

Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 568-97, 30 April 1997

**An Act respecting the consolidation of the statutes
and regulations (R.S.Q., c. R-3)**

**Revised Statutes of Québec
— Updating to 1 March 1996 of the loose-leaf edition
— Coming into force**

COMING INTO FORCE of the text of the copy of the updating to 1 March 1996 of the loose-leaf edition of the Revised Statutes of Québec

WHEREAS the Official Publisher has completed the printing of the updating to 1 March 1996 of the loose-leaf edition of the Revised Statutes of Québec;

WHEREAS a copy of the updating to 1 March 1996 of the loose-leaf edition of the Revised Statutes of Québec has been sent to the Lieutenant-Governor and has been deposited in the office of the Secretary General of the National Assembly of Québec, attested to by the signature of the Lieutenant-Governor and of the Minister of Justice, the foregoing in accordance with the Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3);

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

THAT, pursuant to the Act respecting the consolidation of the statutes and regulations (R.S.Q., c. R-3), the text of the copy of the updating to 1 March 1996 of the loose-leaf edition of the Revised Statutes of Québec, attested to by the signature of the Lieutenant-Governor and of the Minister of Justice and deposited in the office of the Secretary General of the National Assembly of Québec, come into force on 1 May 1997, and have force of law with the reservation that any provision of an Act comprised in the Revised Statutes of Québec not yet in force on 30 April 1997 pursuant to the provisions of that Act not be brought into force by this Order in Council but come into force only on the date fixed in accordance with the Act containing that provision.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulations and Other Acts

Gouvernement du Québec

O.C. 559-97, 30 April 1997

An Act respecting child day care
(R.S.Q., c. S-4.1)

Day care centres — Amendment

Regulation to amend the Regulation respecting day care centres

WHEREAS under sections 41.6, 68.2 and subparagraphs 2, 4 and 5 of the first paragraph of section 73 of the Act respecting child day care (R.S.Q., c. S-4.1), as amended by sections 37 and 48 and paragraph 1 of section 52 of Chapter 16 of the Statutes of 1996, the Office des services de garde à l'enfance may make a regulation, for the whole or part of the Québec territory:

— establishing standards for the arrangement, equipment, furnishing, maintenance, heating and lighting of the premises where day care is provided and prescribing an outdoor play area and standards for the arrangement, equipment and maintenance of that area;

— establishing classes according to the age of the children received and the services to be provided in a day care centre;

— determining the maximum number of children who may be received in the premises of a day care centre, nursery school or stop-over centre or in the premises used for home day care or in the prescribed outdoor play area, according to the dimensions and arrangement of the premises or area, the age class of the children and the services to be provided, where applicable;

that the regulation of the bureau shall be submitted to the Government which may amend it before granting its approval;

WHEREAS by Order in Council 1971-83 dated 28 September 1983, the Government approved the Regulation respecting day care centres;

WHEREAS on 16 April 1997, the bureau made the Regulation to amend the Regulation respecting day care centres;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as provided for in section 8 of that Act, where 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 absence of prior publication and such coming into force are justified by the urgency due to the following circumstances:

— the purpose of the proposed amendments is to allow certain 4-year-old children from disadvantaged neighbourhoods to benefit from educational day care in day care centres holding a permit of the Office des services de garde à l'enfance;

— in order for those children to benefit from the services as of 1 September 1997, it is necessary that, under a special program set up by the Office des services de garde à l'enfance, certain holders of day care permits be allowed to increase the number of children they may receive under their permit and the maximum number of 4-year-old children per staff member they are allowed to receive;

— in order for the holders of permits to be able to offer the services provided for in that program for 1 September 1997, the Regulation must be approved as soon as possible so that the bureau can grant the amounts necessary for the establishment of those services;

WHEREAS it is expedient to approve that Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education and Minister responsible for Family Policy:

THAT the Regulation to amend the Regulation respecting day care centres be approved as attached.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting day care centres

An Act respecting child day care (R.S.Q., c. S-4.1, ss. 41.6, 68.2 and 73, 1st par., subpars. 2, 4, 5 and 6; 1996, c. 16, ss. 37, 48 and 52, par. 1)

1. The Regulation respecting child day care, approved by Order in Council 1971-83 dated 28 September 1983 and amended by the Regulations approved by Orders in Council 2034-85 dated 2 October 1985, 1193-87 dated 5 August 1987, 1274-91 dated 18 September 1991, 588-93 dated 28 April 1993 and 632-93 dated 5 May 1993, is further amended in section 14 by adding the following paragraph after the second paragraph:

“Notwithstanding the foregoing, a permit holder who participates in the programme entitled “Subvention pour l’augmentation du nombre de places indiquées au permis pour le développement de services éducatifs en milieu défavorisés” may accommodate up to 20 children above the maximum authorized under the first and second paragraphs.”.

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

1418

Gouvernement du Québec

O.C. 566-97, 30 April 1997

Securities Act
(R.S.Q., c. V-1.1)

Securities — Amendment

Regulation to amend the Regulation respecting securities

WHEREAS under the Securities Act (R.S.Q., c. V-1.1), the Government may make regulations for the administration of the Act;

WHEREAS in accordance with the Act, the Government made the Regulation respecting securities by Order in Council 660-83 dated 30 March 1983;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), and section 335 of the Securities Act, a draft of the Regulation to amend the Regulation respecting securities was published in Part 2 of the *Gazette officielle du Québec* of 6 July 1994 with a notice that it could be made by the Government upon the expiry of a 45-day period following that publication;

WHEREAS in accordance with section 335 of the Securities Act, the draft regulation was published in the Bulletin de la Commission des valeurs mobilières du Québec of 17 January 1997;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation to amend the Regulation respecting securities, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting securities

Securities Act
(R.S.Q., c. V-1.1, s. 331, par. 9)

1. The Regulation respecting securities, made by Order in Council 660-83 dated 30 March 1983 and amended by the Regulations made by Orders in Council 1758-84 dated 8 August 1984, 1263-85 dated 26 June 1985, 697-87 dated 6 May 1987, 977-88 dated 22 June 1988, 1493-89 dated 13 September 1989, 1622-90 dated 21 November 1990, 680-92 dated 6 May 1992, 980-92 dated 30 June 1992, 1145-92 dated 5 August 1992, 226-93 dated 24 February 1993, 1346-93 dated 22 September 1993, 30-96 dated 10 January 1996 and 1548-96 dated 11 December 1996, is further amended by inserting the following after section 271.10:

“**271.11** An unincorporated mutual fund managed within the scope of an instructional program established by an educational institution at the university level within the meaning of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1) is exempt from the payment of the fees provided for in this Chapter.

The exemption shall also apply to an adviser acting as adviser with the fund, so long as his activities are restricted to that function.”.

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

1411

Gouvernement du Québec

O.C. 573-97, 30 April 1997

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

Respiratory therapists — Other terms and conditions for the issue of permits — Amendments

Regulation to amend the Regulation respecting the other terms and conditions for the issue of permits by the Ordre professionnel des inhalothérapeutes du Québec

WHEREAS under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre professionnel des inhalothérapeutes du Québec made the Regulation respecting the other terms and conditions for the issue of permits by the Ordre professionnel des inhalothérapeutes du Québec approved by Order in Council 1019-94 dated 6 July 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under that section of the Code, the Bureau made the Regulation to amend the Regulation respecting the other terms and conditions for the issue of permits by the Ordre professionnel des inhalothérapeutes du Québec;

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 November 1996 with a notice that it could be submitted to the Government for approval upon the expiry of a 45-day period following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec 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 Regulation respecting the other terms and conditions for the issue of permits by the Ordre professionnel des inhalothérapeutes du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the other terms and conditions for the issue of permits by the Ordre professionnel des inhalothérapeutes du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. *i*; 1994, c. 40, s. 81)

1. The Regulation respecting the other terms and conditions for the issue of permits by the Ordre professionnel des inhalothérapeutes du Québec, approved by Order in Council 1019-94 dated 6 July 1994, is amended by inserting, in the first sentence of section 16, the words “answer sheet for the” after the words “the candidate’s”.

2. The following is substituted for section 18:

“**18.** This Regulation remains in force until 4 August 1998.”.

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

1417

Gouvernement du Québec

O.C. 578-97, 30 April 1997

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2)

Selection of foreign nationals — Amendments

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS under section 3.1 of the Act respecting Immigration to Québec (R.S.Q., c. I-0.2), the Minister

shall issue a selection certificate to the foreign national who meets the criteria of selection determined by regulation;

WHEREAS under section 3.2 of the Act, the Minister shall issue a certificate of acceptance to the foreign national who meets the conditions determined by regulation;

WHEREAS under subparagraphs *c.1*, *c.2*, *c.3* and *e* of the first paragraph of section 3.3 of the Act, the Government may make regulations on the matters referred to therein;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2), which prescribes the conditions applicable to a resident who files an application for an undertaking or to a foreign national who wishes to stay temporarily in Québec to work;

WHEREAS it is expedient to reduce from 10 to 3 years the duration of an undertaking towards a fiancé and to make other technical concordance amendments;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 29 January 1997 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 with concordance amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *c.1*, *c.2*, *c.3* and *e*)

1. The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r. 2), amended by the Regulations made by Orders in Council 409-82 dated 24 February 1982 (Suppl., p. 898), 771-82 dated 31 March 1982 (Suppl., p. 899), 2057-84 dated 19 September 1984, 1080-86 dated 16 July 1986, 646-88 dated 4 May 1988, 1504-88 dated 4 October 1988, 229-89 dated 22 February 1989, 922-89 dated 14 June 1989, 1968-89 dated 20 December 1989, 1784-91 dated 18 December 1991, 425-92 dated 25 March 1992, 1109-92 dated 29 July 1992, 1725-92 dated 2 December 1992, 189-93 dated 17 February 1993, 1041-93 dated 21 July 1993, 1238-94 dated 17 August 1994, 1323-95 dated 4 October 1995, 563-96 dated 15 May 1996, 828-96 dated 3 July 1996 and 93-97 dated 29 January 1997, is further amended by substituting the words “where the level of qualification for such an occupation within the meaning of the National Occupational Classification is less than “B”,” for the words “where the Specific Vocational Preparation (SVP) for a job description, within the meaning of the Canadian Classification and Dictionary of Occupations, is less than 6,” in the fourth paragraph of section 15.

2. Section 23 is amended

(1) by adding the words “in the case of a fiancé described in paragraph *e* of that section, that period is reduced to 3 years from the date of the marriage;” at the end of clause *ii* of subparagraph *a* of the first paragraph;

(2) by substituting the following for subparagraph *b.1* of the first paragraph:

“(b.1) the resident, during the 5 years preceding the filing of the application for an undertaking, was not subject, in respect of his spouse or child, to compulsory execution of a court judgment awarding support payments, nor to a remedy, a proceeding or a measure for compulsory execution referred to in section 47 of the Act to facilitate the payment of support (1995, c. 18) or a recovery measure referred to in section 48, 49, 50 or 53 of that Act;”.

3. The following is substituted for paragraph *c* of section 30:

“(c) no member of the group contemplated in section 29, during the 5 years preceding the filing of the application for an undertaking, was subject, in respect of his spouse or child, to a measure for the compulsory execution of a court judgment awarding support payments, nor to a remedy, a proceeding or a measure for compulsory execution referred to in section 47 of the Act to facilitate the payment of support (1995, c. 18) or a recovery measure referred to in section 48, 49, 50 or 53 of that Act;”.

4. Section 50 is amended by substituting the words “where the level of qualification for such an occupation within the meaning of the National Occupational Classification is less than “B” for the words “where the Specific Vocational Preparation (SVP) for a job description is less than 6” in subsection 4.

5. Any undertaking given on behalf of a fiancé before the date of coming into force of this Regulation ceases to have effect 3 years after the date of the marriage with the sponsor or, if the marriage dates back to more than 3 years, on the date of coming into force of this Regulation.

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

1416

Gouvernement du Québec

O.C. 582-97, 30 April 1997

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32)

Basic prescription drug insurance plan — Amendments

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

WHEREAS under the first paragraph of section 116 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), the Government may, by regulation, before 1 August 1997, make any other transitional provision to remedy any omission and ensure the implementation of the basic prescription drug insurance plan as soon as possible after the plan is established by that Act;

WHEREAS under the second paragraph of section 116 of that Act, a regulation made under that section is not

subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1); such regulation shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed in the regulation, notwithstanding section 17 of that Act, and it may, once published and where it so provides, apply from any date not prior to 1 August 1996;

WHEREAS by Order in Council 1519-96 dated 4 December 1996, the Government made the Regulation respecting the basic prescription drug insurance plan;

WHEREAS it is expedient to amend that Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the basic prescription drug insurance plan, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the basic prescription drug insurance plan

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32, s. 116)

1. The Regulation respecting the basic prescription drug insurance plan, made by Order in Council 1519-96 dated 4 December 1996 and amended by the Regulations made by Orders in Council 1532-96 dated 6 December 1996, 364-97 dated 19 March 1997 and 431-97 dated 26 March 1997, is further amended, in section 7,

(1) by inserting the following after paragraph 6:

“(6.1) his employment status, the name of his employer, and his profession or habitual occupation;”;

(2) by inserting the following after paragraph 9:

“(9.1) the employment status, the name of the employer, the profession or habitual occupation of his spouse, where applicable, and if the latter is not entered on the form of the person who registers, the spouse’s full name, date of birth and health insurance number;”.

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

“**10.1** The Public Service Health Care Plan is deemed to include at least the basic coverage of the prescription drug insurance plan, where an eligible person is required to become a member on the basis of current or former employment.

Notwithstanding the foregoing, such person may obtain from the Board, upon application to the Manager of the Public Service Health Care Plan and through him, the reimbursement of the part of his contribution in excess of \$750 for one year; he is then deemed, for the purposes of paragraph *a* of section 37.7 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., c. R-5), not to benefit from the coverage provided for by the basic prescription drug insurance plan for each month of the year during which he is required to be a member of the Public Service Health Care Plan.”.

3. The Regulation is amended by inserting the following after section 11.2:

“**11.3** Notwithstanding section 18 of the Act respecting prescription drug insurance and amending various legislative provisions, an eligible person referred to in that section shall ensure that coverage is provided to his child and spouse as beneficiaries under the group insurance contract or employee benefit plan applicable to a given group of persons of which he is a member by reason of current or former employment, profession or any other habitual occupation, only if those persons are domiciled with him.”.

4. This Regulation comes into force on 1 June 1997; notwithstanding the foregoing, sections 1 and 2 apply as of 1 January 1997.

The second paragraph of section 10.1 of the Regulation respecting the basic prescription drug insurance plan, introduced by section 2 of this Regulation, ceases to have effect on 31 December 1998.

Draft Regulations

Draft Regulation

An Act respecting administrative justice
(1996, c. 54)

Administrative Tribunal of Québec — Recruitment and selection of persons apt for appointment as members

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec and for the renewal of their term of office, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the Draft Regulation is to establish, pursuant to sections 42 to 45 and 49 and 50 of the Act respecting administrative justice, a procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec and for the renewal of their term of office.

The Draft Regulation proposes in that respect rules concerning the publication of a notice of vacant positions and its content, the documents and information to be forwarded by a person who wishes to propose his candidacy, the formation, composition and functioning of selection committees and the consultations that the committees may hold. The Draft Regulation also proposes criteria to be taken into account by selection committees to determine that a candidate is apt.

The Draft Regulation proposes rules concerning the content and the forwarding of reports by those committees, the keeping of the register of declarations of aptitude and the procedure for recommending to the Government the appointment of a person who has been declared apt to be appointed to the Tribunal.

The Draft Regulation further proposes that, in the months preceding the expiry of a member's term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif should form a committee to examine the renewal of that term of office, and that he should apply the rules for the composition of selection committees in forming such renewal committees.

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

Further information may be obtained by contacting Ms. Marie José Longtin, 1200, route de l'Église, 4^e étage, Sainte-Foy (Québec), G1V 4M1; tel.: (418) 643-8782, fax: (418) 643-9749.

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

PAUL BÉGIN,
Minister of Justice

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as members of the Administrative Tribunal of Québec and for the renewal of their term of office

An Act respecting administrative justice
(1996, c. 54, ss. 42, 44, 45, 49, 50)

DIVISION I NOTICE OF VACANT POSITIONS

1. Where one or more positions are vacant and cannot be filled by resorting to the list of persons already declared apt for appointment as members of the Administrative Tribunal of Québec, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publicly announce the vacant positions by a notice in a publication circulating or distributed throughout Québec that invites interested persons to submit their candidacies for the position of member of the Tribunal.

2. The notice shall give

(1) the name of the divisions of the Tribunal for which a member or members are to be recruited;

(2) a summary description of the duties of a member;

(3) in substance, the selection conditions and criteria provided for in the Act and this Regulation and, where applicable, the particular requirements as to the profes-

sion, training or experience being sought, considering the needs of the Tribunal;

(4) in substance, the system of confidentiality applicable within the framework of the selection procedure and an indication that the selection committee may hold consultations about the candidacies; and

(5) the date by which a candidacy must be submitted and the address to which it must be sent.

3. A copy of the notice shall be sent to the Minister of Justice, to the Ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal for which a member or members are to be recruited, and to the President of the Tribunal.

DIVISION II CANDIDACIES

4. A person who wishes to submit his candidacy shall forward his résumé and the following information:

(1) his name, home address and telephone number and, where applicable, office address and telephone number;

(2) his date of birth;

(3) the name of each division of the Tribunal for which he submits his candidacy;

(4) the nature of the activities that he has exercised and that he considers have enabled him to acquire the required relevant experience;

(5) where applicable, proof that he possesses the qualifications indicated in the notice of vacant positions, the date on which he acquired those qualifications and the number of years during which he has worked while using those qualifications;

(6) where applicable, whether any penalty has been imposed on him under a statute or regulation, as well as the object of and the reasons for that penalty;

(7) where applicable, the names of his employers or partners over the past 10 years;

(8) where applicable, whether he has filed his candidacy for such a competition during the preceding 5 years; and

(9) a statement demonstrating his interest in exercising the duties of a member of the Tribunal.

The person shall also forward a written statement in which he agrees to submit to a verification, *inter alia*, with a disciplinary body, a professional order of which he is or has been a member, his employers over the last 10 years and police authorities and, where applicable, in which he agrees that the persons, partnerships or organizations mentioned in section 14 be consulted.

DIVISION III FORMATION OF A SELECTION COMMITTEE

5. Following publication of the notice of vacant positions, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee and shall designate the committee chairman, by appointing

(1) the President of the Tribunal or, after consulting the President, another member of the Tribunal;

(2) a member from the staff of the Ministère du Conseil exécutif or the Ministère de la Justice; and

(3) a representative of the groups concerned who is neither an advocate nor a notary, or a representative of the legal community, or both.

6. Where his impartiality could be questioned, a member of the committee shall withdraw in respect of a candidate where, *inter alia*,

(1) the member is or has been the candidate's spouse;

(2) the member is related to the candidate by birth or marriage, to the degree of first cousin inclusively; or

(3) the member is or has been, at any time within the past 10 years, the candidate's employer, employee or partner; notwithstanding the foregoing, a member who is an employee in the public service shall withdraw in respect of a candidate only where the member is or has been the candidate's employee or immediate superior.

Where a member of the committee withdraws, is absent or prevented from sitting, the decision is made by the other members.

7. The members of the committee are required to take the oath of discretion provided for in Schedule A.

8. A person may be appointed to more than one committee at the same time.

9. Travel and accommodation expenses of the committee members shall be reimbursed in accordance with décret 2500-83 concernant les règles sur les frais de déplacement des présidents, vice-présidents et membres d'organismes gouvernementaux, dated 30 November 1983, as amended.

In addition to the reimbursement of expenses, members of the committee who are not members of the Tribunal or in the employ of a government department or body are entitled to \$100.00 per half-day of meeting at which they participate.

DIVISION IV FUNCTIONING OF THE SELECTION COMMITTEE

10. The list of candidates and their records shall be sent to the chairman of the selection committee.

11. The committee shall analyze the candidates' records and shall select those who, in its opinion, meet the eligibility requirements and, where applicable, the assessment measures to which it may also subject them in view of the positions to be filled or in cases where the number of candidates is very high.

12. The chairman of the committee shall inform the candidates who are deemed eligible at that stage of the date and place of their meeting with the committee and shall inform the other candidates that their candidacies are not retained and that, consequently, they will not be convened.

13. The committee's report shall mention the candidacies rejected at that stage and give reasons for each rejection.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, concerning any element of a candidate's record or any other aspect of a candidacy or of the candidacies as a whole, consult, *inter alia*,

(1) any person who, within the last 10 years, has been an employer, partner or immediate or first-line superior of the candidate; and

(2) any legal person, partnership or professional association of which a candidate is or has been a member.

15. The selection criteria that the committee shall take into account in determining a candidate's aptitude are:

(1) the candidate's personal and intellectual qualities;

(2) the candidate's experience and the relevancy of that experience to the duties performed by the Tribunal;

(3) the candidate's degree of knowledge and skill, taking into account the requirements as to training, experience and professional practice indicated in the notice of vacant positions;

(4) the candidate's ability to perform adjudicative duties;

(5) the candidate's judgment, open-mindedness, perceptiveness, level-headedness, decision-making capacities and ability to express himself; and

(6) the candidate's views concerning the duties of a member of the Tribunal.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

16. A decision of the committee shall be made by a majority vote of its members. In the case of a tie-vote, the chairman of the committee shall have a casting vote.

17. Where the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif so requests, the committee shall, expeditiously and not later than 30 days after that request, submit to him a report

(1) indicating the names of the candidates with whom the committee met and whom it declared apt to be appointed to the Tribunal, the divisions to which they may be assigned, their profession and the necessary information to contact them at their place of work; and

(2) containing any comments that the committee considers it expedient to make, especially with respect to the particular characteristics or qualifications of the candidates considered apt.

That report shall be submitted to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, to the Minister of Justice and to the Ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal for which a member or members are to be recruited.

18. Insofar as possible, the committee shall declare apt a number of candidates normally corresponding to at least twice the number of vacant positions.

19. A member of the committee may register his dissent with respect to all or part of the report.

DIVISION VII **REGISTER OF DECLARATIONS OF APTITUDE**

20. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall write to the candidates to inform them that they either have or have not been declared apt to be appointed to the Tribunal.

21. The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall keep the register of declarations of aptitude up-to-date and shall enter therein, in respect of each division, the list of the candidates declared apt to be appointed to the Tribunal.

He shall strike out an entry in the register upon the expiry of the validity period of the declaration of aptitude or when the person is appointed to the Tribunal, dies or asks to be withdrawn from the register.

22. As soon as he is informed that there is a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list to the Minister of Justice and to the Ministers responsible for the administration of statutes providing for a recourse before the divisions of the Tribunal in which there is a vacant position.

DIVISION VIII **RECOMMENDATION**

23. The Minister of Justice, after having consulted the Ministers responsible for the administration of statutes providing for recourses before the division of the Tribunal where there is a vacant position, shall recommend to the Government the name of a person who has been declared apt to be appointed to the Tribunal.

Where the vacant position is the position of president or a position of vice-president of the Tribunal, the Minister of Justice shall recommend to the Government the name of a member of the Tribunal or the name of a person who has been declared apt to be appointed to the Tribunal.

24. If the Minister of Justice is of the opinion that, in the best interests of the proper performance of the Tribunal's duties, he is unable, after receiving the selec-

tion committee's report and considering the list of persons apt to be appointed as members of the Tribunal, to recommend the appointment of a person, he shall then ask the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif to have a new notice of vacant positions published, in accordance with Division I.

The committee that submitted a report following the first notice is competent to assess the aptitude of the candidates whose candidacy was submitted following the second notice and to report to the Minister.

DIVISION IX **RENEWAL OF TERMS OF OFFICE**

25. During the 12 months preceding the expiry of a member's term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a committee to study the renewal thereof. In such case, sections 5 to 9 apply.

The committee shall verify whether the member still fulfils the criteria established in section 15, shall consider the Tribunal's needs and the advisability of favouring the appointment of new members, and may hold the consultations provided for in section 14 concerning any element of the member's record.

A decision of the committee shall be made by a majority vote of its members. In the case of a tie-vote, the chairman of the committee shall have a casting vote. A member may register his dissent.

The committee shall forward its recommendation to the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif and to the Minister of Justice.

DIVISION X **CONFIDENTIALITY**

26. The names of candidates, the reports of selection committees or renewal committees, the list of candidates declared apt to be appointed to the Tribunal, as well as any information or document relating to a consultation or decision by a committee, are confidential.

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

SCHEDULE A

(s. 8)

OATH OF DISCRETION

I,

(name)

solemnly affirm, under oath, that I will neither reveal nor make known, without being duly authorized to do so, anything whatsoever that may come to my knowledge in the exercise of my office.

.....

(signature)

Sworn before me at

.....

on this

Commissioner for oaths

1410

Draft Regulation

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1)

Bag limit for moose — 1997

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft of the Regulation respecting the 1997 bag limit for moose, the text of which appears below, may be made by the Gouvernement du Québec upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to renew for one year the bag limit for hunting moose, applicable to Natives and non-Natives in Area 17.

To that end, the Regulation proposes to limit the killing of moose in Area 17 to the same number as in 1996, that is, 140 moose.

To date, study of the matter has shown no impact on businesses, in particular on small and medium-sized businesses.

Further information may be obtained by contacting:

Mr. Serge Bergeron
 Ministère de l'Environnement et de la Faune
 Service de la réglementation
 150, boulevard René-Lévesque Est, 4^e étage, boîte 91
 Québec (Québec)
 G1R 4Y1

Tel.: (418) 643-4880
 Fax: (418) 528-0834
 Internet: serge.bergeron@mef.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of the Environment and Wildlife, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 30^e étage, Québec, G1R 5V7.

DAVID CLICHE,
*Minister of the
 Environment and Wildlife*

Regulation respecting the 1997 bag limit for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1, s. 78, 1st par., subpar. f and 2nd and 3rd pars.)

1. The bag limit for moose allocated to Natives and non-Natives in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, is 140 moose for the period extending from 1 August 1997 to 31 July 1998.

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

1413

Draft Regulation

An Act respecting labour standards
 (R.S.Q., c. N-1.1)

**Woodworking or flat glass industry
 — Minimum wage payable to employees**

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1) and sections 33, 37 and 92 of the Act respecting labour standards (R.S.Q., c. N-1.1) that the "Regulation re-

specting the minimum wage payable to employees in the woodworking or flat glass industry”, the text of which appears below, may be made by the Government upon the expiry of a 15-day period following the date of this publication.

Since the notice of repeal of the collective agreement decrees in the woodworking and flat glass industry have already been published in the *Gazette officielle du Québec* of 12 March 1997, it is urgent and in the public interest that the time period required to publish this draft regulation not exceed 15 days so that the employees in question benefit from a special minimum wage at the time the said decrees are repealed.

The purpose of this draft regulation is to guarantee a minimum wage for employees in the woodworking or flat glass industry, who have in the past been governed by the Act respecting collective agreement decrees. The applicable hourly rate will be \$9.50. The Regulation will apply for a period of two years.

Further information may be obtained from Mr. Blaise Pouliot, Commission des normes du travail, 400, boulevard Jean-Lesage, 7th Floor, Québec (Québec), G1K 8W1, tel.: (418) 644-0817, extension 754; fax: (418) 643-5132 or from Mrs. Denise Plante, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6th Floor, Québec (Québec), G1R 5S1, tél.: (418) 643-4415; fax (418) 528-0559.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 15-day period, to Mr. Matthias Rioux, Minister of Labour, 200, chemin Sainte-Foy, 6th Floor, Québec (Québec), G1R 5S1.

MATHIAS RIOUX,
Minister of Labour

Regulation respecting the minimum wage payable to employees in the woodworking or flat glass industry

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 40, s. 89, par. 1, and s. 91)

1. The minimum wage payable to any employee performing work which, if it had been performed before (*enter the date of coming into force of the revocation of the Decree respecting the woodworking industry and the Decree respecting the flat glass industry*), would have come under the jurisdiction of the Decree respecting the woodworking industry (R.R.Q., 1981, c. D-2, r.3) or the Decree respecting the flat glass industry (R.R.Q., 1991, c. D-2, r.52), is \$9.50 per hour.

2. This Regulation comes into force on (*enter the date of coming into force of the revocation of the Decree respecting the woodworking industry and the Decree respecting the flat glass industry*) and ceases to have effect on the date of the second anniversary of its coming into force.

1412

Index Statutory Instruments

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

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Administrative justice, An Act respecting... — Administrative Tribunal of Québec — Recrutement and selection of persons apt for appointment as members (1996, c. 54)	1951	Draft
Administrative Tribunal of Québec — Recrutement and selection of persons apt for appointment as members (An Act respecting administrative justice, 1996, c. 54)	1951	Draft
Bag limit for moose - 1997 (An Act respecting hunting and fishing rights in the James Bay and New Québec territories, R.S.Q., c. D-13.1)	1955	Draft
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Child day care, An Act respecting... — Day care centres (R.S.Q., c. S-4.1)	1945	M
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Day care centres (An Act respecting child day care, R.S.Q., c. S-4.1)	1945	M
Hunting and fishing rights in the James Bay and New Québec territories, An Act respecting... — Bag limit for moose - 1997 (R.S.Q., c. D-13.1)	1955	Draft
Immigration to Québec, An Act respecting... — Selection of foreign nationals . . . (R.S.Q., c. I-0.2)	1947	M
Labour standards, An Act respecting... — Woodworking or flat glass industry — Minimum wage payable to employees (R.S.Q., c. N-1.1)	1955	Draft
Prescription drug insurance and amending various legislative provisions — Basic prescription drug insurance plan (1996, c. 32)	1949	M
Professional Code — Respiratory therapists — Other terms and conditions for the issue of permits (R.S.Q., c. C-26)	1947	M
Respiratory therapists — Other terms and conditions for the issue of permits . . (Professional Code, R.S.Q., c. C-26)	1947	M
Revised Statutes of Québec — Updating to 1 March 1996 of the loose-leaf edition — Coming into force (An Act respecting the consolidation of the statutes and regulations, R.S.Q., c. R-3)	1943	
Securities (Securities Act, R.S.Q., c. V-1.1)	1946	M

Securities Act — Securities (R.S.Q., c. V-1.1)	1946	M
Selection of foreign nationals (An Act respecting immigration to Québec, R.S.Q., c. I-0.2)	1947	M
Woodworking or flat glass industry — Minimum wage payable to employees . . . (An Act respecting labour standards, R.S.Q., c. N-1.1)	1955	Draft