be obtained by contacting the following person:

Mrs. Diane Paradis  
 Director General and Secretary  
 Conseil des assurances de dommages  
 2020, rue University, bureau 1919  
 Montréal (Québec), H3A 2A5  
 Telephone number: (514) 282-8765  
 Wats line: 1-800-667-7089  
 Fax number: (514) 282-7466.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Inspector General of Financial Institutions, 800, place d'Youville, 9<sup>e</sup> étage, Québec (Québec), G1R 4Y5. Those comments will be sent to the Minister of Finance by the Inspector General of Financial Institutions.

ALFRED VAILLANCOURT,  
*Acting Inspector General  
 of Financial Institutions*

## **By-law to amend the By-law of the Conseil des assurances de dommages respecting market intermediaries in damage insurance**

An Act respecting market intermediaries  
 (R.S.Q., c. I-15.1, s. 78, 1<sup>st</sup> par., subpars. 6, 13 and  
 22, s. 177, par. 1)

**1.** The By-law of the Conseil des assurances de dommages respecting market intermediaries in damage insurance, approved by Order in Council 1015-91 dated 17 July 1991 and amended by the By-law approved by Order in Council 1825-94 dated 21 December 1994, is further amended by replacing Chapter IX by the following chapter:

### **“CHAPTER IX FEES AND CONTRIBUTIONS**

#### **DIVISION I FEES PAYABLE**

**89.** From 1 January 1997, the fees payable annually for carrying on the activities of a market intermediary in damage insurance are:

- (1) \$108 for a natural person holding a certificate;
- (2) \$144 for a firm holding a certificate;

(3) \$144 for a natural person or a firm holding a special broker's certificate;

(4) \$26 for a natural person holding a certificate and using the title of financial planner.

**90.** Where a certificate is issued for a period of less than 12 months, the fee payable is calculated on a pro-rata basis.

**91.** The fee payable for the initial study of the file of a candidate for a certificate for a market intermediary in damage insurance is \$50.

**92.** For examinations required to obtain a certificate of a market intermediary in damage insurance, the fee payable for a field of damage insurance is \$100. Notwithstanding the foregoing, the fee is \$200 for all examinations in the fields of both personal and commercial lines insurance, where the candidate takes them at the same time.

The fee payable for any supplemental examination is the same as the fee provided for in the first paragraph.

The fee payable for reviewing an examination is \$25.

**93.** For the study of a file of a market intermediary in damage insurance who wants to avail himself of section 29, the fee payable is \$50.

**94.** For any attestation, the fee payable is \$25.

**95.** In respect to the register of franchises, the fees payable are:

(1) for recording the franchisor and simultaneous recording its franchisees, \$100;

(2) for recording any additional franchisee, \$15;

(3) for deleting the name of a franchisor or a franchisee, \$15.

**96.** The required fees are payable upon application for the issue or renewal of a certificate, for the study of a file, for the registration for an examination or for a supplemental examination, for the review of an examination, for the issue of an attestation, for the modification of information given or for recording or deleting in the register of franchises.

**97.** Fees shall be paid in cash or by certified cheque or money order made out to the Conseil.

## DIVISION II CONTRIBUTIONS OF FINANCIAL INSTITUTIONS

**98.** From 1 January 1997, the annual contribution payable by an insurer using the services of market intermediaries in damage insurance is \$0.25 per \$1 000 of premiums subscribed and contributions received by the insurer according to the most recent annual report on insurance of the Inspector General of Financial Institutions.

**99.** The annual contribution is payable not later than 1 July.

**100.** Contributions in arrears bear interest at the rate set in accordance with section 28 of the Act respecting the Ministère du Revenu.

**101.** Insurance contributions must be paid by cheque made out to the Conseil.

## DIVISION III INDEXATION

**102.** From 1 January 1998, all the fees payable under Division I are 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 period ending on 30 September of the preceding year, as determined by Statistics Canada. The resulting amount is reduced to the nearest dollar where it contains a fraction of a dollar less than \$0.50; it is increased to the nearest dollar equal to or greater than \$0.50.

The indexation calculated under the first paragraph shall be published by the Conseil each year in the *Gazette officielle du Québec*.

## DIVISION IV SPECIAL PROVISION

**103.** The provisions of this Chapter apply in the event that the Conseil fails to make a by-law pertaining to fees or contributions payable in respect of a fixed period.”.

**2.** The By-law is amended by replacing section 125 by the following:

“**125.** From 1 January 1997, the annual contribution payable by each market intermediary in damage insurance who is a natural person is \$40.”.

**3.** This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26; 1994, c. 40)

### Physiotherapists

#### — Terms and conditions for the issue of permits

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des physiothérapeutes du Québec made the Regulation respecting the terms and conditions for the issue of permits by the Ordre professionnel des physiothérapeutes du Québec.

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. It will then 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 physiothérapeutes du Québec to impose, as an additional condition for the issue of a permit for the practice of the profession of physiotherapist, the successful completion of a training period which consists in a period of learning in a clinical setting during which the candidate for the practice of the profession renders professional services under the supervision of a physiotherapist and progressively engages his responsibility.

Under section 9, that requirement is temporary and is intended only for candidates for the practice of the profession of physiotherapist who did not benefit from the integration of training periods in the university program.

The impact of the requirement is to guarantee to the public that all holders of a permit of physiotherapist have the complete training to act as such. In addition to that guarantee, the Order does not foresee any other impact on businesses and particularly on small and medium-sized businesses.

Further information may be obtained by contacting:

Mr. Paul Marcoux, syndic  
Ordre des physiothérapeutes du Québec  
1100, avenue Beaumont, bureau 530  
Ville Mont-Royal (Québec), H3P 3H5  
Tel.: (514) 737-2770 or 1-800-361-2001

Any person having comments to make is asked to send them, before the expiry of the 45-day period mentioned above, to the Chairman of the Office des professions du Québec, complexe de la place Jacques-Cartier,

320, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that made the regulation and to the concerned persons, departments and bodies.

ROBERT DIAMANT,  
*Chairman of the Office  
des professions du Québec*

## **Regulation respecting the terms and conditions for the issue of permits by the Ordre professionnel des physiothérapeutes du Québec**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. i)

### **DIVISION I ISSUE OF PERMITS**

**1.** The Bureau of the Ordre professionnel des physiothérapeutes du Québec shall issue a permit for the practice of the profession to a candidate who

(1) holds a diploma recognized by the Government under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26) or a diploma recognized as equivalent by the Bureau under subparagraph g of the first paragraph of section 86 of the Code or has training considered equivalent by the Bureau pursuant to that subparagraph;

(2) has completed a training period in accordance with Division II;

(3) has completed an application for a permit;

(4) has paid any fees or dues required for the issue of the permit; and

(5) has demonstrated a working knowledge of the official language of Québec, in accordance with the Charter of the French language (R.S.Q., c. C-11).

### **DIVISION II TRAINING PERIOD**

**2.** The training period is a period of full-time learning in a clinical setting during which the candidate for the practice of the profession renders professional services under the supervision of a physiotherapist and progressively engages his responsibility.

**3.** The training period shall last 560 hours, in addition to the clinical training acquired within the framework of the continuing training program recognized by a diploma referred to in paragraph 1 of section 1.

**4.** The training period shall offer well-balanced clinical experience, particularly in the following areas of physical health:

(1) orthopaedics;

(2) neurology;

(3) cardiology or pulmonary cardiology; and

(4) gerontology.

**5.** To be allowed to supervise a training period, a physiotherapist shall

(1) have been a member of the Order for at least 2 years;

(2) not have been the subject of any penalty imposed by a committee on discipline of the Order or by the Professions Tribunal; and

(3) practise in a clinical setting likely to offer the candidate the experience referred to in section 4.

**6.** A physiotherapist who has supervised a candidate's training period shall complete a training period evaluation report and send it to the candidate and to the corporate seat of the Order within 20 days following the end of the training period.

**7.** The committee formed by the Bureau to examine applications for permits shall make appropriate recommendations to the Bureau.

At the first meeting following the date of receipt of the committee's recommendations, the Bureau shall decide whether a candidate has fulfilled the training period requirements, and the secretary of the Order shall inform the candidate of the Bureau's decision within 30 days.

Where a candidate has not fulfilled the training period requirements, the secretary shall inform him of the areas in which improvement is needed and of the procedure that must be followed in order to fulfill the requirements.

**8.** A candidate who is informed that he has not fulfilled the training period requirements may apply to the Bureau for a hearing, provided that he applies to the secretary in writing within 30 days following receipt of the decision.

The Bureau shall hear the candidate within 60 days from the date of receipt of the application and, for that purpose, it shall convene him in writing, by registered mail, at least 10 days before the date of the hearing.

The revised decision ensuing from the hearing is final.

**9.** Paragraph 2 of section 1 does not apply to a candidate who has obtained a diploma that meets the requirements for the permit issued by the Order and recognized by the Government under the first paragraph of section 184 of the Code, and who first registers for the program of study:

(1) during the 1995 fall term or thereafter or, in the case of the diploma awarded by Université Laval, during the 1996 fall term; or

(2) before the 1995 fall term or, in the case of the diploma awarded by Université Laval, before the 1996 fall term, provided that the candidate holds an Attestation of transfer between program versions issued by the teaching establishment that awarded him the diploma.

Subparagraph 2 of the first paragraph remains in force until 1 September 2002 or, in the case of the diploma awarded by Université Laval, until 1 September 2003.

**10.** Paragraph 2 of section 1 does not apply to a candidate to whom a diploma equivalence or a training equivalence has been granted by the Bureau in accordance with the standards set under paragraph *c* of section 93 of the Code and whose level of knowledge is equivalent to that attained by a candidate referred to in section 9.

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

9963

## Draft Regulation

Medical Act  
(R.S.Q., c. M-9)

Professional Code  
(R.S.Q., c. C-26)

### Physicians

— **Certain terms and conditions for a specialist's certificate to be issued**

— **Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Collège des médecins du Québec made the "Regulation to amend the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec", the text of which appears below.

The Regulation will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code (R.S.Q., c. C-26). Thereafter, it shall be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment, upon the expiry of 45 days following this publication.

This amendment to the Regulation sets up a new specialty called "Emergency Medicine", which is already recognized by the Royal College of Physicians and Surgeons of Canada. For citizens, however, this amendment will help improve the quality of medical care by expanding knowledge and promoting education and training of physicians in this field of medicine. Furthermore, the amendment will confer proper recognition to physicians practising in this field. It has no effect on enterprises, whatever their size.

Further information may be obtained from doctor Adrien Dandavino, director of the Medical Education Department, Collège des médecins du Québec, 2170, boulevard René-Lévesque Ouest, Montréal (Québec), H3H 2T8; telephone number: (514) 933-4441, extension 302; fax number: (514) 933-3112.

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<sup>er</sup> étage, Québec (Québec), G1K 8G5. These

comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional order that made the Regulation, that is to say the Collège des médecins du Québec, as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,  
*Chairman of the Office des professions du Québec*

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### **Regulation to amend the Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec**

**1.** The Regulation respecting certain terms and conditions for a specialist's certificate to be issued by the Collège des médecins du Québec (R.R.Q., 1981, c. M-9, r. 7) is amended by inserting, in Schedule I, the following after paragraph 14:

“**14.1 Emergency Medicine:** 60 months of training including:

*a)* 24 months of clinical training in Family Medicine, or in disciplines related to the specialty;

*b)* 24 months of clinical training in Emergency Medicine;

*c)* 12 months the content of which may vary according to the university programme mentioned in section 3.01.01; where the said year is not included in the university programme approved, the candidate shall propose the content thereof and have it approved by the Credentials Committee.”.

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

9971

### **Draft Regulation**

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

#### **Solid waste removal — Montréal region — Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Decree to amend the Decree respecting solid waste

removal in the Montréal region, the text of which appears below, may be made by the Government at the expiry of the 45 days from this publication.

The purpose of the draft regulation is to actualize working conditions which have remained unchanged since 17 August 1995.

To achieve that purpose, it proposes to amend the wages and the premium for the collective insurance plan.

To date, a study of this matter has revealed that the petition of the contracting parties to the Decree, which Decree governs 244 employers, 25 artisans and 1 297 employees, seeks to increase the hourly wage for each employment classification by \$0.40 on 1 January 1997, and by another increase of \$0.40 on 1 January 1998. The petition also seeks to increase the monthly premium of the employer for the collective insurance plan by \$2.50 on 1 January 1997, and by another increase of \$2.50 on 1 January 1998. Consultation will serve to clarify the impact of the proposed amendments.

Further information may be obtained by contacting Ms. Denise Plante, Direction des Décrets, ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1 (telephone: (418) 643-4415; Fax: (418) 528-0559).

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1.

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

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### **Decree to amend the Decree respecting solid waste removal in the Montréal region**

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

**1.** The Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r. 29), amended by Orders in Council 2220-82 dated 22 September 1982, 2136-82 dated 6 October 1982, 2278-84 dated 11 October 1984, 1124-87 dated 22 July 1987, 1479-88 dated 28 September 1988, 180-90 dated 14 February 1990, 618-90 dated 2 May 1990, and 990-95 dated 19 July 1995, is further amended by substituting the following for section 6.01:

“6.01. Minimum hourly wages are as follows:

	As of 97 01 01	As of 98 01 01
<b>1. Full-time employee:</b>		
(a) Driver		
i. self-loading truck	\$16.50	\$16.90
ii. side-loading truck	17.39	17.79
iii. other vehicle	16.29	16.69
(b) Helper	15.97	16.37
<b>2. Part-time employee:</b>		
(a) Truck driver, any category	15.71	16.11
(b) Helper	15.43	15.83.”.

**2.** The following is substituted for section 7.02:

“7.02. Each month, the employer remits to the Comité paritaire des boueurs de la région de Montréal, for each insurable employee, the premium established below, according to the groupe insurance plan adopted by the contracting parties and administered by the committee:

1. as of 1 January 1997:	\$49.50
2. as of 1 January 1998:	\$52.00.”.

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

9962

## Draft Regulation

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

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend various regulatory provisions respecting occupational health and safety, the text of which appears below, may be made by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the Draft Regulation is to lighten existing regulations respecting the prevention of occupational injuries.

To that end, the Draft Regulation proposes to revoke four regulations which, in fact, are no longer applied owing to their obsolescence. They are the Regulation respecting shipyards (R.R.Q., 1981, c. S-2.1, r.4), the Regulation respecting ice cutting (R.R.Q., 1981, c. S-2.1, r.7), the Regulation respecting the shoring of concrete formwork (R.R.Q., 1981, c. S-2.1, r.10) and the Regulation respecting reviews related to inspections, approved by Order in Council 147-83 dated 26 January 1983.

The purpose of the Draft Regulation is also to revoke five other regulations and to transfer their essentials into the two general regulations which are the Regulation respecting industrial and commercial establishments (R.R.Q., 1981, c. S-2.1, r.9) and the Regulation respecting occupational health and safety in mines and amending various regulatory provisions, approved by Order in Council 213-93 dated 17 January 1993. The regulations thus revoked are the Regulation respecting the handling and use of explosives (R.R.Q., 1981, c. S-2.1, r.11), the Regulation respecting the protection of compressed air workers (R.R.Q., 1981, c. S-2.1, r.14), the Regulation respecting work carried out in the vicinity of electric power lines (R.R.Q., 1981, c. S-2.1, r. 21), the Regulation respecting the use of explosive actuated tools (R.R.Q., 1981, c. S-2.1, r.23) and the Regulation respecting mine rescue stations (R.R.Q., 1981, c. S-2.1, r.13).

It is to be expected that the Regulation will have a positive financial impact on businesses, in particular on small and medium-sized businesses, since there will be less regulations to apply. In addition, the Draft Regulation tends to make uniform the standards that apply in the various sectors of activities.

Further information may be obtained by contacting Mr. Gordon Perreault, Commission de la santé et de la sécurité du travail, 524 Bourdages, Québec (Québec), G1K 7E2, tel.: (418) 646-7270, fax: (418) 528-2376.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Mr. Alain Albert, vice-president of programming and consulting, Commission de la santé et de la sécurité du travail, 1199, rue de Bleury, 14e étage, Montréal (Québec), H3B 3J1.

PIERRE SHEDLEUR,  
*Chairman of the board of directors  
and chief executive officer of the  
Commission de la santé  
et de la sécurité du travail*

## Regulation to amend various regulatory provisions respecting occupational health and safety

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1<sup>st</sup> par., subpars. 1, 2, 7 to 14, 19, 41 and 42, 2<sup>nd</sup> and 3<sup>rd</sup> pars., and s. 286)

**1.** The Regulation respecting shipyards (R.R.Q., 1981, c. S-2.1, r.4) is revoked.

**2.** The Regulation respecting ice cutting (R.R.Q., 1981, c. S-2.1, r.7) is revoked.

**3.** The Regulation respecting industrial and commercial establishments (R.R.Q., 1981, c. S-2.1, r.9), amended by the Regulations approved by Orders in Council 1960-86 and 1961-86 dated 16 December 1986 and 55-90 dated 17 January 1990, is further amended by inserting the following Subdivisions after section 9.5.4:

### “§9.6 *Work in compressed air*

**9.6.1** Division IX of the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6) applies to any work carried out in compressed air.

### §9.7 *Explosive actuated tools*

**9.7.1** Division VII of the Safety Code for the construction industry applies to any work carried out with an explosive actuated tool.

### §9.8 *Work near an electrical line*

**9.8.1** Division V of the Safety Code for the construction industry applies to any work carried out near an aerial electrical line.

### §9.9 *Blasting work and use of explosives*

**9.9.1** This subdivision applies to any blasting work or work requiring the use of explosives. Notwithstanding the foregoing, it does not apply to such work where the work is carried out on a construction site or in a mine.

Work on a construction site is governed by the Safety Code for the construction industry.

Work in mines is governed by the Regulation respecting occupational health and safety in mines and amending various regulatory provisions (O.C. 213-93, 17 February 1993, 125 *G.O.*, Part II, of 17 March 1993, p. 1757).

**9.9.2** A person who carries out blasting work or any work requiring the use of explosives must hold a shot-firer's certificate.

The certificate is issued by the Commission de la santé et de la sécurité du travail or by a body recognized by it.

**9.9.3** A shot-firer may not be helped by more than two helpers who do not hold the shot-firer's certificate referred to in section 9.9.2.

The helpers may help the shot-firer in his work, except for the firing which must be done by the shot-firer himself.

The shot-firer must supervise and coordinate the work of the helpers who help him.

**9.9.4** A worker must be at least 18 years of age to carry out blasting work or any work requiring the use of explosives.

**9.9.5** Division IV of the Safety Code for the construction industry, except for Subdivision 4.2, applies to blasting work or to any work requiring the use of explosives.

**9.9.6** The Commission de la santé et de la sécurité du travail must cancel the certificate of a shot-firer found guilty of an offence under section 236 or 237 of the Act respecting occupational health and safety.

The Commission may also cancel or suspend, for a 3 to 24-month period, a shot-firer's certificate where the latter's work has been the subject of a remedial order under section 182 of the Act or of an order under section 186 of the Act, owing to the fact that he refused to comply with the Act or this Regulation.”

**4.** The following is inserted after section 11.7.3:

“**11.7.4:** Where a sanitary landfill site is in operation more than 16 hours a week, a heated shelter provided with drinking water, a telephone or a two-way radio, lighting and a water closet must be installed therein.”

**5.** The Regulation respecting the shoring of concrete formwork (R.R.Q., 1981, c. S-2.1, r.10) is revoked.

**6.** The Regulation respecting the handling and use of explosives (R.R.Q., 1981, c. S-2.1, r.11) is revoked.

**7.** The Regulation respecting mine rescue stations (R.R.Q., 1981, c. S-2.1, r.13) is revoked.



**8.** The Regulation respecting the protection of compressed air workers (R.R.Q., 1981, c. S-2.1, r.14) is revoked.

**9.** The Regulation respecting reviews related to inspections, approved by Order in Council 147-83 dated 26 January 1983, is revoked.

**10.** The Regulation respecting occupational health and safety in mines and amending various regulatory provisions, approved by Order in Council 213-93 dated 17 February 1993 and amended by the Regulation approved by Order in Council 1326-95 dated 4 October 1995, is further amended by inserting the following sections after the heading of Subdivision 5 of Division II:

“**17.01** At the request of the Commission de la santé et de la sécurité du travail, rescue stations for underground mines must be organized, equipped and maintained.

**17.02** Each rescue station is under the control and supervision of a person appointed under the Public Service Act (R.S.Q., c. F-3.1.1) as amended. That person must ensure the maintenance of the rescue devices in the stations under his control and supervision and must give the training provided for in sections 18 to 20.”.

**11.** The Regulation respecting work carried out in the vicinity of electric power lines (R.R.Q., 1981, c. S-2.1, r. 21) is revoked.

**12.** The Regulation respecting the use of explosive actuated tools (R.R.Q., 1981, c. S-2.1, r. 23) is revoked.

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



## Municipal Affairs

Gouvernement du Québec

### O.C. 1054-96, 28 August 1996

Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Rectification of the territorial boundaries of the Ville de Pierrefonds and validation of acts performed by the city

WHEREAS the territorial boundaries of the Ville de Pierrefonds are imprecise;

WHEREAS the city did not know who had jurisdiction in respect of the body of water bordering it;

WHEREAS that body of water is administered neither by a municipality nor by the Communauté urbaine de Montréal;

WHEREAS that city has always acted in respect of that territory as if it were under its jurisdiction;

WHEREAS the Minister of Municipal Affairs has sent to the municipality, in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a notice containing the proposed rectification and validation of acts that he intended to submit to the Government;

WHEREAS the Ville de Pierrefonds has notified the Minister of Municipal Affairs of its agreement to the proposal;

WHEREAS under sections 178 and 192 of the Act respecting municipal territorial organization, the Government may rectify the territorial boundaries of that city and validate any act performed without right by the city in respect of a territory not subject to its jurisdiction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs:

THAT the territorial boundaries of the Ville de Pierrefonds be rectified and that the acts performed by the city be validated, as follows:

(1) The description of the territorial boundaries of the Ville de Pierrefonds includes the territory described by the Minister of Natural Resources on 30 January 1996; the description of that territory appears in Schedule "A" to this Order in Council;

(2) The rectification has effect from 18 December 1958;

(3) The acts performed by the Ville de Pierrefonds in respect of the territory described in Schedule "A" are validated;

(4) This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### SCHEDULE "A"

OFFICIAL DESCRIPTION PREPARED FOR THE PURPOSE OF RECTIFYING A PART OF THE TERRITORIAL BOUNDARIES OF THE VILLE DE PIERREFONDS IN THE COMMUNAUTÉ URBAINE DE MONTRÉAL

The following territory, that is, lots 292-44 and 293-43 of the cadastre of the Paroisse de Sainte-Geneviève, is part of the Ville de Pierrefonds. The boundaries of that territory, in reference to the cadastre of the said parish, are described as follows: starting from the apex of the northern angle of lot 292-44; thence, successively, the following lines and demarcations: the northeast line of lots 292-44 and 293-43; the southwest line of lots 293-43 and 292-44; finally, the northwest line of lot 292-44 to the starting point.

Ministère des Ressources naturelles  
Service de l'arpentage  
Charlesbourg, 30 January 1996

Prepared by: GILLES CLOUTIER,  
*Land Surveyor*

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

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