

Gazette officielle du Québec

Part 2 Laws and Regulations

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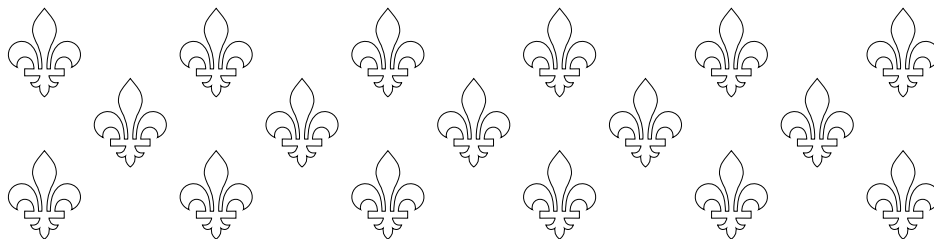
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 31
(1997, chapter 2)

An Act to amend the Act respecting labour standards

Introduced 15 May 1996
Passage in principle 28 May 1996
Passage 18 March 1997
Assented to 20 March 1997

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill amends the Act respecting labour standards to allow the Commission des normes du travail to represent a person with more than three years of uninterrupted service who believes he was dismissed by his employer without just and sufficient cause.

The bill also provides for the annual reimbursement by the Commission des normes du travail of disbursements made in connection with the exercise of remedies for dismissal without just and sufficient cause or for a prohibited practice.

Bill 31

An Act to amend the Act respecting labour standards

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting labour standards (R.S.Q., chapter N-1.1), amended by chapter 46 of the statutes of 1994, is again amended by inserting, after section 6.1, the following section:

“6.2 The Commission shall reimburse to the Minister the disbursements he has made in respect of the remedies exercised under Divisions II and III of Chapter V.

The sums paid by the Commission shall be deposited in a specific purpose account to which the provisions of section 29.1 of the Financial Administration Act (R.S.Q., chapter A-6), adapted as required, shall apply.

For the purposes of the first paragraph, the Minister shall enter into a specific agreement with the Commission.”

2. The said Act is amended by inserting, after section 126, the following section:

“126.1 The Commission may, in a proceeding under this division, represent an employee who does not belong to a group of employees to which certification has been granted under the Labour Code.”

3. Section 126.1 of the Act respecting labour standards, introduced by section 2 of this Act, does not apply in respect of a complaint submitted before 20 March 1997.

4. This Act comes into force on 20 March 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 47

(1997, chapter 4)

An Act to amend the Act respecting the payment of certain fines

Introduced 22 October 1996

Passage in principle 7 November 1996

Passage 18 March 1997

Assented to 20 March 1997

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill amends the Act respecting the payment of certain fines so as to provide for the recovery, in accordance with the provisions of the Code of Penal Procedure, of the proceeds of the fines and forfeitures attributed to Québec under the Criminal Code or any other federal statute.

Amendments for concordance and terminological modifications are also made to the Act.

Bill 47

AN ACT TO AMEND THE ACT RESPECTING THE PAYMENT OF CERTAIN FINES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Act respecting the payment of certain fines (R.S.Q., chapter P-2) is amended by inserting, after section 1, the following section :

1.1. The proceeds of any fine or forfeiture attributed to Québec under the Criminal Code or under federal penal legislation may be recovered in accordance with the provisions of Chapter XIII of the Code of Penal Procedure (chapter C-25.1).”

2. Section 2 of the said Act is amended

(1) by replacing the words “warrant of distress” in the first line of subparagraph *a* of the first paragraph by the words “writ of seizure”;

(2) by replacing, in subparagraph *b* of the first paragraph, the words “warrant of distress” in the first line by the words “writ of seizure” and the word “constable” in the second line by the words “peace officer”;

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

“The peace officer or person charged with the execution of the writ of seizure or warrant of commitment, who receives the amount mentioned in such writ or warrant, shall forthwith pay the same to the clerk of the court which or of the judge who issued such writ or warrant.”

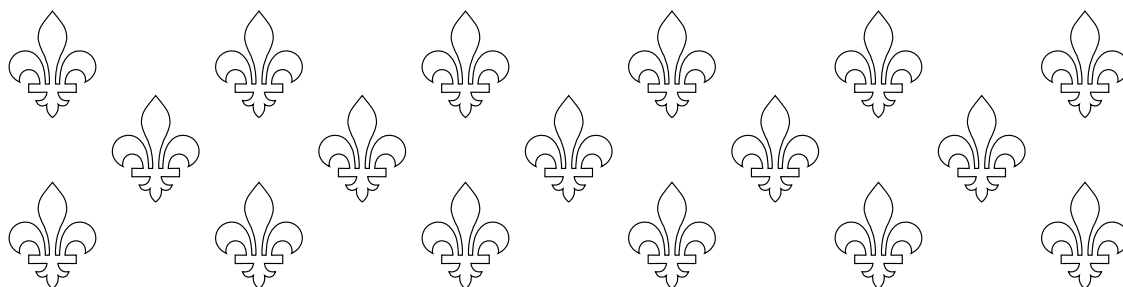
3. Section 3 of the said Act is amended by replacing the word “constable” in the third line by the words “peace officer”.

4. Section 4 of the said Act is amended by replacing the words “virtue of the regulations made under section 8 of this Act” in the sixth line by the words “order of the Minister”.

5. Section 6 of the said Act is repealed.

6. Section 8 of the said Act is repealed.

7. This Act comes into force on 20 March 1997.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 99

(1997, chapter 5)

Appropriation Act No. 2, 1997-98

Introduced 20 March 1997

Passage in principle 20 March 1997

Passage 20 March 1997

Assented to 20 March 1997

**Québec Official Publisher
1997**

EXPLANATORY NOTE

The object of this bill is to authorize the Government to pay out of the consolidated revenue fund the sum of \$7,177,120,475.00 being lightly more than 25% of the appropriations to be voted appearing in the Expenditure Budget of Québec for the fiscal year 1997-98, according to the amounts shown in the Schedule for each program of the portfolio listed therein.

Bill 99

APPROPRIATION ACT NO. 2, 1997-98

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Government may draw out of the consolidated revenue fund a sum not exceeding \$7,177,120,475.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the fiscal year 1997-98, not otherwise provided for.

That sum is apportioned according to the amounts shown in the Schedule for the various programs listed therein, constituted as follows:

(1) \$6,869,808,250.00, representing 25.0% of the appropriations to be voted for each of the programs appearing in the expenditure estimates of the Government for the said fiscal year;

(2) \$75,077,500.00, representing an additional 28.9% of the appropriations to be voted for Program 3, “Financial Compensation”, of the “Affaires municipales” portfolio;

(3) \$7,307,900.00, representing an additional 17.1% of the appropriations to be voted for Program 5, “Development of Recreation and Sport”, of the “Affaires municipales” portfolio;

(4) \$5,707,475.00, representing an additional 1.1% of the appropriations to be voted for Program 6, “Financial Assistance for the Construction of Water and Sewer Systems and for Sewage Treatment”, of the “Affaires municipales” portfolio;

(5) \$9,739,400.00, representing an additional 43.4% of the appropriations to be voted for Program 7, “Administrative and Quasi-judicial Agencies”, of the “Affaires municipales” portfolio;

(6) \$9,619,750.00, representing an additional 17.1% of the appropriations to be voted for Program 2, “Farm Financing”, of the “Agriculture, Pêcheries et Alimentation” portfolio;

(7) \$14,497,900.00, representing an additional 6.4% of the appropriations to be voted for Program 4, “Government Corporations and Agencies”, of the “Culture et Communications” portfolio;

(8) \$17,772,800.00, representing an additional 4.0% of the appropriations to be voted for Program 3, "Employment Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio;

(9) \$110,402,000.00, representing an additional 3.2% of the appropriations to be voted for Program 4, "Financial Assistance Measures", of the "Emploi, Solidarité et Condition féminine" portfolio;

(10) \$2,395,175.00, representing an additional 1.5% of the appropriations to be voted for Program 2, "Inventory and Management of Forest Heritage", of the "Ressources naturelles" portfolio;

(11) \$490,250.00, representing an additional 18.5% of the appropriations to be voted for Program 3, "Forestry Financing", of the "Ressources naturelles" portfolio;

(12) \$54,302,075.00, representing an additional 12.8% of the appropriations to be voted for Program 4, "School Transportation", of the "Transports" portfolio.

2. This Act comes into force on 20 March 1997.

SCHEDULE

AFFAIRES MUNICIPALES

PROGRAM 1

Municipal Development	2,925,400.00
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PROGRAM 2

Financial Assistance for Municipalities and Northern Villages	25,170,050.00
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PROGRAM 3

Financial Compensation	140,035,000.00
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PROGRAM 4

General Administration	8,412,100.00
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PROGRAM 5

Development of Recreation and Sport	18,000,000.00
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PROGRAM 6

Financial Assistance for the Construction of Water and Sewer Systems and for Sewage Treatment	134,174,000.00
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PROGRAM 7

Administrative and Quasi-judicial Agencies	15,348,875.00
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PROGRAM 8

Société d'habitation du Québec	69,393,975.00
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PROGRAM 9

Conciliation between Tenants and Landlords	3,358,025.00
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416,817,425.00

AGRICULTURE, PÊCHERIES ET ALIMENTATION

PROGRAM 1

Training, Research and Technological Development	7,377,000.00
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PROGRAM 2

Farm Financing	23,677,350.00
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PROGRAM 3

Assistance for Agri-food Businesses	35,431,925.00
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PROGRAM 4

Farm Insurance	52,408,150.00
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PROGRAM 5

Regulatory Support	9,931,975.00
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PROGRAM 6

Internal Management and Support	11,069,975.00
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PROGRAM 7

Fisheries and Aquiculture Development	3,886,175.00
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	143,782,550.00
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CONSEIL DU TRÉSOR, ADMINISTRATION ET FONCTION PUBLIQUE

PROGRAM 1

Conseil du trésor	13,796,575.00
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PROGRAM 2

Government Operations	55,778,375.00
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PROGRAM 3

Commission de la fonction publique	542,975.00
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PROGRAM 4

Retirement and Insurance Plans	1,071,250.00
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PROGRAM 5

Contingency Fund	96,500,000.00
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	<u>167,689,175.00</u>
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CONSEIL EXÉCUTIF

PROGRAM 1

Lieutenant-Governor's Office	94,650.00
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PROGRAM 2

Support Services for the Prime Minister and the Conseil exécutif	6,307,275.00
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PROGRAM 3

Canadian Intergovernmental Affairs	2,300,000.00
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	8,701,925.00

CULTURE ET COMMUNICATIONS

PROGRAM 1

Internal Management and Support	7,884,700.00
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PROGRAM 2

Cultural and Communications Assistance	24,125,475.00
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PROGRAM 3

National Institutions	6,920,125.00
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PROGRAM 4

Government Corporations and Agencies	71,057,000.00
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PROGRAM 5

Charter of the French Language	5,628,575.00
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PROGRAM 6

Information Highway	4,771,050.00
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	120,386,925.00
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DÉVELOPPEMENT DES RÉGIONS ET AFFAIRES AUTOCHTONES

PROGRAM 1

Regional Development	28,920,150.00
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PROGRAM 2

Native Affairs	1,052,000.00
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	29,972,150.00
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ÉDUCATION

PROGRAM 1

Administration	24,068,625.00
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PROGRAM 2

Consultation and Evaluation	1,097,875.00
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PROGRAM 3

Financial Assistance to Students	123,695,725.00
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PROGRAM 4

Preschool, Primary and Secondary Education	1,235,835,875.00
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PROGRAM 5

Higher Education	692,408,825.00
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PROGRAM 6

Tourism and Hotel Industry Training	3,860,550.00
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	2,080,967,475.00
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EMPLOI, SOLIDARITÉ ET CONDITION FÉMININE

PROGRAM 1

Status of Women	1,457,875.00
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PROGRAM 2

Secrétariat for Concerted Action	360,975.00
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PROGRAM 3

Employment Assistance Measures	128,147,825.00
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PROGRAM 4

Financial Assistance Measures	970,275,025.00
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PROGRAM 5

Internal Management and Support	81,824,100.00
---------------------------------	---------------

1,182,065,800.00

ENVIRONNEMENT ET FAUNE

PROGRAM 1

Environmental, Wildlife and Natural Heritage Protection Policies	10,748,775.00
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PROGRAM 2

Environmental, Wildlife and Natural Heritage Protection Operations	29,189,275.00
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PROGRAM 3

Internal Management and Support	13,154,075.00
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PROGRAM 4

Bureau d'audiences publiques sur l'environnement	1,222,750.00
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54,314,875.00

FAMILLE ET ENFANCE

PROGRAM 1

Child and Family Services	66,415,925.00
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	66,415,925.00

FINANCES

PROGRAM 1

Economic and Fiscal Policy Studies	1,701,875.00
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PROGRAM 2

Financial Policies and Operations	1,380,150.00
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PROGRAM 3

Comptroller of Finance	4,020,725.00
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PROGRAM 5

Internal Management and Support	4,430,575.00
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PROGRAM 6

The Inspector General of Financial Institutions	4,775,000.00
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PROGRAM 7

Control, Supervision and Development of the Securities Trade	1,197,550.00
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PROGRAM 8

Statistics, Socio-economic Forecasts and Overall Research	1,650,450.00
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	19,156,325.00
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INDUSTRIE, COMMERCE, SCIENCE ET TECHNOLOGIE

PROGRAM 1

Technical Support for the Manufacturing and Commercial Sectors and for the Development of Science, Technology and External Trade	16,201,700.00
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PROGRAM 2

Financial Support for the Manufacturing and Commercial Sectors and for the Development of Science, Technology and External Trade	54,153,650.00
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PROGRAM 3

Support for Government Corporations and Agencies	8,594,975.00
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	78,950,325.00

JUSTICE

PROGRAM 1

Formulation of Decisions	2,671,525.00
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PROGRAM 2

Administration of Justice	61,259,300.00
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PROGRAM 3

Administrative Justice	86,100.00
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PROGRAM 4

Assistance to Persons Brought before the Courts	29,098,425.00
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	93,115,350.00
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MÉTROPOLE

PROGRAM 1

Metropolitan Montréal Promotion and Development	26,279,975.00
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	26,279,975.00

PERSONNES DÉSIGNÉES PAR L'ASSEMBLÉE NATIONALE

PROGRAM 1

The Public Protector	1,291,250.00
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PROGRAM 2

The Auditor General	3,609,350.00
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	4,900,600.00
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RELATIONS AVEC LES CITOYENS ET IMMIGRATION

PROGRAM 1

Civic Relations and Citizen Relations	5,518,400.00
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PROGRAM 2

Immigration and Integration	23,767,350.00
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PROGRAM 3

Advisory and Protection Agencies responsible to the Minister	5,542,200.00
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	34,827,950.00
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RELATIONS INTERNATIONALES

PROGRAM 1

Promotion and Development of International Affairs	20,088,600.00
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	20,088,600.00

RESSOURCES NATURELLES

PROGRAM 1

Land Inventory and Management	5,214,175.00
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PROGRAM 2

Inventory and Management of Forest Heritage	43,072,000.00
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PROGRAM 3

Forestry Financing	1,154,450.00
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PROGRAM 4

Mineral Resources Management and Development	8,457,900.00
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PROGRAM 5

Management and Administrative Support	17,750,400.00
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PROGRAM 6

Energy Development	2,643,350.00
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78,292,275.00

REVENU

PROGRAM 1

Tax Administration	89,091,825.00
	<hr/>
	89,091,825.00

SANTÉ ET SERVICES SOCIAUX

PROGRAM 1

National Operations	37,872,025.00
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PROGRAM 2

Regional Operations	1,800,801,300.00
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PROGRAM 3

Research	15,782,175.00
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PROGRAM 4

Office des personnes handicapées du Québec	12,054,625.00
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	1,866,510,125.00
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SÉCURITÉ PUBLIQUE

PROGRAM 1

Internal Management and Control of Activities Relating to Alcohol, Racing and Gambling	15,860,425.00
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PROGRAM 2

Sûreté du Québec	71,747,325.00
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PROGRAM 3

Custody of Prisoners and Reintegration of Delinquents into Society	54,577,025.00
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PROGRAM 4

Safety and Prevention	9,912,050.00
	<hr/>
	152,096,825.00

TOURISME

PROGRAM 1

Promotion and Development of Tourism	14,341,900.00
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	14,341,900.00

TRANSPORTS

PROGRAM 1

Transportation Infrastructure	159,626,675.00
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PROGRAM 2

Transportation Systems	75,031,900.00
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PROGRAM 3

Administration and Corporate Services	17,984,750.00
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PROGRAM 4

School Transportation	160,384,400.00
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	<u>413,027,725.00</u>
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TRAVAIL

PROGRAM 1

Labour

15,326,450.00

15,326,450.00

7,177,120,475.00



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 104
(1997, chapter 7)

**An Act respecting the reduction of labour costs
in the public sector and implementing
the agreements reached for that purpose**

**Introduced 21 March 1997
Passage in principle 21 March 1997
Passage 21 March 1997
Assented to 22 March 1997**

**Québec Official Publisher
1997**

EXPLANATORY NOTES

This bill implements agreements reached with several public sector employees' associations to reduce labour costs having regard to the conditions of employment agreed on between the parties.

In addition, the bill temporarily broadens eligibility for retirement and modifies the conditions of employment of various groups of persons in whose respect labour costs cannot be reduced in any other way.

Lastly, the bill sets out the manner in which labour costs are to be reduced for public sector employers and associations of employees that have been unable to come to an agreement.

Bill 104

AN ACT RESPECTING THE REDUCTION OF LABOUR COSTS IN THE PUBLIC SECTOR AND IMPLEMENTING THE AGREEMENTS REACHED FOR THAT PURPOSE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

OBJECT AND APPLICATION

1. The object of this Act is to reduce labour costs in the public sector, having regard to conditions of employment agreed on for that purpose between the parties.

With that objective in view, this Act temporarily broadens eligibility for retirement and modifies other conditions of employment.

2. For the purposes of this Act, the Government, its departments and the bodies listed in Schedule 1 form part of the public sector.

The Lieutenant-Governor, the National Assembly, any person designated by the National Assembly under any Act, any body of which the National Assembly or any of its committees appoints the majority of the members and any person designated by the Government under any Act whose personnel is appointed and remunerated pursuant to the Public Service Act (R.S.Q., chapter F-3.1.1) are considered to be bodies that form part of the public sector.

3. By reason of agreements in principle reached between the parties, the labour cost reduction measures provided for by Division II and Division III do not apply to the employees represented by the associations of employees or groups of associations of employees listed in Schedule 2.

DIVISION II

LABOUR COSTS FOR THE YEAR 1996-97

4. Every public sector employer must take the remuneration reduction measures prescribed by the Government in respect of every employee in whose respect a 1.5-day period of unpaid leave or another cutback measure considered equivalent by the Government was not applied for the period from 25 December 1996 to 31 March 1997.

The measures prescribed by the Government shall not entail a reduction of the remuneration paid to the employee exceeding 0.57% of the annual remuneration determined according to the salary rate applicable to him.

5. Every public sector body must apply, according to the terms and conditions determined by the Government, a cutback measure in the form of a 1.5-day period of unpaid leave to all of its members in whose respect such a measure was not applied for the period from 25 December 1996 to 31 March 1997.

6. The salary of every member of the Court of Québec and, to the extent that it is determined by reference to such salary, the salary of every municipal judge and of every justice of the peace together with, where applicable, the additional remuneration attached to the function of chief judge, senior associate chief judge, associate chief judge, coordinating judge or associate coordinating judge, fixed in accordance with the Courts of Justice Act (R.S.Q., chapter T-16), shall be reduced by 2.3% for the period from 1 April 1997 to 30 June 1997. A 1.5-day period of compensatory leave shall be granted to such judges according to the terms and conditions determined by the chief judge.

7. The total amount of the annual indemnities that a Member of the National Assembly or a member of the Executive Council receives under section 1 or 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) or under section 7 of the Executive Power Act (R.S.Q., chapter E-18) shall be reduced by 2.3% for the period from 1 April 1997 to 30 June 1997.

8. The overall resource envelopes applicable to medical specialists, general practitioners and optometrists, in accordance with an agreement entered into under section 19 of the Health Insurance Act (R.S.Q., chapter A-29), shall be reduced by 0.5% for the fiscal year 1996-97.

9. The Régie de l'assurance-maladie du Québec must reduce by 2% the remuneration it pays, according to the tariff determined in an agreement entered into under section 19 of the Health Insurance Act, to specialists in oral and maxillofacial surgery, to dental surgeons and to proprietary pharmacists for services provided for the period from 1 April 1997 to 30 June 1997.

10. Section 4 applies to residents in medicine governed by an agreement entered into under section 19.1 of the Health Insurance Act.

DIVISION III

LABOUR COSTS FROM THE FISCAL YEAR 1997-98

§1. — *Employees and members of bodies*

11. The conditions of employment provided for by Schedule 3 apply to teachers governed by a collective agreement in force on 22 March 1997 between a college and an association of employees representing teachers.

12. Every body referred to in paragraph 4, 5 or 6 of Schedule 1 and any association of employees certified to represent employees in the employ of the body must negotiate the application of measures entailing a reduction by 6%, from 1 July 1997, of the labour costs in respect of such employees.

Failing an agreement by 1 July 1997, the work time reduction measures provided for by Schedule 4 apply.

13. The measures provided for by Schedule 4 apply to employees in the employ of a body referred to in paragraph 4, 5 or 6 of Schedule 1 who are not represented by an association of employees.

14. The total annual payroll applicable on 31 March 1997 to the staff of a Minister's office, to the office staff referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) and to the staff of a Member of the National Assembly shall be reduced by 6%.

15. The Government or any other public sector authority empowered to determine the conditions of employment of members of a body, management staff or executive officers must modify those conditions of employment to reduce by 6%, from 1 July 1997, the labour costs in their respect, unless the reduction of costs is effected by other means, in particular by staff reductions.

Any remuneration reduction measure taken by a body in respect of its employees also applies in respect of its members and executive officers, unless an equivalent remuneration reduction measure already applies to them.

§2. — *Health professionals and residents in medicine*

16. The parties to an agreement entered into under section 19 of the Health Insurance Act must negotiate stipulations to reduce by 6% on an annual basis, from 1 July 1997, the costs attached to the provision of services.

Failing an agreement by 1 July 1997, section 17 or 18, as the case may be, and section 19 apply.

17. For the fiscal year 1997-98, the overall resource envelopes applicable to medical specialists, general practitioners and optometrists, in accordance with the provisions of an agreement in effect under the Health Insurance Act, shall be reduced by 4.5%. From the fiscal year 1998-99, such annual envelopes shall be reduced by 6%.

The Régie must reduce by 6% the remuneration it pays to such health professionals according to the tariffs, salary rates and scales and premiums provided for by the agreement for services that are provided from 1 July 1997. The applicable practice earnings ceilings and quarterly ceilings shall also be reduced by 6% from that date.

18. The Régie must reduce by 6% the remuneration it pays to specialists in oral and maxillofacial surgery, to dental surgeons and to proprietary pharmacists according to the applicable salary rates and scales and premiums under the Health Insurance Act for services that are provided from 1 July 1997. The applicable quarterly ceilings shall also be reduced by 6% from that date.

19. Where a practice earning ceiling or a quarterly ceiling referred to in section 17 or 18 refers to a period which begins before 1 July 1997 and ends after that date, the ceiling shall be reduced proportionally to the ratio between the duration of the period not yet expired on 1 July 1997 and the total duration of the reference period.

20. The parties to an agreement entered into under section 19.1 of the Health Insurance Act must negotiate stipulations to reduce, from 1 July 1997, the costs attached to the provision of services of residents in medicine in accordance with the object of this Act.

Failing an agreement by 1 July 1997, the cutback measures prescribed by the Government to effect the cost reductions referred to in the first paragraph apply from that date.

§3. — *Members of the National Assembly and members of the Executive Council*

21. For the period from 1 July 1997 to 30 June 1998, the total amount of annual indemnities received by Members of the National Assembly and by members of the Executive Council under section 1 or 7 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly and under section 7 of the Executive Power Act shall be reduced by 6%.

Subsequently, the total amount so reduced shall vary each year according to the percentage of variation in the lowest average amount and the highest average amount determined on 1 July 1998 in the salary scale of the class IV group of senior management positions.

DIVISION IV

AGREEMENTS OR ALTERNATE MEASURES

22. An employer and an association of employees representing employees in whose respect a measure prescribed under section 4 applies may, during the period of application of that measure, negotiate and ratify stipulations to reduce the labour costs in respect of such employees otherwise than by a cutback measure provided for by that section.

As regards employees to whom such a measure applies who are not represented by an association of employees, an employer may, according to law, take any other measure which reduces the labour costs in their respect.

23. An employer and an association of employees representing employees in whose respect a measure taken under Schedule 4 applies may negotiate and ratify stipulations to reduce by 6% the labour costs in respect of such employees otherwise than by the reduction of work time provided for by that schedule or to replace compensatory leave by another form of work time distribution.

As regards employees in whose respect a measure taken under Schedule 4 applies who are not represented by an association of employees, an employer may, according to law, take any other measure which reduces the labour costs in their respect by 6%.

24. The parties to an agreement entered into under section 19 or 19.1 of the Health Insurance Act may negotiate and ratify stipulations to reduce the costs attached to the provision of services otherwise than by the reduction provided for by section 8, 9, 10, 17 or 18, as the case may be.

25. To the extent that they entail a reduction of the labour costs in respect of the employees to whom they apply in a proportion at least equivalent to the reduction provided for by section 4 or by the second paragraph of section 12, the stipulations or alternate measures ratified pursuant to section 22 or 23 shall prevail over those prescribed under section 4 or provided for by Schedule 4.

The same applies in respect of the stipulations ratified pursuant to section 24 relative to the measures applicable in respect of health professionals under section 8, 9, 10, 17 or 18, as the case may be.

DIVISION V

POWERS OF THE GOVERNMENT

26. For the purposes of this Act, the Government may

(1) determine terms and conditions for the granting by the employer of the compensatory leave referred to in Schedule 4 or for the carry-over of such leave, for its application for the purposes of salary-insurance and early retirement, and for the cashing out of such leave ;

(2) exempt from the application of Schedule 4 any other class of employees for whom the granting of compensatory leave does not appear appropriate to the Government by reason of the mode of hiring or remuneration of those employees ;

(3) prescribe the cutback measures applicable to the employees referred to in section 4, in particular the reduction of the salary paid to the employees, the reduction of the number of days of sick-leave that are credited to the employees and may be cashed out, the reduction of the indemnity standing in lieu of sick-leave or the reduction of the indemnity pertaining to the annual vacation, and prescribe the applicable level of reduction and the terms and conditions of application ;

(4) where the Government considers it appropriate having regard to the nature of the activities of the employees concerned, provide for the granting of leave in return for the salary reduction measures referred to in subparagraph 3, for the number of days of leave and for the terms and conditions subject to which the leave may be taken.

The measures and terms and conditions prescribed under this section may vary according to the groups of employees determined by the Government.

27. An order in council made under this Act takes effect on the date on which it is made or on any later date fixed therein. The Regulations Act (R.S.Q., chapter R-18.1) does not apply to the order in council or to the draft order in council.

DIVISION VI

AMENDING PROVISIONS

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

28. The Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting, after section 85.21, the following chapter:

“CHAPTER V.2

“TEMPORARY MEASURES FOR EMPLOYEES WHO MAY BE UNIONIZED

“DIVISION I

“APPLICABILITY AND MISCELLANEOUS PROVISIONS

“85.22. This chapter applies to every employee who may be unionized whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) on 31 December 1996 was a member of this plan as an employee who may be unionized;

(2) has never availed or is not availing himself of the temporary criterion of eligibility for a pension of 35 years of service provided for in Division IV of Chapter V.1 of Title I, of the measures respecting early retirement provided for in Division III of Chapter V.1 of Title I, in Chapter III of Title IV including the special application provisions which are or were applicable under Title IV.I, or in subdivision 3 of Division II.1 of the Act respecting the Civil Service Superannuation Plan, of the measures provided for in the Act respecting the payment of a retirement allowance and other benefits and amending the Act respecting the Government and Public Employees Retirement Plan (1992,

chapter 62) or of special measures enacted pursuant to Title IV.2 and designed to compensate, in whole or in part, the actuarial reduction of pension benefits;

(3) has not, before 19 December 1996, entered into an agreement with his employer within the scope of measures designed to reduce personnel or of any other measure designed to promote retirement or, where applicable, waives such an agreement entered into after 18 December 1996 within the scope of measures in force before that date;

(4) retires and ceases to be covered by this plan before 3 July 1997.

This chapter applies to an employee referred to in the second paragraph of section 215.0.1 only if the amount of benefits granted pursuant to this chapter is greater than the amount granted pursuant to Title IV.1. If this chapter applies to that employee, the employee may not avail himself of the special provisions contained in that title.

“85.23. An employee who meets the requirements of subparagraphs 1 to 3 of the first paragraph of section 85.22 may, if he files an application for redemption with the Commission before 30 April 1997, cease to be covered by the plan, retire and avail himself of the provisions of this chapter on or before 2 July 1997 or the date occurring 30 days after the date of the redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions an employee may avail himself of the provisions of this chapter on a date subsequent to 2 July 1997.

“85.24. The measures provided for in this chapter, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this division.

“DIVISION II

“TEMPORARY CRITERIA OF ELIGIBILITY FOR A PENSION

“85.25. Notwithstanding section 33, a pension shall be granted to every employee who may be unionized and who

(1) has, in years of age and years of service, a combined total of 80 or more, if he is at least 50 years of age;

(2) has attained 60 years of age;

(3) has at least 10 years of service and is 50 years of age or over;

(4) has attained 55 years of age.

The employee is required to be a member of the plan at the time he retires under any of the criteria listed above.

“85.26. In the cases described in subparagraphs 3 and 4 of the first paragraph of section 85.25, the employee’s pension is reduced for its duration by 1/4 of 1% per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which the pension would otherwise have been granted to him without actuarial reduction under subparagraph 1 or 2 of the first paragraph of that section.

“DIVISION III

“ADDITIONAL BENEFITS

“85.27. The amount of the employee’s pension is increased by an amount of pension equal to 1.1% of the average pensionable salary used in computing his pension for each year of service he had credited under this plan and for which he obtained a paid-up annuity certificate or for which pension credit is or would be granted to him and, in the case of a female employee, for each part of a year that has been credited to her under section 221.1 or that has been recognized in her respect under that section for the purposes of entitlement to a pension under this plan. However, the number of years of service considered for the purpose of that increase may not be greater than the amount by which 35 exceeds the number of years of service used in computing the pension.

The amount granted pursuant to the first paragraph for each of those years shall be granted only within the limits authorized under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), taking into account the amount of the paid-up annuity or pension credit to which the employee is entitled for the year concerned. Where applicable, the amount granted pursuant to the first paragraph shall be reduced to comply with that ceiling.

“85.28. An employee who is under 65 years of age is also entitled to have a pension amount of \$230 added to the amount of his pension for each of the years considered pursuant to the first paragraph of section 85.27. The amount is payable until the end of the month in which the pensioner attains 65 years of age.

“85.29. Section 85.26 applies in respect of any pension amounts added under the first paragraph of section 85.27 and section 85.28.

“85.30. The pension amounts added under the first paragraph of section 85.27 and section 85.28 shall be considered to be benefits acquired after 30 June 1982.

“85.31. The reduction of 2% referred to in section 43.1 does not apply to the pension amount added under section 85.28 and the pension granted to the spouse, in the case of death of the pensioner, shall be computed without reference to that amount.

85.32. If the employee who meets the conditions set out in subparagraphs 1, 2 and 3 of the first paragraph of section 85.22 dies before 3 July 1997 while he is eligible for a pension under section 85.25, the pension of the spouse shall be computed as if the employee had retired on the day of his death.

If the employee referred to in the first paragraph dies while he is under 55 years of age, his spouse is entitled to receive, in lieu of the pension the spouse would have been entitled to receive under that paragraph, the amount computed pursuant to section 46.1, without reference to the benefits provided for in this chapter.

“DIVISION IV

“FUNDING OF MEASURES AND ACTUARIAL VALUATION

85.33. The Comité de retraite referred to in section 164 must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for in Division II and of the actuarial reductions which will not be made pursuant to that division, and the valuation of the actuarial value of the additional benefits under Division III. The total amount paid in connection with departure incentives in respect of persons who retired in the period of application provided for in this chapter or in Division II.2 of the Act respecting the Civil Service Superannuation Plan and the amount of the additional budget allotted to the Commission for the administration of such measures and for the costs arising from the financial services the Commission provides to the persons concerned by the measures must be added to the actuarial value of the commitments and benefits. The amount of the additional budget for the administration of the measures provided for by Division VII of Chapter IV of the Act respecting the Teachers Pension Plan and for the financial services provided to the persons concerned by the measures must also be added to the actuarial value of such commitments and benefits.

85.34. The sum of the additional actuarial commitments and of the actuarial value of the additional benefits referred to in section 85.33 and of the value of the additional actuarial commitments referred to in section 66.6 of the Act respecting the Teachers Pension Plan and in section 99.28 of the Act respecting the Civil Service Superannuation Plan shall be shared equally between employees and employers.

The Commission shall transfer, after production of the actuarial valuations referred to in section 85.33, in section 66.6 of the Act respecting the Teachers Pension Plan and in section 99.28 of the Act respecting the Civil Service Superannuation Plan, from the contribution fund of the employees who may be unionized at the Caisse de dépôt et placement du Québec to the employers' contributory fund at the Caisse, the amount resulting from the difference between the amounts obtained pursuant to the following subparagraphs 1 and 2:

(1) one-half of the sum referred to in the first paragraph, up to the sum of 800 million dollars established at 31 December 1996;

(2) the portion of the additional actuarial commitments and of the actuarial value of the additional benefits referred to in section 85.33 that is borne by the contribution fund of the employees who may be unionized of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec pursuant to section 130.

If the amount determined under subparagraph 2 of the second paragraph is greater than the sum of 800 million dollars referred to in subparagraph 1 thereof, the Commission shall transfer the excess amount from the employers' contributory fund at the Caisse to the contribution fund of the employees who may be unionized referred to in that paragraph."

29. Section 215.13 of the said Act, enacted by section 41 of chapter 70 of the statutes of 1995, is amended

(1) by replacing the words "an actuarially reduced pension" in the fourth line of subparagraph 4 of the first paragraph by the words "a pension";

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

"(5) the circumstances by reason of which an agreement relating to a sabbatical with deferred salary terminates, notwithstanding section 197."

30. Section 221.1 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:

"221.1. Notwithstanding section 85.1, every employee who was granted a maternity leave may be credited, without contributions, with the days of a maternity leave in progress on 1 July 1973 or having begun after that date but having ended before 1 July 1976, up to a total of 90 contributory days.";

(2) by adding, at the end, the following paragraphs:

"To be credited with the days of the maternity leave, the employee referred to in the first paragraph is required to have contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or this plan, as the case may be, in the 12 months preceding the beginning of the maternity leave, and to have again contributed to the Teachers Pension Plan, the Civil Service Superannuation Plan or this plan within two years following the year in which the maternity leave ended.

For the purposes of the third paragraph, an employee who, in respect of a period of service immediately preceding the date on which the employee began to participate in this plan, contributed to a supplementary pension plan or redeemed the entire period of service in the form of a pension credit is

deemed to have contributed to this plan in the 12 months preceding the date of the beginning of the maternity leave. In such a case, the employee may be credited with the days of maternity leave during which the employee was covered by this plan and the days of maternity leave during which the employee was not covered by this plan may be added, solely for purposes of entitlement to a pension, to the years of service credited to her, if those days have not otherwise been counted or credited.

Any contributions paid by the employee referred to in the first paragraph to redeem the maternity leave pursuant to the provisions relating to the redemption of a leave without pay are reimbursed without interest if the leave was redeemed while the Teachers Pension Plan or the Civil Service Superannuation Plan was applicable to her, or with interest if the leave was redeemed while this plan was applicable to her.”

ACT RESPECTING THE TEACHERS PENSION PLAN

31. The Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by inserting, after section 66, the following division :

“DIVISION VII

“TEMPORARY MEASURES

“§1. — *Application and miscellaneous provisions*

“**66.1.** This division applies to every teacher whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) did not enter into an agreement, before 19 December 1996, with his employer within the scope of a personnel reduction measure or any other retirement incentive or, where applicable, waives such an agreement entered into before 18 December 1996 within the scope of the measures in force before that date ;

(2) retires and ceases to be covered by this plan before 3 July 1997.

“**66.2.** A teacher who meets the requirements of paragraph 1 of section 66.1 may, if he files an application for redemption with the Commission before 30 April 1997, cease to be covered by the plan, retire and avail himself of the provisions of this division on or before 2 July 1997 or the date occurring 30 days after the date of the redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions a teacher may avail himself of the provisions of this division on a date subsequent to 2 July 1997.

“66.3. The measures provided for in this division, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this subdivision.

“§2. — *Temporary criterion of eligibility for a pension*

“66.4. Notwithstanding section 32, a pension may also be granted to a teacher who has, in years of age and years of service, a combined total of 80 or more, if he is at least 55 years of age.

The teacher is required to be a member of the plan at the time he retires under that criterion.

“66.5. Notwithstanding the second paragraph of section 37, a pension granted under paragraph 7 of section 32 is reduced for its duration by 0.25% per month, computed for each month comprised between the date on which the pension is granted to the teacher and the first date on which the pension would otherwise have been granted to him without actuarial reduction under the first paragraph of that section or under the first paragraph of section 66.4.

“66.6. If the teacher who meets the conditions set out in paragraph 1 of section 66.1 dies before 3 July 1997 while he is eligible for a pension under section 66.4, the pension of the spouse shall be computed as if the teacher had retired on the day of his death.

“§3. — *Actuarial valuation*

“66.7. The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criterion of eligibility for a pension provided for in subdivision 2 and of the actuarial reductions which will not be made pursuant to that subdivision.”

32. Section 76.2 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:

“76.2. Notwithstanding section 28.1, every teacher who was granted a maternity leave may be credited, without contributions, with the days of a maternity leave in progress on 1 July 1973 or having begun after that date but having ended before 1 July 1976, up to a total of 90 contributory days.”;

(2) by adding, at the end, the following paragraphs:

“To be credited with the days of the maternity leave, the teacher referred to in the first paragraph is required to have contributed to the Civil Service Superannuation Plan or this plan, as the case may be, in the 12 months

preceding the beginning of the maternity leave and to have again contributed to this plan or the Civil Service Superannuation Plan within two years following the year in which the maternity leave ended even if, in the latter case, the teacher was not a teacher within the meaning of this plan at the time she again contributed.

The contributions paid by the teacher referred to in the first paragraph to redeem the maternity leave pursuant to the provisions relating to the redemption of leave without pay are reimbursed without interest.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

33. The Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by inserting, after section 99.21, the following division :

“DIVISION II.2

“TEMPORARY MEASURES

“§1. — *Applicability and miscellaneous provisions*

“**99.22.** This division applies to every officer whose application to that effect is received by the Commission on or before 11 July 1997 and who

(1) has never availed himself and is not availing himself of the measures respecting early retirement provided for in Division III of Chapter V.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan or Chapter III of Title IV of that Act ;

(2) has not, before 19 December 1996, entered into an agreement with his employer within the scope of measures designed to reduce personnel or of any other measure designed to promote retirement or, where applicable, waives such an agreement entered into before 18 December 1996 within the scope of measures in force before that date ;

(3) retires and ceases to be covered by this plan before 3 July 1997.

“**99.23.** An officer who meets the requirements of paragraphs 1 and 2 of section 99.22 may, if he files an application for redemption with the Commission before 30 April 1997, cease to be covered by the plan, retire and avail himself of the provisions of this division on or before 2 July 1997 or the date occurring 30 days after the date of the redemption proposal made by the Commission, whichever is later.

The Government may, by regulation, determine in what cases and subject to what terms and conditions an officer may avail himself of the provisions of this division on a date subsequent to 2 July 1997.

“99.24. The measures provided for in this division, except in respect of a person who has availed himself thereof, apply until 2 July 1997, subject to the provisions of this subdivision.

“§2. — *Temporary criteria of eligibility for a pension*

“99.25. Notwithstanding section 56, a pension shall be granted to every officer who

(1) has, in years of age and years of service, a combined total of 80 or more, if he is at least 50 years of age;

(2) has attained 60 years of age;

(3) is no longer able to perform his regular functions because of physical or mental disability;

(4) has at least 10 years of service and is 50 years of age or over.

The officer is required to be a member of the plan at the time he retires under any of the criteria listed above.

“99.26. In the case described in subparagraph 4 of the first paragraph of section 99.25, the officer's pension is reduced for its duration by 1/4 of 1% per month, computed for each month comprised between the date on which the pension is granted and the nearest date on which the pension would otherwise have been granted to him without actuarial reduction under subparagraph 1 or 2 of the first paragraph of that section.

“99.27. If the officer who meets the conditions set out in paragraphs 1 and 2 of section 99.22 dies before 3 July 1997 while he is eligible for a pension under section 99.25, the pension of the spouse shall be computed as if the officer had retired on the day of his death.

“§3. — *Actuarial valuation*

“99.28. The Comité de retraite referred to in section 164 of the Act respecting the Government and Public Employees Retirement Plan must request the Commission to cause to be prepared on or before 31 October 1998 by the actuaries it designates the valuation of additional actuarial commitments arising out of the introduction of the temporary criteria of eligibility for a pension provided for in subdivision 2 and of the actuarial reductions which will not be made pursuant to that subdivision.”

34. Section 112.2 of the said Act is amended

(1) by inserting, at the beginning, the following paragraph:

112.2. Notwithstanding section 99.5, every officer who was granted a maternity leave may be credited, without contributions, with the days of a maternity leave in progress on 1 July 1973 or having begun after that date but having ended before 1 July 1976, up to 90 contributory days.”;

(2) by adding, at the end, the following paragraphs :

“To be credited with the days of the maternity leave, the officer referred to in the first paragraph is required to have contributed to the Teachers Pension Plan or the plan provided for in Division II, as the case may be, in the 12 months preceding the beginning of the maternity leave, and to have again contributed to the Teachers Pension Plan or the plan provided for in Division II within two years following the year in which the maternity leave ended even if, in the latter case, the officer referred to in the first paragraph was not a teacher within the meaning of the Teachers Pension Plan at the time she again contributed.

The contributions paid by the officer referred to in the first paragraph to redeem the maternity leave pursuant to the provisions relating to the redemption of a leave without pay are reimbursed without interest.”

COURTS OF JUSTICE ACT

35. The Courts of Justice Act (R.S.Q., chapter T-16) is amended by inserting, after section 225, the following chapter :

“CHAPTER I.1

“SALARY AND CONTRIBUTIONS

226. An amount equal to 6% of each payment of a judge’s annual salary shall be withheld as a contribution. However, no amount shall be withheld from the salary of a judge who has 35 years of service to his credit for the purpose of computing his pension.

226.1. For the purposes of section 226, a judge’s annual salary is the salary fixed by order in council under section 115. However, the additional remuneration paid to a chief judge, a senior associate chief judge, an associate chief judge, a coordinating judge or an associate coordinating judge and any other remuneration paid to a judge on leave without pay or to a judge referred to in sections 131 to 134 shall be excluded from the annual salary.

Any lump sum paid as an increase or adjustment of salary for a preceding year forms part of the salary for the year during which it is paid. However, if the lump sum is paid during a year for which no service is credited, it forms part of the salary for the last year for which service is credited prior to the year of payment of the lump sum.

Notwithstanding the first and second paragraphs, the judge's annual salary shall not exceed the salary required to arrive at the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).

“226.2. A judge who is unable to hold his office and who receives or is entitled to receive, as a replacement of his salary, benefits under a social benefits plan established under the first paragraph of section 122 or, as the case may be, under an equivalent plan in effect in a municipality which has joined this plan is exempt, for the period in which he receives or is entitled to receive the benefits, from the payment of the contributions that would have been deducted from his salary had he held his office.”

36. Section 229 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line of the second paragraph.

37. Section 231 of the said Act, amended by section 41 of chapter 42 of the statutes of 1995, is again amended by replacing the second and third paragraphs by the following paragraph:

“To determine the average salary, the annual salaries taken into consideration are those of all the years of service of the judge and are equivalent, for each year, to the salary referred to in the first and second paragraphs of section 226.1 up to the annual salaries, in the case of subparagraph 2 of the first paragraph of section 230, required to arrive at the defined benefit limit applicable for each year under the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement).”

38. Section 244.2 of the said Act is amended by adding, at the end of the first paragraph, the words “and must pay contributions to this plan”.

39. Section 244.3 of the said Act is amended by adding, at the end of the first paragraph, the words “and is not required to pay contributions to this plan”.

40. Section 244.4 of the said Act is amended by inserting the words “or after 30 June 1997” after the figure “1990” in the fifth line of the first paragraph.

41. Section 244.5 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the fifth line of the first paragraph.

42. Section 244.6 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the third line.

43. Section 244.7 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line.

44. Section 244.9 of the said Act is amended by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line of the first paragraph.

45. Section 246.26 of the said Act is amended

(1) by inserting the words “and for those subsequent to 1996” after the figure “1989” in the second line of the second paragraph;

(2) by inserting the words “and subject to the contributions paid by the judges for the years subsequent to 1996 to the pension plan provided for in Part VI” after the word “municipality” in the fourth line of the third paragraph.

46. Section 246.26.1 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: “Each municipality shall also pay, subject to the same rules, terms and conditions, the contributions of its judges.”

ACT TO ESTABLISH A DEPARTURE INCENTIVE MANAGEMENT FUND

47. The Act to establish a departure incentive management fund (1996, chapter 66) is amended by replacing the words “the Cadre de gestion de la mesure de départ assisté dans la fonction publique” in the second line of paragraph 1 of section 3 by the words “a departure incentive measure in the public service”.

DIVISION VII

MISCELLANEOUS PROVISIONS

48. Any measure for the granting of a 1.5-day period of unpaid leave and any equivalent measure taken by an employer in respect of employees between 19 December 1996 and 22 March 1997 are deemed to have been taken under section 4.

49. Sections 5 and 15, adapted as required, apply to every holder of a senior position the appointment or remuneration of whom is effected or approved by the Government.

50. The Government may make all or part of Schedule 3 applicable, according to the terms and conditions determined by the Government, to a group of employees represented by a new association of employees to which section 28 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) does not apply.

51. Every operator of an ambulance service who holds a permit issued under Division VI of the Public Health Protection Act (R.S.Q., chapter P-35) is considered to be a public sector body covered by paragraph 6 of Schedule 1.

52. The provisions of Schedule 3 shall form part of the collective agreements referred to therein; such provisions shall prevail over the stipulations of the collective agreements, and may be amended by the parties.

53. The provisions of Schedule 3 shall constitute stipulations negotiated and ratified on the national level.

54. The latest collective agreements between the colleges and the associations of employees belonging to the Association des syndicats de professionnelles et professionnels de collèges du Québec shall be renewed until 30 June 1998.

The Government may, by order in council, amend the agreements to make applicable amendments agreed upon on the latest renewal of collective agreements governing the Fédération du personnel professionnel des collèges (FPPC) and the colleges.

55. The Government may determine, for the administration of the temporary measures enacted under sections 28, 31 and 33 and for the costs arising from the financial services provided to the persons concerned by the measures, an amount in addition to the total amount of the annual budget of the Commission administrative des régimes de retraite et d'assurances for the budget years beginning on 1 April 1996 and on 1 April 1997.

For the purposes of the first paragraph, the required sums shall be taken in equal parts from the contribution fund of the employees who may be unionized of the Government and Public Employees Retirement Plan at the Caisse de dépôt et placement du Québec and from the consolidated revenue fund.

56. For the purposes of section 89 of the Act respecting the Government and Public Employees Retirement Plan, only the pension credits acquired before 1 January 1997 may be increased in accordance with that section following the production of the actuarial valuation made on the basis of the data at 31 December 1996.

57. The provisions of the Act respecting the Government and Public Employees Retirement Plan, of the Act respecting the Teachers Pension Plan and of the Act respecting the Civil Service Superannuation Plan relating to the return to work of a pensioner do not apply before 1 September 1997 in respect of a person who availed himself of the temporary measures enacted under sections 28, 31 and 33 of this Act and who again holds a position covered before that date by the Government and Public Employees Retirement Plan. That person shall not participate in the plans for the duration of the time during which those provisions do not apply.

58. The Government may exempt from the application of this Act or any provision thereof a public sector employer identified by the Government and the employer's employees or a group of its employees determined by the Government, if it considers that conditions of employment in force on 22 March 1997 already entail a reduction of labour costs in the same proportion as provided for by this Act.

The Government may do the same with respect to a group of health professionals governed by an agreement entered into under section 19 of the Health Insurance Act, if it considers that such measures agreed to before 22 March 1997 already entail a reduction of labour costs in such proportion.

59. Notwithstanding any provision of any Act or of any statutory instrument but subject to section 1 of the Act respecting subsidies for the payment in capital and interest of loans of public or municipal bodies (R.S.Q., chapter S-37.01), the Government may, so as to permit the carrying out of this Act, fix or change, without further formality, the amount or date of payment of any subsidy or grant paid to a public body by the Government or a Minister or a mandatory body of the Government.

60. The provisions of this Act apply, notwithstanding any provision of any other Act or of any statutory instrument, collective agreement or contract concerning a matter that is the subject of this Act.

61. The Chairman of the Conseil du trésor is responsible for the administration of this Act.

DIVISION VIII

FINAL PROVISIONS

62. The Government may terminate the application of the provisions of sections 12, 13, 16 to 18 and 20 on the date or dates fixed by order of the Government.

Such an order shall be tabled before the National Assembly within 15 days after being made or, if the Assembly is not sitting, within 15 days of resumption.

63. The provisions of sections 35 to 46 will be repealed on 1 July 1997 unless alternate measures that apply to all the persons referred to in section 6 and entailing, from that date, a 6% reduction on an annual basis of the costs arising from the benefits granted to them and that are related to the performance of their duties, are determined by agreement with the Government before that date.

Within 15 days following the entering into of the agreement, the Minister of Justice shall table the agreement in the National Assembly or, if the Assembly is not sitting, within 15 days of resumption.

64. The provisions of this Act come into force on 22 March 1997, except sections 35 to 46 which come into force on 1 July 1997.

SCHEDULE 1

PUBLIC SECTOR BODIES

(Section 2)

1. All government agencies all of whose personnel is appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

2. All school boards, all bodies similar to a school board and all colleges to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) applies and the Conseil scolaire de l'Île de Montréal.

3. All institutions and all bodies classified as an institution to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors applies, all regional health and social services boards and all regional health and social services councils.

4. All educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1).

5. All educational institutions accredited for purposes of subsidies in accordance with the Act respecting private education (R.S.Q., chapter E-9.1).

6. The following bodies :

Agence métropolitaine de transport
Caisse de dépôt et placement du Québec
Centre de recherche industrielle du Québec
Commission de la capitale nationale du Québec
Commission de la construction du Québec
Commission de reconnaissance des associations d'artistes
Commission des services juridiques
Conseil des arts et des lettres du Québec
Conseil des services essentiels
Corporation d'aide juridique
Corporation d'urgences-santé de la région de Montréal Métropolitain
Fondation de la faune du Québec
Fonds de la recherche en santé du Québec
Fonds pour la formation de chercheurs et l'aide à la recherche
Institut de police du Québec
Institut de recherche et d'information sur la rémunération
Musée d'Art contemporain de Montréal
Musée de la Civilisation
Musée du Québec
Office de la sécurité du revenu des chasseurs et piégeurs cris
Office Franco-Québécois pour la Jeunesse

Régie de l'énergie
Régie des installations olympiques
Société de développement des entreprises culturelles
Société de la Place des Arts de Montréal
Société des alcools du Québec
Société des établissements de plein air du Québec
Société des loteries du Québec
Société des Traversiers du Québec
Société du Centre des congrès de Québec
Société du Grand Théâtre de Québec
Société du Palais des congrès de Montréal
Société du parc industriel et portuaire de Bécancour
Société immobilière du Québec
Société Innovatech du Grand Montréal
Société Innovatech du sud du Québec
Société Innovatech Québec et Chaudière-Appalaches
Société québécoise d'assainissement des eaux
Société québécoise d'information juridique
Société québécoise d'initiatives agro-alimentaires
Société québécoise de développement de la main-d'oeuvre
Société québécoise de récupération et de recyclage.

7. Any other body, in respect of the members of its personnel who are appointed or remunerated in accordance with the Public Service Act.

SCHEDULE 2

ASSOCIATIONS OR GROUPS WHOSE EMPLOYEES ARE EXCLUDED FROM THE APPLICATION OF THE ACT

(Section 3)

1. School board sector referred to in paragraph 2 of Schedule 1:
 - Centrale de l'enseignement du Québec (CEQ)
 - Confederation of National Trade Unions (CNTU)
 - Canadian Union of Public Employees (CUPE)
 - Syndicat québécois des employées et employés de service, Local 800 (UES)
 - Syndicat des employés professionnels et de bureau, Local 57 et Local 440 (SEPB)
 - Provincial Association of Protestant Teachers of Quebec (PAPT)
 - Provincial Association of Catholic Teachers (PACT)
 - Fédération indépendante des syndicats affiliés (FISA)
 - Lakeshore School Board (support staff)
 - Western Quebec School Board (support staff)
 - Alliance des travailleurs du Québec (ATQ) (support staff)
 - Transport Drivers, Warehousemen and General Workers, Teamsters Québec, Local 106 (FTQ)

2. College sector referred to in paragraph 2 of Schedule 1:
 - Fédération des employées et employés des services publics (FEESP)
 - Fédération du personnel professionnel des collèges (FPPC)
 - Fédération du personnel de soutien (FPS)
 - Canadian Union of Public Employees (CUPE)
 - Syndicat des employées et employés de soutien du collège Beauce-Appalaches (CSD)
 - Association of non-teaching professionals at John Abbott College
 - Certified association representing stationary engineers and their assistants at Cégep Vanier (CMOU)
 - Fédération des enseignantes et enseignants de cégep (FEC)
 - Fédération autonome du collégial (FAC)

3. Health and social services sector referred to in paragraph 3 of Schedule 1:
 - Confederation of National Trade Unions (CNTU)
 - Centrale de l'enseignement du Québec (CEQ)
 - Canadian Union of Public Employees (CUPE)
 - Syndicat québécois des employées et employés de service, Local 298 (UES)
 - Syndicat québécois des employées et employés de service, Local 800 (UES)
 - Fédération du personnel de la santé et des services sociaux (FPSSS)

- Fédération des syndicats de professionnelles et professionnels de la santé et des services sociaux du Québec (FSPPSSSQ)
- Union québécoise des infirmières et infirmiers (UQII)
- Fédération des infirmières et infirmiers du Québec (FIIQ)
- Syndicat des physiothérapeutes et des thérapeutes en réadaptation physique du Québec (SPTRPQ-CPS)
- Syndicat des technologues en radiologie du Québec (STRQ-CPS)
- Syndicat des ergothérapeutes du Québec (SEQ-CPS)
- Association de techniciennes et techniciens en diététique du Québec inc. (ATDQ-CPS)
- Association des employés en service social de la province de Québec (AESSPQ-CPS)
- Syndicat des intervenants professionnels de la santé du Québec (SIPSQ-CPS)
- Association professionnelle des technologistes médicaux du Québec (APTMQ)
- Syndicat des professionnels et des techniciens de la santé du Québec (SPTSQ-CPS)
- Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec (APIIAQ)
- Fédération des infirmières et infirmiers auxiliaires du Québec (FIIAQ)
- Centrale des syndicats démocratiques (CSD)
- Association professionnelle des inhalothérapeutes du Québec (APIQ)
- Syndicat professionnel des diététistes du Québec (SPDQ)
- Association professionnelle des technologistes médicaux du Québec (APTMQ)
- Conseil des syndicats hospitaliers de Montréal Inc (CSHM)

4. Public service sector referred to in paragraphs 1 and 7 of Schedule 1 :

- Syndicat de la fonction publique du Québec (SFPQ)
- Syndicat de professionnelles et professionnels du gouvernement du Québec (SPGQ)
- Syndicat des agents de conservation de la faune du Québec (SACFQ)
- Association professionnelle des chirurgiens-dentistes du gouvernement du Québec (APCDGQ)
- Syndicat professionnel des médecins du gouvernement du Québec (SPMGQ)
- Association des juristes de l'État (AJE)
- Syndicat des professeurs de l'État du Québec

SCHEDULE 3

CONDITIONS OF EMPLOYMENT APPLICABLE TO TEACHERS
GOVERNED BY A COLLECTIVE AGREEMENT BETWEEN
A COLLEGE AND AN ASSOCIATION OF EMPLOYEES
REPRESENTING TEACHERS*(Section 11)*

1. The provisions relating to the number of full-time teachers or the equivalent granted for theoretical-laboratory courses, training courses, excluded programs and for the extensive preparation, in the colleges and campuses as a whole whose teachers are represented by the Fédération nationale des enseignants et des enseignantes du Québec (FNEEQ), may not operate to require the Ministère de l'Éducation to determine a number of teachers greater than the number determined for the 1996-97 year, less 403 full-time staff equivalents (E.T.C.).

2. The parties may negotiate and ratify arrangements at the local or regional level to replace stipulations negotiated and ratified at the national level which deal with the resources allotted for teaching or for other purposes so as to enable resources allotted to teaching to be transferred to resources provided for other purposes and vice-versa, or which deal with any other aspect of the teachers' workload.

SCHEDULE 4

WORK TIME REDUCTION MEASURES

(Section 12)

1. The employer must reduce the work time of employees by 6% from 1 July 1997 in accordance with the provisions that follow.

2. The employer must, from 1 July 1997, reduce the remuneration paid to an employee by an amount equal to 6% of the person's salary and grant compensatory leave to the employee.

An employee's salary is the base salary to which the employee is entitled, excluding any rate increase in connection with overtime and any bonus, allowance, indemnity or lump-sum amount added to base salary.

3. The compensatory leave shall be credited to the employee at the end of each month of remunerated service. The duration of the leave is equal to 6% of the number of hours, days or parts of days for which the employee was entitled to salary during the month.

4. The compensatory leave credited to the employee shall be remunerated on the basis of the salary to be paid to the employee at the time the leave is used or cashed out, having regard to paragraph 2, if applicable.

5. Subject to paragraph 6 and to such terms and conditions as the Government may determine, the compensatory leave shall be taken on the days or parts of days determined by the employer.

It may also be taken, by agreement with the employer, on the days or parts of days chosen by the employee, unless owing to the requirements of the employee's service, this would entail additional costs to the employer.

6. In public bodies providing instruction, the dates on which compensatory leave may be used must be determined in such manner that the number of teaching days is not reduced.

7. The compensatory leave may be used, at the request of the employee,

(1) to satisfy the waiting period under an insurance salary plan if the employee has exhausted sick-leave credit ;

(2) for purposes of early retirement.

8. The employer shall, where the employment relationship is severed, pay to the employee the remuneration payable for accumulated compensatory leave that has not been taken or used.

9. The granting of compensatory leave under this schedule does not affect the calculation of the seniority and years of service of an employee for the purpose of applying the employee's conditions of employment.

10. The provisions of this schedule do not apply in respect of the work time and remuneration of a full-time public sector employee who is bound by a voluntary work time reduction measure or whose salary has been reduced as a result of a voluntary salary deferral measure, up to the percentage of the reduction in work time or remuneration arising from such a measure.

11. In respect of the period from 1 July 1997 to 30 June 1998 and of any other period determined by the Government, the application of this schedule shall not operate to reduce the service or the wages or salary considered for the purposes of a retirement plan which is administered by the Commission administrative des régimes de retraite et d'assurances or in respect of which the Commission pays the benefits. In such a case, the employee's wages or salary are the wages or salary that would have been paid to the employee were it not for this Act, and the provisions of the employee's retirement plan that concern employee and employer contributions shall apply to those wages or salary. The portion of an employee's contribution relative to a reduction in remuneration shall be paid by the employer.

Coming into force of Acts

Gouvernement du Québec

O.C. 408-97, 26 March 1997

**An Act to amend the Code of Civil Procedure
regarding family mediation (1993, c. 1)
— Coming into force of a provision**

COMING INTO FORCE of a provision of the Act to amend the Code of Civil Procedure regarding family mediation

WHEREAS the Act to amend the Code of Civil Procedure regarding family mediation (1993, c. 1) was assented to on 10 March 1993;

WHEREAS under section 6 of that Act, its provisions will come into force on the date or dates fixed by the Government with the exception of section 4, to the extent that it enacts the second sentence of article 827.2 and article 827.3 of the Code of Civil Procedure, which came into force on 10 March 1993;

WHEREAS it is expedient to fix 1 May 1997 as the date of coming into force of section 4 of that Act, to the extent that it enacts the first sentence of article 827.2 of the Code of Civil Procedure;

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

THAT 1 May 1997 be fixed as the date of coming into force of section 4 of the Act to amend the Code of Civil Procedure regarding family mediation (1993, c. 1), to the extent that that section enacts the first sentence of article 827.2 of the Code of Civil Procedure.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulations and Other Acts

Gouvernement du Québec

O.C. 358-97, 19 March 1997

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

Advocates

— Code of ethics
— Amendments

Regulation to amend the Code of ethics of advocates

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), amended by section 75 of Chapter 40 of the Statutes of 1994, the General Council of the Barreau du Québec must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, and containing, *inter alia*, provisions determining which acts are derogatory to the dignity of the profession;

WHEREAS the General Council made the Code of ethics of advocates (R.R.Q., 1981, c. B-1, r.1);

WHEREAS that Regulation was amended by the Regulations approved by Orders in Council 1380-91 dated 9 October 1991, 535-93 dated 7 April 1993 and 1690-93 dated 1 December 1993;

WHEREAS under the above-mentioned section, the General Council made the Regulation to amend the Code of ethics of advocates;

WHEREAS under section 95.3 of the Professional Code, amended by section 84 of Chapter 40 of the Statutes of 1994, the executive director of the Bar has sent a draft of it to every member of the Bar at least 30 days before its adoption by the General Council;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 27 December 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following the date of that publication;

WHEREAS in accordance with section 95 of the Professional Code, amended by section 83 of Chapter 40 of

the Statutes of 1994, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve that Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of advocates, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of advocates

Professional Code
(R.S.Q., c. C-26, s. 87; 1994, c. 40, s. 75)

1. The Code of ethics of advocates (R.R.Q., 1981, c. B-1, r. 1), amended by the Regulations approved by Orders in Council 1380-91 dated 9 October 1991, 535-93 dated 7 April 1993 and 1690-93 dated 1 December 1993, is further amended by substituting the following for section 2.06:

“**2.06.** The advocate must serve justice and support the authority of the courts. The advocate may not act in a manner which is detrimental to the administration of justice.”.

2. The Code is amended by substituting the following for section 2.09:

“**2.09.** In accordance to section 2.06, the advocate may not in particular make a public statement which is liable to prejudice a case pending before a court.”.

3. The Code is amended by adding the following paragraphs after paragraph *x* of section 4.02.01:

“y) sexually harassing any person in the course of the practice of his profession;

z) intimidating, taking reprisals or threatening to take reprisals against any person who:

i. has reported derogatory behaviour or conduct or intends to do so;

ii. has taken part or cooperated in an inquiry into derogatory behaviour or conduct or intends to do so.».

4. 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. 359-97, 19 March 1997

An Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01)

Application of the Act respecting the civil aspects of international and interprovincial child abduction to Venezuela

WHEREAS under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Affairs, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in that Act;

WHEREAS under that same section, the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS Venezuela has signed and ratified the Convention on the Civil Aspects of International Child Abduction on 16 October 1996 and that Convention came into force for that State on 1 January 1997;

WHEREAS the Government considers that Québec residents may benefit, in that State and from that date, from measures similar to those set out in the Act respecting the civil aspects of international and interprovincial child abduction;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice and of the Minister of International Affairs:

THAT Venezuela be designated as a State in which the Act respecting the civil aspects of international and interprovincial child abduction applies and that the Act take effect, in respect of that State, on 1 January 1997.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 374-97, 19 March 1997

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

Regulatory provisions respecting occupational health and safety
— Amendments

Regulation to amend various regulatory provisions respecting occupational health and safety

WHEREAS under subparagraphs 1, 2, 7 to 14, 19, 41 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters mentioned therein;

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

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

WHEREAS in accordance with section 224 of that Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation entitled "Regulation to amend various regulatory provisions respecting occupational health and safety" was published in Part 2 of the *Gazette officielle du Québec* of 18 September 1996, with a notice that at the expiry of 60 days following that notice, it would be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS the Commission adopted, with amendments, the Regulation to amend various regulatory provisions respecting occupational health and safety, at its meeting of 19 December 1996;

WHEREAS the purpose of the Regulation is to lighten existing regulations by revoking certain regulations which, in fact, are no longer enforced because of their obsolescence or by transferring into general regulations the essential elements of other regulations;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of the Act respecting occupational health and safety:

THAT the Regulation to amend various regulatory provisions respecting occupational health and safety, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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, 1st par., subpars. 1, 2, 7 to 14, 19, 41 and 42, 2nd and 3rd 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 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.

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, 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*.

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Gouvernement du Québec

O.C. 384-97, 26 March 1997

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

Forest Management Funding Program

Forest Management Funding Program

WHEREAS section 124.37 of the Forest Act (R.S.Q., c. F-4.1), introduced by section 14 of Chapter 14 of the Statutes of Québec of 1996, provides that the Government shall establish, by regulation, a forest management funding program to encourage the establishment, maintenance or development of forest production units of 80 hectares or more and the establishment or development of forest service enterprises;

WHEREAS section 172.2 of that Act, introduced by section 19 of Chapter 14 of the Statutes of Québec of 1996, provides that the Government may, by regulation, prescribe any measure necessary for the establishment and implementation of the forest management funding program provided for in section 124.37 of that Act and in particular:

(1) determine the conditions, criteria and scope of the program, which may vary, in particular, according to the nature of the activities concerned, and prescribe exclusions;

(2) establish criteria to be used to determine the persons or classes of persons who may avail themselves of the program, and prescribe exclusions;

(3) designate the persons who may act as lenders under the program;

(4) determine the financial commitments made within the scope of the program that give entitlement to insurance under section 4 of the Act respecting farm-loan insurance and forestry-loan insurance together with the extent and duration of coverage;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Forest Management Funding Program was published in Part 2 of the *Gazette officielle du Québec* of 9 October

1996 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

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 Forest Management Funding Program, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Forest Management Funding Program

Forest Act
(R.S.Q., c. F-4.1, s. 124.37 and s. 172.2; 1996, c. 14)

DIVISION I PROGRAM OBJECTIVE

1. This Program is designed to enable the Société de financement agricole (“the Corporation”) to financially support forest producers, by means of a loan, for the purpose of encouraging the establishment, maintenance or development of forest production units of 80 hectares or more and the establishment or development of forest service enterprises.

DIVISION II INTERPRETATION

2. For the purposes of this Program,

“forest producer” means a person or an organization certified as a forest producer under section 120 of the Forest Act (R.S.Q., c. F-4.1; 1996, c. 14); (*producteur forestier*)

“lender” means

(1) a savings and credit union governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1);

(2) any of the following banks: the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce, the Bank of Montréal, the Bank of Nova Scotia, the Toronto Dominion Bank or the Laurentian Bank of Canada;

(3) a person to whom is owed all or part of the sale price of forest assets; or

(4) any other person authorized by the Corporation under subparagraph 2 of the first paragraph of section 16 of the Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101); (*prêteur*) and

“loan” means a loan, including a loan taken over by another borrower and all or part of the sale price owed by a borrower following the acquisition of forest assets, where the loan is granted under this Program, under the Act to promote forest credit by private institutions (R.S.Q., c. C-78.1) or under the Forestry Credit Act (R.S.Q., c. C-78). (*prêt*)

3. For the purposes of this Program, an interest in an entity certified as a forest producer is,

(1) in the case of a forest producer composed of one or more natural persons, the rights held in a forest production unit;

(2) in the case of a forest producer composed of a company, the voting shares;

(3) in the case of a forest producer composed of a general or limited partnership, the shares held by the partners;

(4) in the case of a forest producer composed of a cooperative, the shares; or

(5) in the case of a forest producer composed of a combination of natural persons, companies, or general or limited partnerships or cooperatives, the rights held in a forest production unit, the voting shares, the shares held by the partners, or the shares in each of those categories of persons.

DIVISION III GENERAL

4. Financial assistance granted under this Program shall be in the form of a loan.

Such financial assistance may be granted by the Corporation to a forest producer who meets the conditions of this Program and the particular conditions determined by the Corporation in accordance with the powers conferred upon it by subparagraph 1 of the first paragraph of section 16 of the Act respecting the Société de financement agricole.

A person or an organization which, without being a forest producer, is composed of at least 1 forest producer or 1 person holding interests in an entity certified as a forest producer shall be considered to be a forest producer for the purposes of this Program.

5. In order to be admissible, an application for financial assistance shall be submitted to the Corporation in writing and shall be accompanied by the information and documents required by the Corporation under section 22 of the Act respecting the Société de financement agricole.

6. In order to be eligible for a loan, a forest producer shall demonstrate,

(1) where he is a natural person, that he is of full age, is domiciled in Québec and is a Canadian citizen or permanent resident within the meaning of the Immigration Act (R.S.C., 1985, c. I-2);

(2) where it is a legal person, that its head office and principal place of business are in Québec; and

(3) where it is composed of more than 1 person, that it consists only of persons who meet the conditions of subparagraphs 1 and 2.

A forest producer shall also meet the following conditions:

(1) have a forest management plan that meets the conditions listed in subparagraph 1 of the first paragraph of section 120 of the Act for the forest area in respect of which the loan is applied for;

(2) need the financial assistance requested for the establishment, maintenance or development of a forest production unit of 80 hectares or more or for the establishment or development of a forest service enterprise, taking into account its overall financial position;

(3) be able to meet its financial obligations;

(4) have the necessary resources to carry out its plan;

(5) demonstrate that the project's profit outlook ensures its financial viability, in the case of a forest service enterprise; and

(6) be able to provide the guarantees required by the Corporation under subparagraph 1 of the first paragraph of section 16 of the Act respecting the Société de financement agricole.

7. For the duration of the loan, the forest producer shall meet the conditions that rendered him or it eligible therefor.

8. In accordance with section 4 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1), a lender who grants a loan under this Pro-

gram shall be entitled to insurance from the Fonds d'assurance-prêts agricoles et forestiers for the duration of the loan.

DIVISION IV **GRANTING OF A LOAN**

9. The Corporation may, within the scope of the objective described in section 1, grant a loan to a forest producer.

10. A loan may be granted under this Program only for the following purposes:

(1) the establishment, maintenance or development of a forest production unit of 80 hectares or more under forest management; or

(2) the establishment or development of a forest enterprise owning machinery or equipment used for a forest management activity and providing its services to owners of private woodlots.

11. The following are excluded from the financial assistance provided for in this Program:

(1) activities for which financial assistance may be provided under the Program for farm financing established under the Act respecting the Société de financement agricole and made by Order in Council 699-95 dated 24 May 1995;

(2) activities related to forest seedling production and to the acquisition of assets for the processing of timber into firewood for commercial purposes;

(3) the purchase of mobile sawmills; and

(4) the holders of wood processing plant operating permits whose authorized annual consumption is more than 2 000 cubic metres of rough timber for peeling, sawing or pulp and paper production.

12. The maximum amount of a loan that may be granted to a forest producer is \$500 000.

The balance on loans granted to the borrower under this Program, the Act to promote forest credit by private institutions or the Forestry Credit Act shall be taken into account in calculating that maximum amount. Notwithstanding the foregoing, debts that have devolved on the borrower by succession after the last loan was granted are not taken into account in that calculation.

13. A loan shall have a maximum term of 30 years and shall be repayable under the terms and conditions determined by the Corporation.

14. The interest rate on a loan may not exceed the lender's hypothecary interest rate in force on the date of the loan contract. The rate may be adjusted on the expiry of each period of 12, 36 or 60 months according to the agreement entered into by the lender and the borrower.

For the purposes of this section, "hypothecary interest rate" means,

(1) in the case of a lender who has such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling; or

(2) in the case of a lender who does not have such a rate, the interest rate on a closed-term loan secured by a first hypothec on a single-family dwelling of any of the following financial institutions: Fiducie Desjardins Inc., the National Bank of Canada, the Royal Bank of Canada, the Canadian Imperial Bank of Commerce or the Bank of Montreal.

15. Where the lender is a person to whom is owed all or part of the sale price of forest assets, the interest rate may be set for a period not exceeding 5 years where the parties so agree. That interest rate may not exceed, for the chosen term, the current hypothecary interest rate of any of the financial institutions listed in subparagraph 2 of the second paragraph of section 14.

16. Interest on a loan shall be capitalized monthly and not in advance, regardless of the payment schedule agreed to by the parties.

DIVISION V MISCELLANEOUS AND FINAL

17. No amount of money may be charged to a forest producer by a lender referred to in paragraphs 1 to 4 of the definition of "lender" in section 2 for services rendered by the Corporation or for services offered by the lender free of charge in the normal course of its activities.

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

1366

Gouvernement du Québec

O.C. 385-97, 26 March 1997

An Act respecting farm-loan insurance
and forestry-loan insurance
(R.S.Q., c. A-29.1)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance

WHEREAS section 24 of the Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1) empowers the Government to prescribe any measure necessary or advisable for the carrying out and proper operation of that Act;

WHEREAS it is expedient to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r. 1);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance was published in Part 2 of the *Gazette officielle du Québec* of 9 October 1996, with a notice that it could be made by the Government at the expiry of 45 days following that publication;

WHEREAS no comments pertaining to that Draft Regulation were received before the expiry of that period;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance

An Act respecting farm-loan insurance and forestry-loan insurance (R.S.Q., c. A-29.1, s. 24)

1. The Regulation respecting the application of the Act respecting farm-loan insurance and forestry-loan insurance (R.R.Q., 1981, c. A-29.1, r. 1) amended by the Regulations made by Orders in Council 1127-88 dated 13 July 1988, 895-89 dated 14 June 1989, 1650-90 dated 28 November 1990, 130-92 dated 5 February 1992, 698-93 dated 19 May 1993 and 700-95 dated 24 May 1995, is further amended by substituting the words “the Forest Management Funding Program established under the Forest Act (R.S.Q., c. F-4.1) and made by Order in Council 384-97 dated 26 March 1997” for the words “the Act to promote forest credit by private institutions (R.S.Q., c. C-78.1)” in paragraph 1 of section 2.

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

1365

Gouvernement du Québec

O.C. 386-97, 26 March 1997

An Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101)

Société de financement agricole — Duties and charges exigible

Regulation to amend the Regulation respecting duties and charges exigible by the Société de financement agricole

WHEREAS under section 34 of the Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101), the Government may, by Regulation, prescribe any measure necessary to the application of that Act and may, particularly, determine the cases in which duties or charges are exigible by the corporation and fix the amount thereof;

WHEREAS the Regulation to amend the Regulation respecting duties and charges exigible by the Société de financement agricole was made by Order in Council 1075-93 dated 11 August 1993;

WHEREAS it is expedient to amend that Regulation;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting duties and charges exigible by the Société de financement agricole was published in Part 2 of the *Gazette officielle du Québec*, with a notice that it could be made by the Government at the expiry of 45 days following that publication;

WHEREAS no comments pertaining to that Draft Regulation were received before the expiry of that period;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting duties and charges exigible by the Société de financement agricole, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting duties and charges exigible by the Société de financement agricole

An Act respecting the Société de financement agricole (R.S.Q., c. S-11.0101, s. 34, 1st par., subparagraph. 5)

1. The Regulation respecting duties and charges exigible by the Société de financement agricole, made by Order in Council 1075-93 dated 11 August 1993 and amended by Order in Council 701-95 dated 24 May 1995, is further amended, in section 1:

(1) by substituting the words “the Forest Management Funding Program made by Order in Council 384-97 dated 26 March 1997” for the words “the Act to promote forest credit by private institutions (R.S.Q., c. C-78.1)” in the first paragraph; and

(2) by inserting the words “the Forest Management Funding Program or” in the second paragraph after “(R.S.Q., c. C-75),”.

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

1364

Gouvernement du Québec

O.C. 437-97, 26 March 1997

Automobile Insurance Act
(R.S.Q., c. A-25)

Insurance contributions — Amendments

Regulation to amend the Regulation respecting insurance contributions

WHEREAS under sections 151.1 and 151.2 and paragraph 2 of section 195.1 of the Automobile Insurance Act (R.S.Q., c. A-25), the Société de l'assurance automobile du Québec may fix, by regulation, after actuarial valuation, the insurance contribution exigible to obtain the registration of a road vehicle, to obtain and to retain the right to operate such vehicle and it may prescribe the calculation methods for that contribution;

WHEREAS under section 197 of that Act, every regulation of the Société must be approved by the Government;

WHEREAS at its sitting of 14 March 1997, the Société made the Regulation to amend the Regulation respecting insurance contributions;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved notwithstanding the publication requirement in section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires 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 approved it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation:

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— in accordance with the financial statements of the Société de l'assurance automobile du Québec for 1996, the Société has a surplus and it recommends that it be distributed among the insured persons by temporarily reducing for one year the insurance contributions exigible to obtain the registration of a road vehicle or to retain the right to operate such vehicle;

— it is important that the Regulation to amend the Regulation respecting insurance contributions come into force as soon as possible so that the greatest number of motorists be able to benefit from an immediate reduction in their insurance contributions;

— under paragraph 3 of section 19 of the Regulation respecting road vehicle registration, the owner of a motor home or of a passenger vehicle whose surname begins with *D*, *E* or *F* must pay the insurance contributions between 1 March and 31 May;

— as of 9 April 1997, the Société will prepare the notices sent by mail on which the amount to be paid by the above-mentioned owners is indicated;

— consequently, the regulatory provisions that reduce the annual insurance contribution exigible to retain the right to operate a registered vehicle must come into force on 9 April 1997;

WHEREAS it is expedient that the Regulation be approved by the Government;

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

THAT the Regulation to amend the Regulation respecting insurance contributions, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting insurance contributions

Automobile Insurance Act
(R.S.Q., c. A-25, ss. 151.1, 151.2 and 195.1, subpar. 2)

1. The Regulation respecting insurance contributions, approved by Order in Council 1422-91 dated 16 October 1991 and amended by O.C. 1123-92 dated 29 July 1992, 1512-93 dated 27 October 1993 and 718-96 dated 12 June 1996, is further amended by inserting the following Division after section 35:

“**DIVISION IV.1**
INSURANCE CONTRIBUTION PAYABLE UPON
REGISTRATION OF A ROAD VEHICLE AND FOR
THE RIGHT TO OPERATE THE VEHICLE,
APPLICABLE FOR A LIMITED TIME

35.1 Notwithstanding the provisions of Divisions III and IV, the insurance contribution payable, determined according to this Division, applies to the registration of road vehicles between May 1, 1997 and April 30, 1998.

35.2 Subject to sections 35.3 and 34.4, the insurance contribution payable upon registration of a road vehicle and for its use on a road is calculated by multiplying the monthly insurance contribution set in sections 35.12 to 35.30 according to the category of vehicle, its net weight, the number of its axles and the vehicle's use, by the number of full months, plus one, between the date on which registration is applied for and the end of the month prior to the month corresponding to the next due date for payment of the sums covered by the first paragraph of section 31.1 of the Highway Safety Code.

Where the number of full months used in the calculation prescribed by the first paragraph is less than four, the next twelve months must be added to their number.

35.3 The insurance contribution payable for registration and the right to operate a snowblower, a moped, a motorcycle or a bus engaged in the transportation of schoolchildren corresponds to the percentage of the annual insurance contribution payable to retain the right to operate the vehicle, as prescribed in Division V.1 and set forth below:

(1) in the case of a snowblower that is registered:

- i. during the month of December, the percentage is 100 %;
- ii. during the month of January, the percentage is 80 %;
- iii. during the month of February, the percentage is 60 %;
- iv. during the month of March, the percentage is 40 %;
- v. during the months from April to November, the percentage is 20 %;

(2) in the case of a moped or a motorcycle that is registered:

- i. during the months of April and May, the percentage is 100 %;
- ii. during the month of June, the percentage is 83.3 %;
- iii. during the month of July, the percentage is 66.7 %;
- iv. during the month of August, the percentage is 50 %;
- v. during the month of September, the percentage is 33.3 %;

vi. during the months from October to March, the percentage is 16.7 %;

(3) in the case of a bus engaged in the transportation of schoolchildren that is registered:

- i. during the month of September, the percentage is 100 %;
- ii. during the month of October, the percentage is 90 %;
- iii. during the month of November, the percentage is 80 %;
- iv. during the month of December, the percentage is 70 %;
- v. during the month of January, the percentage is 60 %;
- vi. during the month of February, the percentage is 50 %;
- vii. during the month of March, the percentage is 40 %;
- viii. during the month of April, the percentage is 30 %;
- ix. during the month of May, the percentage is 20 %;
- x. during the months from June to August, the percentage is 10 %.

35.4 The insurance contribution payable upon registration and for the right to use a trailer on the roadway is \$11.92.

35.5 The owner of a registered road vehicle who was reimbursed under section 59 an amount of insurance contribution paid because he is prohibited from operating the vehicle under section 188 or 189 of the Highway Safety Code, must pay the insurance contribution according to the rules set forth in section 35.2 in order to obtain authorization to again operate the vehicle after the prohibition has been lifted.

35.6. If the registration of a road vehicle was cancelled at the time registration of another vehicle is applied for, or an insurance contribution credit is issued following the cancellation of another vehicle's registration during the month in which an application for registration is made, the insurance contribution payable for the first month is reduced by the smaller of these amounts:

(1) the monthly contribution applying to the road vehicle for which registration is sought;

(2) the monthly contribution set for the road vehicle whose registration was cancelled.

35.7 If the registration of a road vehicle was cancelled at the time registration of another vehicle is applied for, and an insurance contribution credit is issued following the cancellation of a third vehicle's registration during the month in which the application was made, the insurance contribution payable for the first month is reduced by the smaller of these amounts:

(1) the monthly contribution applying to the road vehicle for which registration is sought;

(2) the greater of:

(a) the monthly contribution applying to the road vehicle that is the object of the insurance contribution credit;

(b) the monthly contribution set for the road vehicle whose registration was cancelled at the time an application for registration of another vehicle is made.

35.8 The monthly insurance contribution for a snowblower is \$19.08.

35.9 The monthly insurance contribution for a moped is \$7.65.

35.10 The monthly insurance contribution for a motorcycle is set according to the cylinder size as follows:

(1) 50 cc and less: \$7.80;

(2) 51 cc to 125 cc: \$15.44;

(3) 126 cc to 400 cc: \$26.91;

(4) 401 cc to 700 cc: \$37.62;

(5) 701 cc to 1 000 cc: \$37.62;

(6) 1 001 cc and over: \$37.62.

35.11 The monthly insurance contribution for a bus engaged in the transportation of schoolchildren is:

(1) \$9.54 for one whose net weight is 3 000 kg or less;

(2) \$15.60 for one whose net weight is over 3 000 kg but not exceeding 8 000 kg;

(3) \$22.48 for one whose net weight is over 8 000 kg but not exceeding 10 000 kg;

(4) \$30.55 for one whose net weight is more than 10 000 kg.

35.12 The monthly insurance contribution for a private bus is:

(1) \$7.95 for one whose net weight is 3 000 kg or less;

(2) \$13.00 for one whose net weight is over 3 000 kg but not exceeding 8 000 kg;

(3) \$18.73 for one whose net weight is over 8 000 kg but not exceeding 10 000 kg;

(4) \$25.46 for one whose net weight is more than 10 000 kg.

35.13 The monthly insurance contribution for a public bus is:

(1) \$21.25 for one whose net weight is 3 000 kg or less;

(2) \$28.29 for one whose net weight is over 3 000 kg but not exceeding 8 000 kg;

(3) \$34.86 for one whose net weight is over 8 000 kg but not exceeding 10 000 kg;

(4) \$41.74 for one whose net weight is more than 10 000 kg.

35.14 Subject to section 35.15, the monthly insurance contribution for either of the following road vehicles owned by a natural person and mainly used for personal purposes is \$6.65:

(1) a passenger vehicle;

(2) a motor home with a net weight of 3 000 kg or less.

35.15 The monthly insurance contribution for a passenger vehicle covered by section 98 or 99 of the Regulation respecting road vehicle registration is \$6.67.

35.16 Except in the case of a moped and a motorcycle, the monthly insurance contribution for any of the following vehicles is \$7.95:

(1) a commercial vehicle;

(2) a vehicle engaged in the transportation of school-children;

(3) a road vehicle owned by a driving school or an institution that holds a licence to dispense instruction in the driving of heavy trucks, issued under section 23 of the Act respecting private education (L.R.Q., c. E-9);

(4) a motor home owned by a legal person and one with a net weight of over 3 000 kg that is owned by a natural person who uses it mainly for personal purposes;

(5) special mobile equipment and special mobile snow equipment;

(6) a tow truck;

(7) an ambulance and a hearse.

35.17 The monthly insurance contribution for a farm vehicle with a net weight of 3 000 kg or less is \$4.66.

35.18 The monthly insurance contribution for a taxi-cab is \$25.76.

35.19 Subject to section 35.22, the monthly insurance contribution for a truck is:

(1) \$9.94 for one with two axles;

(2) \$14.99 for one with three or four axles;

(3) \$26.76 for one with five or more axles.

35.20 The monthly insurance contribution for a farm vehicle with a net weight over 3 000 kg is:

(1) \$7.95 for one with two axles;

(2) \$10.70 for one with three or four axles;

(3) \$13.00 for one with five or more axles.

35.21 The monthly insurance contribution for a commercial vehicle whose owner is covered by paragraphs 1 to 8 of section 55.13 is \$7.95.

35.22 The monthly insurance contribution for a truck whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is:

(1) \$7.95 for one with two axles;

(2) \$10.70 for one with three or four axles;

(3) \$13.00 for one with five or more axles.

35.23 The monthly insurance contribution for a bus or a minibus whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is:

(1) \$7.95 for one with a net weight of 3 000 kg or less;

(2) \$13.00 for one with a net weight over 3 000 kg but not exceeding 8 000 kg;

(3) \$18.73 for one with a net weight over 8 000 kg but not exceeding 10 000 kg;

(4) \$25.46 for one with a net weight of more than 10 000 kg.

35.24 The monthly insurance contribution for special mobile equipment, special mobile snow equipment and a snowblower whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is \$7.95.

35.25 The monthly insurance contribution for a road vehicle other than those covered by sections 35.21 to 35.24 and whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is that set under this division for a corresponding vehicle.

35.26 The monthly insurance contribution payable upon registration of a vehicle under section 143 or 149 of the Regulation respecting road vehicle registration is \$13.46.

35.27 The monthly insurance contribution for a farm tractor is \$2.37.

35.28 The monthly insurance contribution for any one of the following road vehicles is \$2.83:

(1) a hand crafted vehicle;

(2) a vehicle with a net weight of 450 kg or less, except for a motorcycle, a moped and special mobile equipment;

(3) a vehicle manufactured more than 25 years ago;

(4) an antique motor vehicle.

35.29 The monthly insurance contribution for a snowmobile with a net weight of more than 450 kg is \$6.79.

35.30 The monthly insurance contribution for a restricted-travel road vehicle covered by section 124 of the Regulation respecting road vehicle registration that is used in an area not linked to the Québec highway system, except for a passenger vehicle, is \$5.28.

The monthly insurance contribution for a passenger vehicle covered by section 124 of the Regulation is \$6.65.”.

The following division is inserted after section 55:

“DIVISION V.1

INSURANCE CONTRIBUTION PAYABLE TO RETAIN THE RIGHT TO OPERATE A ROAD VEHICLE, APPLICABLE FOR A LIMITED TIME

§1. General provision

55.1 Notwithstanding the provisions of Division V, the insurance contribution payable, determined according to this Division, applies to retention of the right to operate a road vehicle where payment is received by the Société de l’assurance automobile du Québec after April 8, 1997 and the due date is later than April 30, 1997 but before May 1, 1998, in applying sections 19 to 24 of the Regulation respecting road vehicle registration.

§2. Passenger vehicles

55.2 Subject to section 55.3, the insurance contribution payable to retain the right to operate one of the following vehicles owned by a natural person and mainly used for personal purposes is \$79.82:

- (1) a passenger vehicle;
- (2) a motor home with a net weight of 3 000 kg or less.

55.3 The insurance contribution payable to retain the right to drive a passenger vehicle covered by section 98 or 99 of the Regulation respecting road vehicle registration is \$80.

§3. Motorcycles and mopeds

55.4 The insurance contribution payable to retain the right to operate a motorcycle is set according to the cylinder size as follows:

- (1) 50 cc and less: \$46.79;
- (2) 51 cc to 125 cc: \$92.66;
- (3) 126 cc to 400 cc: \$161.47;
- (4) 401 cc to 700 cc: \$225.69;
- (5) 701 cc to 1000 cc: \$225.69;
- (6) 1001 cc and over: \$225.69.

55.5 The insurance contribution payable to retain the right to operate a moped is \$45.87.

§4. Vehicles used for commercial or educational purposes and motor homes weighing more than 3 000 kg

55.6 Except in the case of a moped and a motorcycle, the insurance contribution payable to retain the right to operate any of the following road vehicles is \$95.41:

- (1) a commercial vehicle;
- (2) a vehicle engaged in the transportation of school-children;
- (3) a road vehicle owned by a driving school or an institution that holds a licence to dispense instruction in the driving of heavy trucks, issued under section 23 of the Act respecting private education (L.R.Q., c. E-9);
- (4) a snowblower;
- (5) a motor home owned by a legal person and one with a net weight of over 3 000 kg that is owned by a natural person who uses it mainly for personal purposes;
- (6) special mobile equipment and special mobile snow equipment;
- (7) a tow truck;
- (8) an ambulance and a hearse.

55.7 The insurance contribution payable to retain the right to operate a farm vehicle with a net weight of 3 000 kg or less is \$55.96.

§5. Taxicabs

55.8 The insurance contribution payable to retain the right to operate a taxicab is \$309.17.

§6. Trucks and farm vehicles of more than 3 000 kg

55.9 Subject to section 55.14, the insurance contribution payable to retain the right to operate a truck is:

- (1) \$119.27 for one with two axles;
- (2) \$179.82 for one with three or four axles;
- (3) \$321.10 for one with five or more axles.

55.10 The insurance contribution payable to retain the right to operate a farm vehicle weighing more than 3 000 kg is:

- (1) \$95.41 for one with two axles;
- (2) \$128.44 for one with three or four axles;
- (3) \$155.96 for one with five or more axles.

§7. Buses and minibuses

55.11 Subject to section 55.15, the insurance contribution payable to retain the right to operate a public bus is:

- (1) \$255.05 for one whose net weight is 3 000 kg or less;
- (2) \$339.45 for one whose net weight is over 3 000 kg but not exceeding 8 000 kg;
- (3) \$418.35 for one whose net weight is over 8 000 kg but not exceeding 10 000 kg;
- (4) \$500.92 for one whose net weight is more than 10 000 kg.

55.12 Subject to section 55.15, the insurance contribution payable to retain the right to operate a bus engaged in the transportation of schoolchildren or a private bus is:

- (1) \$95.41 for one whose net weight is 3 000 kg or less;
- (2) \$155.96 for one whose net weight is over 3 000 kg but not exceeding 8 000 kg;
- (3) \$224.77 for one whose net weight is over 8 000 kg but not exceeding 10 000 kg;
- (4) \$305.50 for one whose net weight is more than 10 000 kg.

§8. Vehicles of governments, hospitals, charitable institutions and parish fabriques

55.13 The insurance contribution payable to retain the right to operate a commercial vehicle other than one covered by any of sections 139 to 141 of the Regulation respecting road vehicle registration is \$95.41, where the owner is:

- (1) the Government of Québec or a public agency as defined in the Act respecting land use planning and development (R.S.Q., c. A-19.1), except Government corporations listed in Schedule I and their subsidiaries;
- (2) the Government of Canada;

(3) a foreign government insofar as it grants the privilege to the Government of Québec;

(4) a school board, a municipality or a public corporation whose governing board is majoritarily comprised of elected municipal officials or whose budget must under Québec law be submitted to such a board;

(5) a hospital centre as defined in subparagraph *h* of section 1 of the Act respecting health services and social services (R.S.Q., c. S-5);

(6) a public institution which operates a general and specialized hospital, a psychiatric hospital or a residential and long-term care centre that is governed by the Act respecting health services and social services (R.S.Q., c. S-4.2);

(7) an institution exclusively devoted to charitable works that was established as a non-profit corporation and is recognized as such under its charter;

(8) a fabrique or a parish trustee.

55.14 The insurance contribution payable to retain the right to drive a truck whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is:

- (1) \$95.41 for one with two axles;
- (2) \$128.44 for one with three or four axles;
- (3) \$155.96 for one with five or more axles.

55.15 The insurance contribution payable to retain the right to operate a bus or minibus whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is:

- (1) \$95.41 for one whose net weight is 3 000 kg or less;
- (2) \$155.96 for one whose net weight is over 3 000 kg but not exceeding 8 000 kg;
- (3) \$224.77 for one whose net weight is over 8 000 kg but not exceeding 10 000 kg;
- (4) \$305.50 for one whose net weight is more than 10 000 kg.

55.16 The insurance contribution payable to retain the right to operate special mobile equipment, special mobile snow equipment or a snowblower whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is \$95.41.

55.17 The insurance contribution payable to retain the right to operate another road vehicle whose owner is covered by any of paragraphs 1 to 8 of section 55.13 is the amount set under this division for a corresponding vehicle.

§9. Detachable licence plate

55.18 The insurance contribution payable to retain the right to operate a road vehicle bearing a detachable licence plate is \$161.47.

§10. Restricted travel vehicles

55.19 The insurance contribution payable to retain the right to operate a road vehicle covered by section 124 of the Regulation respecting road vehicle registration that is used in a locality not linked to the Québec highway system, except for a passenger vehicle, is \$63.30.

The insurance contribution for a passenger vehicle covered by section 124 of the Regulation is \$79.82.

55.20 The insurance contribution payable to retain the right to operate a farm tractor is \$28.44.

55.21 The insurance contribution payable to retain the right to operate any one of the following vehicles is \$33.94:

- (1) a hand crafted vehicle;
- (2) a vehicle with a net weight of 450 kg or less, except for a motorcycle, a moped and special mobile equipment;
- (3) a vehicle manufactured more than 25 years ago;
- (4) an antique motor vehicle;
- (5) a snowmobile with a net weight of more than 450 kg.”.

3. Section 64 is amended by deleting the words “prescribed by Division IV”.

4. The words “as prescribed in Division V” are deleted from sections 65 to 67.

5. Section 71 is amended by substituting “19” for “18”.

6. The following chapter is inserted after section 73:

“CHAPTER III.1

INSURANCE CONTRIBUTION PAYABLE FOR THE REGISTRATION OF A VEHICLE UNDER THE CANADIAN AGREEMENT ON VEHICLE REGISTRATION, APPLICABLE FOR A LIMITED TIME

73.1 Notwithstanding the provisions of Chapter III, the insurance contribution determined under this chapter payable upon registration of a road vehicle covered by the Canadian Agreement on Vehicle Registration, or registration renewal, between May 1, 1997 and April 30, 1998 applies where payment is received by the Société de l’assurance automobile du Québec after April 30, 1997 and the due date is later than April 30, 1997 but before May 1, 1998.

73.2 The insurance contribution payable upon registration of a Category ‘A’ vehicle within the meaning of the Canadian Agreement on Vehicle Registration, hereinafter referred to as the “Agreement”, made by Order in Council 3030-80 dated 24 September 1980, as well as the contribution upon registration of a vehicle covered by paragraph 7 of article III of the Agreement is that set under Division V.1 of Chapter II for the corresponding vehicles for a twelve-month period.

73.3 The insurance contribution payable upon registration of a Category ‘B’ vehicle within the meaning of paragraph 4 of article I of the Agreement which is used for intraprovincial operation within the meaning of paragraph 19 of article I of the Agreement is that set under Division V.1 of Chapter II for the corresponding vehicles for a twelve-month period.

73.4 The insurance contribution payable upon registration of a vehicle covered by paragraph 7 of section 3 of the Agreement, with a net weight of 3 000 kg or less is that set under Division V.1 of Chapter II for the corresponding vehicles for a twelve-month period.

73.5 On renewal of the registration of a vehicle covered by sections 73.2 to 73.4, the insurance contribution payable is calculated on the basis of a twelve-month period beginning the first of the month following the one in which renewal must take place until the last day of the month during which the next renewal is scheduled.”.

7. The Regulation is amended by substituting “1 to 8” for “1 to 7” in sections 26 to 30 and 48 to 51.

8. This Regulation comes into force on May 1, 1997 except for section 2 which comes into force on April 9, 1997.

Gouvernement du Québec

O.C. 438-97, 26 March 1997

Highway Safety Code
(R.S.Q., c. C-24.2)

Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS under paragraphs 8.3 and 8.4 of section 618 and sections 619.1 and 619.3 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may fix, by regulation, the duties exigible for obtaining the registration of a road vehicle, for obtaining and retaining the right to operate such vehicle and it may prescribe calculation methods for those duties;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved notwithstanding the publication requirement in section 8 of that Act if the authority approving it is of the opinion that the urgency of the situation requires 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 approved it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the Regulation;

WHEREAS in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— it is expedient to amend the Regulation respecting road vehicle registration to give effect to the Budget Speech of 25 March 1997, which provides for a raise in the registration duties of road vehicles becoming due from May 1997;

— under paragraph 3 of section 19 of the Regulation respecting road vehicle registration, the owner of a motor home or of a passenger vehicle whose surname begins with D, E or F must pay between 1 March and 31 May the duties to retain the right to operate his vehicle;

— as of 9 April 1997, the Société will prepare the notices sent by mail on which the amount to be paid by the above-mentioned owners is indicated;

— consequently, the regulatory provisions that raise the annual duties exigible to retain the right to operate a registered vehicle must come into force on 9 April 1997;

WHEREAS it is expedient that the Regulation be made by the Government;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(R.S.Q., c. C-24.2, s. 618, pars 8.3 and 8.4 and ss. 619.1 and 619.3)

1. The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 and amended by O.C. 1408-92 dated 23 September 1992, 1876-92 dated 16 December 1992, 1510-93 dated 27 October 1993, 1382-95 dated 18 October 1995, 1437-95 dated 1 November 1995, 720-96 dated 12 June 1996 and 1263-96 dated 2 October 1996, is further amended by substituting “\$36.40” for “\$30.80” in section 79.

2. The following is substituted for section 81:

“**81.** The monthly fees for a motorcycle are \$6.67.”.

3. Section 82 is amended by substituting “\$18.20” for “\$15.40”.

4. Section 83 is amended by substituting “\$32.50” for “\$29.70”.

5. Section 84 is amended by substituting “\$39.40” for “\$36.60”.

6. Section 85 is amended by substituting “\$46.30” for “\$43.50”.

7. Section 86 is amended by substituting “\$8.67” for “\$6.33”.

8. Section 97 is amended by substituting “\$104” for “\$76”.

9. The following is substituted for the second paragraph of section 101:

“The fees payable to retain the right to operate a motorcycle are \$40 for each payment period.”.

10. Section 103 is amended by substituting “\$71” for “\$43”.

11. Section 104 is amended by substituting “\$182” for “\$154”.

12. Section 105 is amended by substituting “\$182” for “\$154”.

13. Section 106 is amended by substituting “\$327” for “\$299”.

14. Section 107 is amended by substituting “\$435” for “\$407”.

15. Section 108 is amended by substituting “\$570” for “\$542”.

16. Section 109 is amended by substituting “\$104” for “\$76”.

17. Section 111 is amended:

- (1) by substituting “\$400” for “\$372”;
- (2) by substituting “\$696” for “\$668”;
- (3) by substituting “\$1 207” for “\$1 179”;
- (4) by substituting “\$1 771” for “\$1 743”;
- (5) by substituting “\$2 162” for “\$2 134”;
- (6) by substituting “\$2 961” for “\$2 933”.

18. Section 112 is amended:

- (1) by substituting “\$177” for “\$149”;
- (2) by substituting “\$295” for “\$267”;
- (3) by substituting “\$506” for “\$478”;
- (4) by substituting “\$732” for “\$704”;
- (5) by substituting “\$927” for “\$899”;
- (6) by substituting “\$1 247” for “\$1 219”.

19. Section 115 is amended by substituting “\$182” for “\$154”.

20. Section 116 is amended by substituting “\$454” for “\$426”.

21. Section 117 is amended by substituting “\$610” for “\$582”.

22. Section 118 is amended by substituting “\$758” for “\$730”.

23. Section 119 is amended by substituting “\$325” for “\$297”.

24. Section 120 is amended by substituting “\$394” for “\$366”.

25. Section 121 is amended by substituting “\$463” for “\$435”.

26. Section 125 is amended by substituting “\$25” for “\$7”.

27. Section 126 is amended by substituting “\$74” for “\$46”.

28. Section 127 is amended by substituting “\$117” for “\$89”.

29. Section 128 is amended by substituting “\$151” for “\$123”.

30. Section 129 is amended by substituting “\$191” for “\$163”.

31. Section 130 is amended by substituting “\$139” for “\$111”.

32. Section 131 is amended by substituting “\$229” for “\$201”.

33. Section 132 is amended by substituting “\$386” for “\$358”.

34. Section 133 is amended by substituting “\$556” for “\$528”.

35. Section 134 is amended by substituting “\$708” for “\$680”.

36. Section 135 is amended by substituting “\$948” for “\$920”.

37. Section 147 is amended by substituting “\$50.42” for “\$48.08”.

38. Section 148 is amended by substituting “\$605” for “\$577”.

39. Section 154 is amended:

(1) by substituting the following for the first paragraph:

“**154.** The fee payable for obtaining the registration of a road vehicle in one of the categories covered by section 149 and to retain the right to operate a vehicle with a net weight of 500 kg or less in one of those categories is calculated by multiplying the monthly fee of \$3.33 by the number of full months, plus one, between the date on which registration is applied for and the last day of the month preceding the last month during which the amounts provided for in the first paragraph of section 31.1 of the Highway Safety Code next become due.”;

(2) by substituting “\$24.58” for “\$22.25”;

(3) by substituting “\$50.42” for “\$48.08”.

40. The following is substituted for section 155:

“**155.** The registration fee for a vehicle in a category covered by section 149 payable to retain the right to operate a vehicle with a net weight of 500 kg or less in one of those categories is \$40 for each payment period.”.

41. Section 156 is amended by substituting “\$295” for “\$267”.

42. Section 157 is amended by substituting “\$605” for “\$577”.

43. The fees set under this regulation are payable upon the registration of vehicles after April 30, 1997 and to retain the right to operate a vehicle for which payment is received by the Société de l’assurance automobile du Québec after April 8, 1997 and the due date for payment is later than April 30, 1997 under sections 19 to 24 of the Regulation respecting road vehicle registration.

44. This regulation comes into force on May 1, 1997, except for section 8 which comes into force on April 9, 1997.

1368

Decision CCQ-972184, 26 March 1997

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

**Complementary social benefit plans
— Amendments**

Notice is hereby given that by Decision CCQ-972184 of 26 March 1997, the Commission de la Construction du Québec has enacted the Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry. This regulation brings some changes to the insurance and pension benefits of the employees of the construction industry.

This 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 brings 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 said sections are deemed to constitute common clauses applicable to collective agreements for each of the sectors of the construction industry, pursuant to section 84 of the Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and to amend other legal provisions (1993, c. 61).

A draft of this regulation was submitted by the Commission to the Joint Committee on Construction, in accordance with section 123.3 of the Act respecting labour relations, vocational training and manpower management in the construction industry. The Joint Committee has issued a notice to the effect that it was in favour of adopting the Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry.

ANDRÉ MÉNARD,
Chairman and Chief executive officer

**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; 1996, c. 74, s. 45)

1. The Regulation respecting complementary social benefit plans in the construction industry enacted by

decision CCQ-951991 of 25 October 1995 and amended by regulations enacted by decisions CCQ-962072 of 24 April 1996, CCQ-962086 of 29 May 1996 and CCQ-962139 of 27 November 1996, if further amended in section 40 by inserting, in the second sentence of the fifth paragraph and after “has retired,” the words “the day on which he ceases to be entitled to hours credited.”

2. Section 116 of this regulation is amended:

(1) by substituting, in subsection 1, the words “of retirement” for the words “effective date of the beginning of the payment of a pension”;

(2) by adding, at the end, the following subsection:

“(6) until the date of normal retirement, in the case of a delayed pension, except in cases contemplated in subsection 2 of section 115.”

3. Section 126 of this regulation is amended by inserting, after the word “month”, the words “following the month”.

4. Section 127 of this regulation is amended by adding the following after the first paragraph:

“**Date of normal retirement.** For the purposes of this chapter, the date of normal retirement corresponds to the first day of the month following the month during which the subscriber reaches the normal retirement age.”

5. This regulation is amended by substituting the following for section 131:

“**131. Normal pension.** The normal pension consists of the following:

(1) the basic pension relative to the general account, calculated according to the number of hours worked adjusted in accordance with the rate set forth in Schedule II, and according to the applicable supplement in force on the date of retirement;

(2) the pension relative to the complementary account, calculated according to the actuarial factors referred to in section 119.”

6. Section 132 of this regulation is amended:

(1) by substituting, in the first two paragraphs, the words “the date of normal retirement” for the words “having reached the age of retirement”;

(2) by adding, at the end of the second sentence of the first paragraph, the words “after the date of normal retirement”;

(3) by inserting, in the third paragraph and after the words “during the delay”, the words “,calculated according to the data, the rates, the factors and the applicable supplement in force on the date of normal retirement.”

7. Section 133 of this regulation is replaced by the following:

“**133. Early pension.** The early pension consists of the following:

(1) the basic pension relative to the general account, calculated according to the number of hours worked adjusted in accordance with the rate set forth in Schedule II, to which is applied an actuarial reduction which takes into account the anticipation from the date of retirement up to the first date on which the subscriber would have been eligible to a normal pension, and according to the applicable supplement in force on the date of retirement;

(2) the pension relative to the complementary account, calculated in the manner set forth in subsection 2 of section 131.

The basic pension of a subscriber who satisfies to the conditions set forth in subsection 2 of the first paragraph of section 128, except for the condition set forth in subparagraph c of that subsection, is reduced by $\frac{1}{4}\%$ per month between the date of retirement and the date on which the subscriber would have satisfied that condition had the years worked by this subscriber continued to accumulate. No reduction is applicable to the part of a pension relative to hours worked prior to 1st January 1992 for a subscriber affected by this paragraph.”

8. Section 134 of this regulation is amended by substituting the following for the first paragraph:

“**134. Disability pension.** The disability retirement pension consists of the following:

(1) the basic pension relative to the general account, calculated according to the number of hours worked adjusted in accordance with the rate set forth in Schedule II, reduced by $\frac{1}{4}\%$ per month between the date of retirement and the first date on which the subscriber would have been eligible to a normal pension, and according to the applicable supplement in force on the date of retirement;

(2) the pension relative to the complementary account, calculated in the manner set forth in subsection 2 of section 131.”

9. This regulation is amended by inserting the following sections after section 134:

“134.1. The actualized value of the basic pension relative to the general account, contemplated in subsection 1 of section 131 and in subsection 1 of the first paragraph of sections 133 and 134, calculated at the date of retirement or, in the case of a delayed pension, in accordance with section 132, at the date of normal retirement, shall not be lesser than the sum of the subscriber’s contributions accumulated at the date of calculation in the general account, with interests.

134.2. For the purposes of this regulation, a subscriber’s contributions accumulated in the general account, with interest, shall not include the contributions, and the attached interests, relative to work hours which have already been taken into account in the calculation of a separation or transfer benefit paid to that subscriber.”.

10. Section 136 of this regulation is amended by substituting the words “date of” for the words “beginning of his”.

11. Section 137 of this regulation is amended by substituting the words “on the date of” for the words “at the time of his”.

12. Section 140 of this regulation is amended by deleting the last sentence.

13. Section 141 of this regulation is amended:

(1) by substituting, in subsection 1, the words “employee’s accumulated contributions in the general account” for the words “accumulated employee’s contributions”;

(2) by substituting the following for the second sentence of subsection 2: “The value of the pension relative to the general account shall not be lesser than the sum of the contributions accumulated in that account, with interests.”.

14. Section 142 of this regulation is amended:

(1) by substituting, in the second sentence of subsection 1, the words “the sum of the employee’s contributions accumulated in the general account with interests and of the value of the subscriber’s complementary account, at the date of retirement” for the words “the amount of the accumulated employee’s contributions, with interests”;

(2) by substituting, in subsection 2, the words “of the sum of the employee’s contributions accumulated in the general account with interests and of the value of the subscriber’s complementary account, at the date of retirement” for the words “of the accumulated employee’s contributions, with interests”;

(3) by substituting, in subsection 3, the words “at the date of retirement” for the words “at the time of his retirement”;

(4) by adding the following sentence at the end of subsection 3: “If, at the time of that spouse’s death, the sum of the employee’s contributions accumulated in the general account with interests and of the value of the subscriber’s complementary account, at the date of retirement, exceeds the total pension paid to the subscriber and to his spouse, the excess shall be paid to the beneficiary contemplated in section 145.”.

15. Section 143 of this regulation is amended:

(1) by substituting the word “subscriber” for the word “pensioner” everywhere it occurs in that section;

(2) by substituting the words “provided for in subsection 2 of” for the words “provided for in” everywhere they occur in that section;

(3) by substituting, in subparagraph b of subsection 1, the words “had the subscriber retired on the day of his death” for the words “had the payment of the delayed pension commenced on the day preceding the death of the subscriber”.

16. Section 154 of this regulation is amended by adding the following at the end of subsection 1: “that value shall not be lesser than the sum of the contributions accumulated in the general account, with interests, and of the value of the subscriber’s complementary account;”.

17. This regulation is amended by inserting the following after section 154:

“154.1. A subscriber who is affected with permanent physical or mental disability may prevail himself of the provisions of section 154, even though less than 24 consecutive monthly periods have elapsed without any hour worked having been credited to him, on condition that he asks the Commission to transfer in a locked in retirement account the amounts he is entitled to receive.”.

18. Section 161 of this regulation is amended by deleting the words “the first day of the month following”.

19. Section 170 of this regulation is amended by substituting the letter “A” for the letter “B” following the word “plan”.

20. Sections 176 to 178 of this regulation are replaced by the following:

“**176.** Notwithstanding section 44, the lump sum benefit payable in the event of the death of an insured employee whose maintenance of coverage because of a disability has begun between 1st January 1971 and 30 June 1982, is \$11 000 if he has eligible survivors, and \$2 000 if he has none; if the maintenance of coverage has begun between 1st July 1982 and 31 December 1990, the benefit is \$16 000 if he has eligible survivors, and \$7 000 if he has none; if the maintenance of coverage has begun between 1st January 1991 and 31 December 1995, the benefit is \$20 000 if he has eligible survivors, and \$11 000 if he has none. The provisions of sections 45 and 50 apply mutatis mutandis to these benefits, if the maintenance of coverage has begun between 1st July 1982 and 31 December 1995.

If the maintenance of coverage has begun before 1st January 1971, the lump sum benefit payable of the death of an insured employee is \$2 000 if he is less than 65 years of age, \$1 000 if he is 65 years but less than 70 years of age, and \$ 500 if he is 70 or more years of age.

In the case of an insured employee covered under the supplemental plan for electricians whose maintenance of coverage because of a disability has begun between 1st July 1982 and 31 December 1995, the benefits set forth in the first paragraph are increased by \$ 5 000.

177. Notwithstanding section 46, the lump sum benefit payable in the event of the death of the spouse of an insured employee whose maintenance of coverage because of a disability has begun between 1st January 1971 and 30 June 1982 is \$ 1 000; the benefit is \$ 3 000 if the maintenance of coverage has begun between 1st July 1982 and 31 December 1990, and \$ 5 000 if it has begun between 1st January 1991 and 31 December 1995.

In the case an insured employee covered under the supplemental plan for electricians whose maintenance of coverage because of a disability has begun between 1st July 1989 and 31 December 1990, the benefits set forth in the first paragraph are increased by \$1 500.

178. Notwithstanding section 47, the lump sum benefit payable in the event of the death of a dependent child of an insured employee whose maintenance of coverage because of a disability has begun between 1st January 1971 and 30 June 1982 is \$ 250 if that child is more than 24 hours but less than 29 days old, and \$ 500 if that child is more than 28 days old; the benefit payable in the event of the death of a dependent child is \$1 000 if the maintenance of coverage has begun between 1st July 1982 and 31 December 1995.

In the case an insured employee covered under the supplemental plan for electricians whose maintenance of coverage because of a disability has begun between 1st January and 31 December 1995, the lump sum benefit payable in the event of the death of a dependent child is \$3 000.”.

21. This regulation is amended by inserting the following after section 181.1:

“**181.2.** If an application requesting a pension benefit made prior to 1st January 1997 has not been processed by the Commission on that date, that pension shall be calculated according to the provisions of the replaced regulation or according to those in force at the time of the calculation, whichever are more favourable to the subscriber.

For the purposes of the first paragraph, an application is deemed to have been made prior to 1st January 1997 if the subscriber has asked the Commission for an application form prior to that date.”.

22. The provisions of this regulation have taken effect since 1st January 1997.

23. This regulation shall come into force on the date of its publication in the *Gazette officielle du Québec*.

1363

Draft Regulations

Draft Regulation

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

Notaries

— Other terms and conditions for the issuance of permits

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 other terms and conditions for the issuance of permits by the Chambre des notaires du Québec” adopted by the Bureau of the Chambre des notaires du Québec, the text of which appears below, may be submitted to the government for approval upon the expiry of forty-five days following the present publication. The government may approve it, with or without amendment.

The Chambre des notaires du Québec believes that the purpose of this regulation is to improve the terms and conditions of the training period prior to admission. Among other things, it renders more flexible the content and format of activities in the professional program, allowing for the adaptation of the material to a juridical context and facilitating the participation of candidates. Furthermore, the regulation will allow the Bureau of the Order to control certification conditions for articling masters and enhance the quality of training for future members, thereby ultimately ensuring the protection of the public. It will prevent situations where candidates complete training by are refused a permit to practice under section 45 of the Professional Code. Thus, the Bureau of the Chambre can refuse a candidate for the training period of the grounds enumerated in section 45. This change coordinates the conditions for admission with the conditions for entry on the roll of the Order. Finally, the administrative procedure relating to registration is standardized to remove the need for a “Notice of Registration”.

Additional information may be obtained by contacting M^e. Dominique Duclos at the Chambre des notaires du Québec, 800, place Victoria, suite 700, Montréal (Québec), H3Z 1L8; telephone no.: (514) 879-2902; fax no.: (514) 879-1923.

Any person having comments to make on this draft regulation is asked to transmit 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, Saint-Joseph Est, 1^{er} 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 has adopted the regulation, and to persons, departments, and agencies concerned.

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

Regulation respecting other terms. and conditions for the issuance of permits by the Chambre des notaires du Québec

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

§1. *Committee on the training period*

1. The Bureau accords responsibility for the professional training period to a committee (hereinafter called the “Committee”) consisting of at least four members, the president whereof must be a member of the Bureau.

2. A majority of members shall constitute a quorum of the Committee; decisions are taken by majority vote.

3. In the event of a vacancy or of a Committee member’s inability of act, the Bureau shall name a replacement for the remainder of the term.

4. The Committee is charged with the administration of the training periods and renders account thereof to the Bureau. Among other things, it examines the file of each candidate in order to determine whether the candidate has the qualities required to practice the notarial profession and to make recommendations to the Bureau concerning the candidate’s eligibility. The Bureau may refuse to admit a candidate, after having given him an opportunity to be heard.

The Committee has the powers required to exercise its mandate, and in particular, it may exercise the powers of the Superior Court to compel the candidate, his witnesses, and any other person, by way of summons under the signature of one of its members, to appear, to answer under oath, and to furnish any information or

document. The provisions of the Code of Civil Procedure shall apply for the purposes of the present paragraph, with the necessary changes.

An appeal lies to the Professions Tribunal from any decision of the Bureau on a candidate's eligibility for the training period, in accordance with Division VIII of the Professional Code.

§2. Admission to the training period

5. The Bureau admits to the training period those candidates who have:

(1) obtained a diploma recognized by the government, in virtue of the first paragraph of section 184 of the Code, as replaced by section 164 of Chapter 40 of the Statutes of 1994, as giving access to a permit issued by the Chambre or a diploma or training equivalence in virtue of a regulation adopted and approved under paragraph 93 (c) of the Code as amended by section 80 of Chapter 40 of the Statutes of 1994;

(2) completed and forwarded to the Committee secretary, at least 90 days prior to the commencement of the training period, an application for registration on the form supplied by the Bureau together with all required documents;

(3) paid the fees which are exigible in virtue of a resolution adopted by the Bureau in virtue of paragraph 86.01(8) of the Code as enacted by section 73 of Chapter 40 of the Statutes of 1994;

(4) been declared eligible for the training period by the Bureau.

6. All eligible candidates must complete training within two years of having obtained one of the diplomas or equivalences referred to in subsection 5 (1).

However, a candidate who demonstrates to the Bureau that he was unable to complete the training within the time allowed due to illness, accident, pregnancy, or superior force may benefit from an additional period equivalent to the period during which he was unable to complete training, to a maximum of three years.

§3. Objectives, terms, and conditions of the training period

7. The purposes of the training period are as follows:

(1) the assimilation of theoretical knowledge;

(2) the acquisition of skills required for the practice of the notarial profession;

(3) the development of professional competence;

(4) the incorporation of the aspect of preventive law into the practice of the notarial profession.

8. The duration of the training period is 32 consecutive weeks of full-time employment compatible with the objectives stated in section 7. The training period includes compulsory participation in the professional activities described in section 16.

The training period shall not begin before the date established by the Committee.

During the 32-week period, the articled student may be absent no more than ten working days; otherwise he must, in accordance with section 17, present a reasoned request to the Committee to justify the interruption of the training period.

9. A candidate may complete part of his training period outside Québec, for a period not exceeding three months, subjects to meeting the objectives set out in section 7.

10. The training period is supervised by an articling master who satisfies the following conditions:

(1) he has been inscribed on the Roll of the Chambre for the previous five years and during that period has practiced full-time in an area which is compatible with the objectives of the stage as described in section 7;

(2) he has not, during the previous five years, been subject to any disciplinary action by the disciplinary committee of the Chambre, other than that provided for in paragraph 156 (a) of the Code, or by the Professions Tribunal;

(3) he has not been obliged to take refresher courses under the Regulation respecting refresher courses for notaries decreed by Order in Council 1363-94 dated September 07, 1993, in the five years preceding the training period commencement date;

(4) he is not in arrears in the payment of dues, charges, or fees to the Chambre;

(5) he satisfies the other conditions established by resolution of the Bureau for acting as articling master.

11. To obtain the title of articling master, a notary must apply in writing to the Committee.

The title of articling master granted by the Committee remains valid for a period of three years but may be

withdrawn at any time by the Committee, if it considers that the articling master is not discharging his duties in accordance with section 12.

12. The articling master assists in the training of each student for whom he is responsible. He is responsible for the student's day-to-day training in the working environment. The articling master shall, in particular,

(1) facilitate the articled student's integration into the working environment;

(2) inform the articled student on the workings of the milieu and on available resources;

(3) determine the articled student's tasks while specifying work methods and the delays which must be respected;

(4) help the articled student organize his work and initiate him into office management;

(5) gradually allow the student to take complete control of certain professional acts;

(6) evaluate the articled student's work from time to time;

(7) evaluate the articled student's attainment of the training objectives.

Where a candidate completes part of his training period outside Québec in accordance with section 9, the articling master shall, during this period and in particular,

(1) require from the articled student, at least once a month, a detailed report of activities engaged in abroad;

(2) evaluate the activities engaged in by the articled student.

13. The candidate's training plan must be approved by the Committee before the candidate can begin his training period. An articled notarial student card is issued by the Committee when the requirements stipulated in the present regulation have been fulfilled. The card certifies the student's right to hold the title of articled student and is valid for the duration of the training period. The training period does not begin until the articled student has received his card.

14. The Committee also appoints a supervisor for each articled student and articling master. Several articled students and articling masters may be supervised by the same supervisor.

15. The supervisor shall, in particular,

(1) support the articled student in integrating into the working environment;

(2) give pedagogical support to the articled students and articling masters for whom he is responsible;

(3) prepare and conduct certain professional program activities;

(4) evaluate the articled student's performance in the professional program;

(5) evaluate the articled student from time to time during the training period jointly with the articling master;

(6) complete, jointly with the articling master, the final evaluation of the articled student for the training period which takes place in the working environment.

16. The professional program comprises the following activities:

(1) at least 5 seminars, each lasting one day or less, or in the form of activities by correspondence authorized by the Committee, for the purpose of helping the student grasp the training period process and assimilate his practical experience, consisting of group discussion and reflection on the problems relating to the practice of the notarial profession;

(2) at least 15 group sessions of analysis and synthesis, lasting at least one day each, or in the form of activities by correspondence authorized by the Committee, for the purpose of developing the professional behavior and aptitudes required for the notarial profession.

The training period may also include the following activities:

(1) sessions consisting of reading and exercises on recent developments in the notarial practice;

(2) training activities jointly organized by the supervisor and the articling master.

17. At the reasoned request of the articled student or his supervisor the Committee may authorize:

(1) a change of articling master;

(2) an interruption in the training period;

(3) changes to the originally authorized training period plan;

(4) the cancellation of the training period if the elapsed portion thereof does not exceed eight consecutive weeks.

18. The Committee shall cancel an articulated student's card if it considers that the training does not conform to the requirements of the present division.

However, before canceling a card, the Committee shall give the parties concerned the opportunity to be heard.

§4. Professional acts of the articulated student

19. The articulated student may perform the following acts under the authority and responsibility of the articling master:

- (1) maintain files, accounting books and registers;
- (2) receive the articling master's clients;
- (3) read notarial deeds aloud to the parties thereto, in accordance with section 42 of the Notarial Act (R.S.Q., c. N-2);
- (4) represent persons before any quasi-judicial tribunal which so permits;
- (5) assist the articling master in all aspects of the practice of the profession, with the exception of professional acts which may be performed only by a notary in the practice of his profession.

§5. Evaluation of the training period

20. The training period is evaluated in accordance with criteria established by the Committee and intended to measure the degree to which the objectives set out in section 7 have been attained.

21. Once the articulated student has completed the training period, each of the articling master and the supervisor prepares a written report containing his evaluation.

The articling master shall evaluate the attainment of objectives with respect to the working environment. The supervisor shall evaluate the attainment of objectives with respect to the whole of the training program, including the professional program.

22. Each of the articling master and the supervisor remits a copy of his report to the articulated student and to the Committee within 30 working days after the end of the training period.

23. After examining each of the reports, the Committee determines whether the training period has been successfully completed by the articulated student and recommends that the Bureau issue a certificate of achievement or notice of failure, as the case may be.

Where the Committee recommends that the Bureau issue a notice of failure, it also recommends training activities aimed at enabling the articulated student to attain the training period objectives. The Committee may also recommend a new training period.

24. Reasons must be given for the Committee's recommendation of success or failure with respect to a training period and these reasons must be transmitted to the articulated student without delay.

25. The Committee shall give the parties concerned the opportunity to be heard before recommending that the Bureau issue a notice of failure. The Committee is not bound by any negative conclusions contained in the evaluation reports. The Committee shall give the articling master and the supervisor notice of at least 15 working days of the date and place of the hearing.

26. This Regulation replaces the Regulation respecting conditions for admission to the notarial profession (R.R.Q., 1981, c. N-2, r.6).

27. 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. 339-97, 19 March 1997

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

Correction to the Order in Council respecting the amalgamation of the Village de Neuville and the Paroisse de Pointe-aux-Trembles

WHEREAS Order in Council 1501-96 respecting the amalgamation of the Village de Neuville and the Paroisse de Pointe-aux-Trembles was adopted on 4 December 1996;

WHEREAS that Order in Council contains an error in writing;

WHEREAS under section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may correct such an error;

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

THAT the following correction be made to Order in Council 1501-96:

— the words “the loan” are substituted for the words “the expenditure” in the sixth and seventh lines of section 13.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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

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