

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

Table of Contents  
Regulations and Other Acts  
Draft Regulations  
Index

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## Table of Contents

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Page

### Regulations and Other Acts

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758-97	Pension Plan of Peace Officers in Correctional Services, An Act respecting the... — Regulation (Amend.) . . . . .	2737
764-97	Development of manpower training, An Act to foster the... — Accreditation of training bodies, training instructors and training services . . . . .	2737
765-97	Development of manpower training, An Act to foster the... — Eligible training expenditures (Amend.) . . . . .	2740
771-97	Lottery video system (Amend.) . . . . .	2742
777-97	Determination of child support payments (Amend.) . . . . .	2742
778-97	Video lottery machines (Amend.) . . . . .	2744
782-97	Occupational health and safety in mines (Amend.) . . . . .	2744
783-97	Safety in public buildings (Amend.) . . . . .	2750

### Draft Regulations

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	Labour relations, vocational training and manpower management in the construction industry, An Act respecting... — Vocational training . . . . .	2753
	Professional Code — Bar — Trust accounting . . . . .	2754



## Regulations and Other Acts

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Gouvernement du Québec

### O.C. 758-97, 11 June 1997

An Act respecting the Pension Plan of Peace Officers in Correctional Services  
(R.S.Q., c. R-9.2)

#### Regulation

##### — Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS under the first paragraph of section 141 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), the Government shall, by regulation, set up review committees to hear the applications for review filed under section 140 of that Act, for the classes of employees or beneficiaries it determines;

WHEREAS by Order in Council 1842-88 dated 14 December 1988, the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services;

WHEREAS by Order in Council 1494-96 dated 4 December 1996, the Government amended the Regulation to set up review committees for the classes of employees or beneficiaries who file applications for review under section 140 of that Act;

WHEREAS it is expedient to amend the Regulation;

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

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

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### Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

An Act respecting the Pension Plan of Peace Officers in Correctional Services  
(R.S.Q., c. R-9.2, s. 141)

**1.** The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 and amended by Orders in Council 834-90 dated 20 June 1990, 707-94 dated 18 May 1994 and 1494-96 dated 4 December 1996, is further amended by substituting “1 and 2” for “2 and 3” in paragraph 3 of section 8.4.

**2.** This Regulation comes into force on the date of its making by the Government.

1498

Gouvernement du Québec

### O.C. 764-97, 11 June 1997

An Act to foster the development of manpower training  
(R.S.Q., c. D-7.1)

#### Accreditation of training bodies, training instructors and training services

Regulation respecting the accreditation of training bodies, training instructors and training services

WHEREAS under subparagraph 1 of the first paragraph of section 20 of the Act to foster the development of manpower training (1995, c. 43), the Société québécoise de développement de la main-d'oeuvre may make regulations to define, within the meaning of Chapter II of that Act, eligible training expenditures;

WHEREAS under paragraph 2 of section 21 of that Act, a regulation made pursuant to subparagraph 1 of the first paragraph of section 20 may set out the principles, criteria or factors taken into account by the Société for the purpose of granting accreditation to a training body, a training instructor or a training service;

WHEREAS under paragraph 3 of section 21 of that Act, such regulation may determine the conditions to be fulfilled by accredited persons or bodies and the conditions on which accreditation may be renewed, suspended or revoked;

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 8 January 1997, with a notice that it could be approved by the Government at the expiry of 45 days following that publication;

WHEREAS those 45 days have expired;

WHEREAS the Société has examined the numerous comments received and has adopted the amendments it considers appropriate;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the accreditation of training bodies, training instructors and training services, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the accreditation of training bodies, training instructors and training services**

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 20, 1<sup>st</sup> par., subpar. 1 and s. 21, par. 2° and 3°)

**1.** Any legal person, including a non-profit organization, or any partnership that wishes to be accredited as a training body for the purposes of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) must apply in writing to the Société québécoise de développement de la main-d'oeuvre using the form provided, giving the following information:

1° the registration number attributed to it under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

2° a brief description of the physical resources such as premises and equipment available to the body for training purposes;

3° the professional fields in which training will be provided;

4° the names of the training instructors, employees or contract workers, who are members of its personnel and, for each of them, his professional field and experience in such field, his training and experience as a training instructor.

This application must be accompanied by its most recent annual return filed with the Inspector General of Financial Institutions under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons or, failing that, its administrative organization plan specifying the names of the directors or partners, as the case may be.

If an application does not include the names of the training instructors, it must be accompanied by a statement by the representative authorized for this purpose in which the training body undertakes to provide training using only training instructors who have been accredited by the Société.

**2.** An applicant who satisfies the following conditions will be accredited by the Société as a training body:

1° its training instructors, employees or contract workers, have an average experience of at least three years in each of the professional fields in which training will be provided;

2° each of its training instructors has either received a minimum of 135 hours of training in teaching methods, or has at least 250 hours of experience as a training instructor or has received a minimum of 90 hours of training in teaching methods and has at least 100 hours of experience as a training instructor.

**3.** The Société will accredit as a training instructor a natural person who submits an application in writing to the Société using the form provided and who satisfies the following conditions:

1° has at least three years of experience in each professional field for which he seeks accreditation;

2° satisfies one of the conditions set out in paragraph 3° of section 2.

**4.** The Société will accredit the training service of an employer subject to the provisions of section 1 of the Act to foster the development of manpower training when it receives an application submitted in writing on the form provided and the following information and documents are included:

- 1° its address in Québec;
- 2° the name of the person responsible for the service;
- 3° a description of the responsibilities of the service;
- 4° information on the nature of the training activities carried out during the last year or on those planned at the time of the application;
- 5° a written statement by the representative authorized for this purpose specifying the skills of the personnel of the service that enable it to fulfill its responsibilities.

**5.** An accredited training service assumes or coordinates the following responsibilities:

- 1° preparation of specific training plans, design and programming of activities;
- 2° implementation of training activities for the personnel of the employer and provided by employees of the employer with the relevant skills or a supplier of material, equipment or software;
- 3° recognition of the successful completion of an internal training activity by a member of the personnel.

**6.** The accredited training service may also assume or coordinate any of the following responsibilities:

- 1° personnel development policy or strategy;
- 2° diagnosis of personnel needs;
- 3° organization of external training activities;
- 4° assessment of results;
- 5° training follow-up.

**7.** Sections 4 to 6 apply, with the necessary adaptations, to a multi-employer training service.

An application for accreditation from such a service must include the names and addresses of the employers to which it applies.

In this regulation, “multi-employer training service” means the administrative unit or legal person charged with organizing training for the personnel of employers belonging to a group identified with a common banner or a common trademark or a line of products or services.

**8.** The accredited multi-employer training service of an employer belonging to one of the following groups can assume or coordinate activities relating to the training of the personnel of other employers belonging to such group with which it shares a common mission:

1° the Conseil du Trésor, a department or organization whose personnel is appointed and remunerated under the Public Service Act (R.S.Q., c. F-3.1.1) or any organization for which, by law, the government sets or approves the working conditions or remuneration scales and standards of its employees;

2° the ministère de la Santé et des Services sociaux, a regional board or an establishment covered by the Act respecting health services and social services (R.S.Q., c. S-4.2), a regional council or an establishment covered by the Act respecting health services and social services for Cree native persons (R.S.Q., c. S-5);

3° the ministère de l'Éducation, a school board or educational institution covered by the Education Act (R.S.Q., c. I-13.1), a private educational institution covered by the Act respecting private education (R.S.Q., c. E-9), a general and vocational education college covered by the General and Vocational Colleges Act (R.S.Q., c. C-29) or a university level educational institution covered by the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

4° the ministère des Affaires municipales, a municipality, an urban community or a regional county municipality.

**9.** An accredited multi-employer training service covered by section 8 can provide training only by means of an employee with the relevant skills of the group to which it belongs.

A multi-employer training service of the group covered by paragraph 2<sup>o</sup> of section 8 can also provide training by means of a physician, a dentist or an optometrist.

**10.** The accredited training body and training instructor must inform the Société without delay of any change affecting the conditions they must satisfy for accreditation.

Unless it has filed the statement stipulated in the 3rd sub-section of section 1, the accredited training body must update, at least every six months, the list of its personnel of training instructors, employees or contract workers.

**11.** The accredited training body and accredited training instructor must fully honour contracts concluded with their clients.

**12.** The accredited training body must ensure that any training it provides is given by a training instructor with the required experience and skill.

**13.** The accredited training body can only provide training through its personnel of training instructors, employees or contract workers.

**14.** The training provided by the accredited training service of an employer or by an accredited multi-employer training service must be provided solely by the personnel of such employer or of the employers mentioned in the accreditation, as the case may be. It can also be provided by the personnel of a supplier of material, equipment or software, provided the supply for which training is given is used by the personnel so trained.

**15.** Sections 13 and 14 do not apply in the case of an eligible training activity within the meaning of the Regulation respecting eligible training expenditures enacted by order-in-council 1586-95 of December 6, 1995 and held as part of a symposium, conference or seminar or any other activity organized in partnership with a recognized educational institution, accredited training body or accredited training instructor.

**16.** The accredited training body and accredited training instructor issue a training attestation to each employee who successfully completes or actively participates in a training activity. Such attestation includes:

- 1° the name of the employer;
- 2° the name of the participant;
- 3° a brief description of the training activity;
- 4° confirmation of successful completion;
- 5° the length of the training activity;
- 6° the name of the accredited training body or accredited training instructor.

**17.** An accredited training service, including an accredited multi-employer service, issues an attestation containing the information contained in section 16 to each employee who successfully completes or actively participates in a training activity. Such attestation is issued at least once a year and upon the employee's departure.

**18.** Accreditation cannot be assigned.

**19.** The holder of an accreditation must display it in public view in his establishment.

**20.** The board of directors of the Société can suspend or revoke an accreditation if it concludes that the conditions are no longer satisfied.

**21.** An accreditation is valid for two years.

**22.** The holder of an accreditation must complete his application for renewal using the form provided and return it to the Société at least thirty days before the expiration of his accreditation. He is not required to provide a document already supplied to the Société if the information contained in the document is still up to date.

Accreditation is renewed if the holder continues to satisfy the conditions stipulated for obtaining accreditation and if he has satisfied those imposed for the maintenance of accreditation.

**23.** The fees payable for processing an application for accreditation or its renewal are \$450 for a training body, \$250 for a training instructor and \$150 for a non-profit organization.

**24.** The fees payable for processing an application for the accreditation or renewal are \$400 for a multi-employer training service and \$200 for a training service.

**25.** An application for accreditation for which the information required under this regulation is not complete six months after payment of the required fees will be rejected.

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

1495

Gouvernement du Québec

**O.C. 765-97, 11 June 1997**

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

#### **Eligible training expenditures — Amendments**

Regulation amending the Regulation respecting eligible training expenditures

WHEREAS under subparagraph 1 of the first paragraph of section 20 of the Act to foster the development of manpower training, the Société québécoise de



développement de la main-d'oeuvre (R.S.Q., c. D-7.1) may make regulations to define, for the purposes of Chapter II of the Act, eligible training expenditures;

WHEREAS the Regulation respecting eligible training expenditures was made by Order in Council 1586-95 dated 6 December 1995;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a Draft Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 8 January 1997 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the period has expired;

WHEREAS the Société has examined the comments received;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity:

THAT the Regulation amending the Regulation respecting eligible training expenditures, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation amending the Regulation respecting eligible training expenditures

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, s. 20, par. 1 and 2)

**1.** Section 1 of the Regulation respecting training expenditures enacted by order-in-council 1586-95 of December 6, 1995 and amended by a regulation approved by order-in-council 58-97 of January 22, 1997 is amended:

1° by adding the following after paragraph 4°:

“4.1° the wages of an employee who provides the personnel of other employers, in Québec, with training during an activity organized by a multi-employer training service accredited by the Société in accordance with the Act;”;

2° by adding the following after paragraph 25°:

“26° the wages and expenses incurred by an employer for the participation of an employee in training organized by an association one of whose goals is the upgrading of its members or the personnel of its members provided such training complies with the purpose of the Act and is provided by an expert in the field.”;

3° by eliminating, in the second sub-section, the words “Until a regulation is made under paragraph 2 of section 21 of the Act,” and replacing the words “the training provided by” with the words “the training provided under a contract concluded with”.

**2.** Section 2 is amended by replacing, in the first sub-section, “and 24°” with “, 24° and 26°”.

**3.** Section 7 is amended:

1° by replacing paragraph 2° with the following:

“2° the word “apprentice” means a person enrolled in an apprenticeship plan or a vocational qualification plan established or approved by a minister or the government;”;

2° by adding in paragraph 5°, “4.1” after “4”;

3° by replacing, in paragraphs 5°, 13° and 14°, “and 24°” with “, 24° and 26°”.

**4.** Persons enrolled in the Directory of trainers maintained by the Société québécoise de développement de la main-d'oeuvre must, once their enrollment has expired, be accredited in accordance with the Regulation respecting the accreditation of training bodies, training instructors and training services enacted by order-in-council 764-97 of June 11, 1997.

Enrollments expiring during the 90 days following the coming into force of this regulation are extended until October 9, 1997.

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

Gouvernement du Québec

**O.C. 771-97, 11 June 1997**

An Act respecting the Société des loteries du Québec  
(R.S.Q., c. S-13.1)

**Video lottery system**

By-law to amend the By-law respecting video lottery system

WHEREAS the Government approved the By-law respecting video lottery system by Order in Council 1252-93 dated 1 September 1993;

WHEREAS under the first paragraph of section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., S-13.1), the Société des loteries du Québec determines by by-law the general standards and conditions relating to the nature and holding of the lottery schemes it conducts and administers;

WHEREAS under that section, the company made the By-law to amend the By-law respecting video lottery system;

WHEREAS the By-law relates to video lotteries and, in accordance with the second paragraph of section 13 of the Act respecting the Société des loteries du Québec, the Régie des alcools, des courses et des jeux gave notice of it;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft By-law attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 2 April 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with the second paragraph of section 13 of the Act respecting the Société des loteries du Québec, the notice of the Régie des alcools, des courses et des jeux was published at the same time as the draft By-law in the *Gazette officielle du Québec*, as provided for in section 8 of the Regulations Act;

WHEREAS it is expedient to approve the By-law, without amendments, as attached to this Order in Council;

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

THAT the By-law to amend the By-law respecting video lottery system, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

**By-law to amend the By-law respecting video lottery system**

An Act respecting the Société des loteries du Québec  
(R.S.Q., c. S-13.1, a. 13)

**1.** The By-law respecting video lottery system, approved by Order in Council 1252-93 dated 1 September 1993, is amended by substituting the words “upon payment of an amount in Canadian money” for “upon payment of Canadian coins” in section 4.

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

1494

Gouvernement du Québec

**O.C. 777-97, 11 June 1997**

Code of Civil Procedure  
(R.S.Q., c. C-25)

**Determination of child support payments  
— Amendments**

Regulation to amend the Regulation respecting the determination of child support payments

WHEREAS under article 825.8 of the Code of civil procedure (R.S.Q., c.C-25), introduced by section 2 of Chapter 68 of the Statutes of 1996, the Government may, by regulation, establish standards for the determination of the child support payments to be made by a parent, on the basis of the basic parental contribution determined in respect of the child, of the child care expenses, post-secondary education expenses and special expenses related to the child and of the parent's custodial arrangement in respect of the child;

WHEREAS under the same article, the Regulation may prescribe, for that purpose, the use of a form and of a related table determining, on the basis of the parents' disposable income and the number of children, the basic parental contribution, as well as the production of evidentiary documents;

WHEREAS the Regulation respecting the determination of child support payments was made by Order in Council 484-97 dated 9 April 1997;

WHEREAS it is expedient to amend the English version of the Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed Regulation may be made without having been published as prescribed in section 8 of that Act, where the authority making 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 made 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 the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the English version of Schedule I to the Regulation respecting the determination of child support payments contains mistakes and it is necessary to correct them as soon as possible since the Regulation has been in force since 1 May 1997; furthermore, a prior publication and a coming into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* would be irrelevant in view of the nature of the proposed corrections;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Income Security and Minister responsible for the Status of Women and the Minister of Justice:

THAT the Regulation to amend the Regulation respecting the determination of child support payments, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the determination of child support payments

Code of Civil Procedure  
(R.S.Q., c. C-25, s. 825.8; 1996, c. 68, s. 2)

1. The Regulation respecting the determination of child support payments made by Order in Council 484-97 dated 9 April 1997, is amended in Schedule I of the English version:

(1) by substituting the following for the part preceding Part 1:

“CANADA Child Support Determination Form  
Province of Québec  
District of \_\_\_\_\_  
File No. \_\_\_\_\_

Fill Out in Block Letters

The parents may complete this form together and attach the documents required. Otherwise, the parent completing it shall provide the information and documents concerning himself. He may also indicate the information he knows about the other parent.”;

(2) by substituting the following for the text appearing in line 307:

“307 Distribution factor (%) of income  
Disposable income of father  
(line 305 ÷ line 306 x 100) \_\_\_\_\_ %  
Disposable income of mother  
(line 305 ÷ line 306 x 100) \_\_\_\_\_ %”;

(3) by substituting “(line 401 x line 307)” for “(line 40 x line 307)” under line 402;

(4) by substituting the word “has” for the word “as” under the title of Division 2 of Part 5;

(5) by substituting “(line 525 + line 407)” for “(line 525 ÷ line 407)” under line 526;

(6) by substituting the word “has” for the word “as” under the title of Division 4 of Part 5;

(7) by substituting “(line 540 x line 541)” for “(line 540 x line 307)” under line 542;

(8) by substituting “(line 547 x line 307)” for “(line 546 x line 307)” under line 549;

(9) by adding the figure “703” after line 702 and immediately before the word “State”.

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

1500

Gouvernement du Québec

### **O.C. 778-97, 11 June 1977**

An Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6)

#### **Video lottery machines — Amendments**

Rules to amend the Rules concerning video lottery machines

WHEREAS under section 20.1 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6), the Régie des alcools, des courses et des jeux may make rules to determine, in particular, the types, components and mode of operation of video lottery machines;

WHEREAS by Order in Council 1254-93 dated 1 September 1993, the Government approved the Rules concerning video lottery machines;

WHEREAS the Régie des alcools, des courses et des jeux made the Rules to amend the Rules concerning video lottery machines, attached to this Order in Council;

WHEREAS under the third paragraph of section 20.1 of the Act, every rule made by the board under subparagraph *d* of the first paragraph of that section to determine the type, components, specifications and mode of operation of video lottery machines shall be submitted to the Government for approval, on the joint recommendation of the Minister of Public Security and the Minister of Finance;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Rules attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 2 April 1997 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Rules, without amendments, as attached to this Order in Council;

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

THAT the Rules to amend the Rules concerning video lottery machines, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Rules to amend the Rules concerning video lottery machines**

An Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6, s. 20.1, 1<sup>st</sup> par., subpar. *d*)

**1.** The Rules concerning video lottery machines, made by Order in Council 1254-93 dated 1 September 1993 and amended by Order in Council 480-95 dated 5 April 1995, are further amended in section 2 by substituting the following for subparagraph 6 of the first paragraph.

“(6) money insertion mechanisms;”.

**2.** The following is substituted for section 16:

“**16.** The mechanisms for inserting money into the video lottery machine must function in such a manner that it accepts only Canadian money.”.

**3.** Section 20 is amended by striking out the words “sums of” in the second to last line.

**4.** These Rules come into force on the fifteenth day following their publication in the *Gazette officielle du Québec*.

1493

Gouvernement du Québec

### **O.C. 782-97, 11 June 1997**

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

#### **Occupational health and safety in mines — Amendments**

Regulation to amend the Regulation respecting occupational health and safety in mines and amending regulatory provisions

WHEREAS under subparagraphs 1, 7, 10, 17, 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 section 223 of that Act, the content of the regulations may vary according to the categories of persons, workers, employees, workplaces, establishments or construction sites to which they apply. The regulations may also provide times within which they are to be applied, and those times may vary according to the object and scope of each regulation;

WHEREAS under the third paragraph of section 223 of the 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 the Act and 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 occupational health and safety in mines and amending various regulatory provisions was published in Part 2 of the *Gazette officielle du Québec* of 23 October 1996 with a notice that, upon the expiry of 60 days following that publication, it would be made by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS at its meeting of 27 March 1997, the Commission made the Regulation to amend the Regulation respecting occupational health and safety in mines and amending various regulatory provisions, with amendments;

WHEREAS it is expedient to approve the Regulation;

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

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

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting occupational health and safety in mines and amending various regulatory provisions**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, s. 223, 1<sup>st</sup> par., subpars. 1, 7, 10, 17, 19, 41 and 42, 2<sup>nd</sup> and 3<sup>rd</sup> pars.)

**1.** The Regulation respecting occupational health and safety in mines and amending various regulatory provisions,

approved by Order in Council 213-93 dated 17 February 1993 and amended by the Regulation approved by Order in Council 1326-95 dated 4 October 1995 and 374-97 dated 19 March 1997, is further amended, in section 1,

(1) by inserting the following before the definition of “armoured cable”:

““ANSI”: the American National Standards Institute; (ANSI)”;

(2) by inserting the following after the definition of “new development”:

““NIST”: the National Institute for Standards and Technology; (NIST)”.

**2.** Section 27 is amended

(1) by inserting the numeral “87,” after the word “sections”; and

(2) by inserting the numerals “103.1, 108.2, 142.1, 142.2,” after the numeral “103.”.

**3.** The following paragraph is added at the end of section 36:

“While drilling work is being carried out, no person may use, near the drilling zone, any noisy machine or tool that prevents the worker from hearing the sound of his scaling bar.”.

**4.** Section 37 is amended, in the first sentence, by inserting the words and figures “not exceeding 3.6 metres (12 ft.)” after the words “Scaling bars”.

**5.** The following is substituted for subparagraph *b* of paragraph 3 of section 40:

“(b) by more than 3 metres (9.8 ft.) the top of the boom or bucket of mechanical equipment when raised to its highest operating position, except for a sandpit operation where the slope of the working face is at all points less than 45° from the horizontal;”.

**6.** The following is substituted for section 60:

“**60.** In an underground travelway inclined at 50° or more from the horizontal, rest landings covering the compartment served by ladders shall be installed at vertical distances not exceeding 7 metres (23 ft.), except for the openings allowing the passage of persons, which shall be 1 square metre (10.8 sq. ft.) or more in area and, for every landing built from 10 July 1997, at least 70 centimetres (27.6 in.) in width.”.

**7.** The following paragraph is added at the end of section 71:

“Notwithstanding the foregoing, a stope may be operated with only one passage to the surface where the following conditions are satisfied:

- (1) the stope is operated for sampling purposes only;
- (2) no other hoisting, exploration, development or new development work is carried out simultaneously with the operation of the stope;
- (3) a refuge station complying with the standards in sections 127 and 128 is installed less than 10 minutes from the work station;
- (4) the refuge station is equipped with one self-contained breathing apparatus with full face piece and a minimum utilization time of 90 minutes for each worker assigned to the site and to any related haulage;
- (5) the quantity of rock broken is absolutely necessary to render the sample representative of the deposit to be exploited;
- (6) the timbering of the shaft and collar frame is kept wet.”.

**8.** The following is added after section 75:

“**75.1** Where a tunnel is used under a reserve of non-consolidated materials for the purpose of recovering those materials, the tunnel shall have at least 2 separate passages through which the workers may evacuate the work stations.

This section applies to tunnels built from 10 July 1997 and to tunnels on which extension work begins from 10 July 1997.”.

**9.** Section 87 is amended by substituting the following for the second paragraph:

“Notwithstanding the foregoing, where the fresh air introduced underground is heated directly by a flame, the following conditions shall be satisfied:

- (1) the heating system shall comply with Standard CGA/CANI 3.7-1977 Direct Gas-Fired Non-Recirculating Make-up Air Heaters;
- (2) the entire installation shall comply with the Regulation respecting gas and public safety (R.R.Q., 1981, c. D-10, r.4) as it reads at the time it is applied, as well as with CAN/CGA-B149.1-M91 Natural Gas Installation

Code, where natural gas is used as fuel, or CAN/CGA-B149.2-M91 Propane Installation Code, where propane is used as fuel;

(3) a combustible gas detector shall be installed to ensure the cut-off of combustible gas to the burner where the gas used as fuel could make its way into the mine;

(4) an environmental monitor shall be installed to ensure that the carbon monoxide concentration in the air exhausted by the main burners in working condition does not at any time exceed the concentration indicated in Table II of Schedule A to Standard CGA/CANI 3.7-1977 Direct Gas-Fired Non-Recirculating Make-up Air Heaters;

(5) a carbon monoxide concentration reading shall be taken at least once weekly and shall be recorded in a register, except where it is recorded on a graph or in a computer system.”.

**10.** The following is inserted after section 100:

“**100.1** The minimum rate of ventilation of a diesel engine used in an underground mine shall be that appearing on the certificate of homologation issued by the Canadian Centre for Mineral and Energy Technology, CANMET, in accordance with Standard CAN/CSA-M424.2-M90 Non-railbound Diesel-powered Machines for Use in Non-gassy Underground Mines, or that provided for in the United States federal certification index, according to Parts 31 and 32, Title 30, Code of Federal Regulations, Mine Safety and Health Administration or, failing the above, shall be 5.5 cubic metres per minute per kilowatt (144.8 cu. ft. per minute per H.P.) at the engine shaft.”.

**11.** The following is substituted for paragraph 2 of section 101:

“(2) where equipment operated by a diesel engine is used, the rate of ventilation required to meet the requirements of section 100.1 and paragraphs 1 and 2 of section 102.”.

**12.** Section 102 is amended

(1) by substituting the following for paragraph 1:

(1) the ventilation in places where such engines are used shall be sufficient to dilute the contaminants present in the exhaust gases to exposure values measured in the worker’s respiratory zone; those exposure values shall be:

(a) below 1.5 milligrams of respirable combustible dust per cubic metre of air;

(b) below the exposure values provided for in Schedule A to the Regulation respecting the quality of the work environment;”;

(2) by inserting the following after paragraph 1:

“(1.1) the sampling and analysis protocol for respirable combustible dust shall be that of the Canadian Centre for Mineral and Energy Technology, CANMET, described in Schedule VI;”;

(3) by substituting the following for paragraph 2:

“(2) notwithstanding paragraph 2 of section 101, when several pieces of equipment operated by diesel engines are used simultaneously in the same ventilation circuit, the volume of fresh air to be supplied shall be 100 % of the flow given for the most demanding unit in terms of ventilation, 75 % of the flow given for the second unit and 50 % of the flow given for any additional unit, up to 2.7 cubic metres per minute per kilowatt (71 cu. ft. per minute per H.P.) at the engine shaft;”;

(4) by striking out paragraph 3; and

(5) by substituting the following for paragraph 6:

“(6) every diesel engine shall be fitted with a device for purifying or diluting exhaust gases;”.

**13.** The following is substituted for section 103:

“**103.** At least once each week, the flow of air in cubic metres per minute supplying a zone affected by the operation of an underground diesel engine shall be measured and entered in the register of the work station concerning diesel engines.”.

**14.** The following is inserted after section 103:

“**103.1** The measurements evaluating the respirable combustible dust exposure values provided for in section 102 shall be taken:

(1) at least once every 6 months;

(2) following any alteration likely to affect the quality of the air.

The results of those measurements shall be entered in the register of the work station concerning diesel engines.”.

**15.** The following is inserted after section 104:

“**104.1** In a raise:

(1) notwithstanding section 104, the ventilation flow in the work station shall supply at least 5 changes of air per hour;

(2) ventilation shall be supplied by means of a compressed air pipe that is:

(a) less than 6.1 metres (20 ft.) from the heading;

(b) equipped with a muffler;

(c) directed towards the heading;

(d) independent of any compressed air pipe supplying a drill or other pneumatic tool.”.

**16.** The following is substituted for section 107:

“**107.** The air flow control devices for ventilating a raise shall be:

(1) designed so that a minimum ventilation of 5 changes of air per hour is maintained in the work station at all times;

(2) placed outside and less than 10 metres (32.8 ft.) from the raise.”.

**17.** The following is substituted for the second paragraph of section 108:

“However, the wearing of such lamp is not required in the locations set forth in section 109, provided that the lamp is within the person’s reach.”.

**18.** The following is inserted after section 108:

“**108.1** A miner’s lamp used underground shall yield a level of illumination of at least 1500 lux at 1.2 metres (4 ft.) from the light source.

Notwithstanding the foregoing, if the ground to be evaluated is more than 3.6 metres (12 ft.) from the miner’s lamp, auxiliary lighting shall also be installed.

**108.2** In an underground mine, measures shall be developed to evaluate and maintain miners’ lamps.

The results of tests on such lamps shall be entered in the register concerning miners’ lamps.”.

**19.** Section 142 is amended by adding the following after paragraph 3:

“(4) the heating systems provided for in sections 87 and 142.1.”.

**20.** The following is inserted after section 142:

“**142.1** A stationary natural gas or propane heating system may not be used to heat a building covering an opening to the surface of an underground mine, except where the following conditions are satisfied:

(1) the heating unit is certified by a recognized body such as the Canadian Standards Association (CSA), the Canadian Gas Association (CGA), the Canadian Underwriters' Association (CUA) or a similar body;

(2) the entire installation complies with the Regulation respecting gas and public safety (R.R.Q., 1981, c. D-10, r.4) as it reads at the time it is applied, as well as with CAN/CGA-B149.1-M91 Natural Gas Installation Code, where natural gas is used as fuel, or CAN/CGA-B149.2-M91 Propane Installation Code, where propane is used as fuel;

(3) where the fuel is propane, a combustible gas detector is installed to ensure the cut-off of fuel to the heating apparatus if propane gas should accumulate inside the building;

(4) the heating apparatus is installed in such a manner that the distance between it and any explosive is never less than 4 metres (13.1 ft.).

**142.2** Every gas-fired heating system shall be inspected at least once each week while in service and shall be checked at least once each year, prior to the period when heating is required, by a person holding a certificate referred to in section 17 or 32, as applicable, of the Regulation respecting gas and public safety.

The results of those inspections and checks shall be entered in a register.”.

**21.** The following is inserted after the heading of Subdivision I of Division VI:

“**174.01** Any non-railbound motorized vehicle powered by a diesel engine, manufactured from 10 July 1997 and used in an underground mine shall comply with Standard CAN/CSA-M424.2-M90 Non-railbound Diesel-powered Machines for Use in Non-gassy Underground Mines.”.

**22.** Section 181 is amended by inserting the word “railbound” before the word “motorized”.

**23.** The following is inserted after section 181:

“**181.1** A non-railbound motorized vehicle shall:

(1) have service brakes capable of stopping the vehicle and keeping it stationary when it carries the maximum load for which it was designed on the steepest slope on which it may be required to travel;

(2) have a parking brake that:

(a) is mechanically operated;

(b) is capable of keeping the vehicle stationary when loaded:

i. on a slope of 15 % in the case of a vehicle used on the surface;

ii. in a slope of 20 % in the case of a vehicle used underground;

(c) when applied, is capable of maintaining its power despite contraction of the brake parts, depletion of the power source, or any leakage.

For the purposes of this section, “service brakes” means any type of main system used to stop a vehicle and keep it stationary without the assistance of any deceleration device or dynamic braking.”.

**24.** The words “or in a mine operated in a permafrost zone” are inserted after the words “salt mine” in the second paragraph of section 374.

**25.** Section 393 is amended by adding the following sentence at the end: “In the case of a sinking crosshead, the roof shall be supported by the crosshead and not by the hoisting rope.”.

**26.** Section 394 is amended

(1) by substituting the words “of the top of the conveyance” for the words “of the roof” at the end of the first paragraph; and

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

“Notwithstanding the foregoing, where the conveyance is a sinking crosshead, the lanyard shall be attached to an element that is part of the crosshead and not to the hoisting rope.”.

**27.** Section 398 is amended

(1) by substituting “10 metres (32.8 ft.)” for “15 metres (49.2 ft.)”; and



(2) by substituting “5 metres (16.4 ft.)” for “8 metres (26.2 ft.)”.

**28.** Section 538 is amended by deleting the words “Except for the provisions of the Regulation respecting the handling and use of explosives (R.R.Q., 1981, c. S-2.1, r.11),”.

**29.** Schedule VI attached hereto is added at the end of the Regulation.

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

## SCHEDULE VI

(s. 102)

### SAMPLING AND ANALYSIS PROTOCOL FOR RESPIRABLE COMBUSTIBLE DUST (RCD)

#### 1. Principle underlying the protocol

A sample of respirable dust is taken on a silver membrane filter (0.8-micrometre pores, 25 millimetres in diameter). Once the sampling is completed, the filter is weighed and then placed in a furnace at 400 degrees Celsius for at least 1.5 hours. That temperature and the catalytic action of the silver membrane filter combine to eliminate carbon-based substances. That loss in mass is therefore equivalent to the quantity of respirable combustible dust.

#### 2. Precision and accuracy

CONCENTRATION RANGE (RCD): 0.04 to 3.0 milligrams per cubic metre (1000-litre sample).

ACCURACY: < 10 % (pure diesel dust samples).

PRECISION:  $\pm 0.04$  milligrams (on gravimetric analysis only).

#### 3. Interference

Carbon-based mineral dust (coal, graphite).

Some sulphide mineral dusts.

#### 4. Equipment

Personal sampler: 10-millimetre Dorr-Oliver nylon cyclone. Silver membrane filter 25 millimetres in diameter with 0.8-micrometre pores. Three-piece plastic cassette with backup pad.

Personal sampling pump. Flexible plastic tube to connect the pump to the cassette.

Flowmeter.

Furnace equipped with automatic temperature control system. Fire-proof glass or stainless steel plates for filters.

Electrobalance (0.01-milligram readability).

#### 5. Sampling

The flow of the sampling pump shall be calibrated at 1.7 litres per minute using the flowmeter. When using a cyclone, the flow must be fixed at 1.7 litres per minute under the actual temperature and pressure conditions of the sampling site. Calibration of the flow is done with the entire sampling device (pump, tube, cyclone, filter cassette).

The sampling flow shall be measured at the end of sampling and the difference compared to the initial flow shall be less than 5 %.

The sampling volume shall range from 400 to 1 000 litres.

Once the sampling is completed, the cassette shall be plugged and sent to the laboratory for analysis.

#### 6. Analysis

Using tweezers, the filter shall be withdrawn from the cassette case making sure not to touch the dust deposit. The filters to be analyzed shall be placed in the same clean room as the balance for an acclimatization period of at least 2 hours.

After that period, each filter shall be weighed at least twice. If the difference between the two readings is 0.03 milligrams or more, a third reading is required. The mass of the filter is the average of the masses that differ by 0.02 milligrams or less.

The filters shall be placed on heating plates, which shall then be inserted into the furnace. The position of the filters shall be carefully recorded using a diagram on which each filter is identified and its position in relation to the others indicated (identification marks on filters may burn off during the heating process).

The furnace shall be heated to 400 degrees Celsius. A timer equipped with an audible alarm may be used to indicate the end of the heating period, which shall be at least 1.5 hours at a temperature of 400 degrees Celsius.

At the end of the heating process, samples shall be removed from the furnace. They may be removed from the plates if it can be done safely. Otherwise, it is recommended to wait until the plates have cooled. Filters may sometimes tend to adhere to the plate. A scalpel blade inserted between the filter and the surface while holding the filter with tweezers usually frees the filter without damaging it.

Filters shall then be placed in the same place as the balance for 2 hours. Filters shall be re-weighed as described in the second paragraph.

The mass of respirable combustible dust is the difference between the final mass obtained pursuant to the sixth paragraph and the initial mass obtained pursuant to the second paragraph.

### 7. Quality control

The accuracy of the furnace temperature reading shall be periodically verified by using an independent electronic thermometer.

The balance shall be calibrated at the beginning of each weighing session using the manufacturer's directions for internal calibration. Thereafter, every 3 months or more if needed, the accuracy of the balance shall be checked using NIST Class S weights. Every year, the balance shall be cleaned and its accuracy checked again using ANSI/ASTM Class 1 weights.

The calibration of flowmeters shall be done by a laboratory which shall file certificates demonstrating that the calibration procedures comply with NIST Standards.

Analytical and sampling blanks shall be analyzed at the same time as the other samples. The loss in mass of analytical blanks should never exceed 0.04 milligrams and that loss in mass shall be applied as a correction factor.

1501

Gouvernement du Québec

## O.C. 783-97, 11 June 1997

Public Buildings Safety Act  
(R.S.Q., c. S-3)

### Safety in public buildings — Amendments

Regulation to amend the Regulation respecting safety in public buildings

WHEREAS under section 39 of the Public Buildings Safety Act (R.S.Q., c. S-3), the Government may make regulations with respect to the public buildings mentioned in section 2 of the Act;

WHEREAS under section 3 of the Act, the Government may make, in the regulations which it may enact in virtue of section 39 of the Act, the restrictions it deems fit regarding the public buildings mentioned in section 2 of the Act;

WHEREAS the Government made the Regulation respecting safety in public buildings (R.R.Q., 1981, c. S-3, r. 4);

WHEREAS it is expedient to amend the Regulation so that certain family-type hotels will no longer be considered public buildings;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting safety in public buildings was published in Part 2 of the *Gazette officielle du Québec* of 19 March 1997 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting safety in public buildings, attached to this Order in Council, without amendments;

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

THAT the Regulation to amend the Regulation respecting safety in public buildings, attached to this Order in Council, be made.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting safety in public buildings**

Public Buildings Safety Act  
(R.S.Q., c. S-3, ss. 3 and 39)

**1.** The Regulation respecting safety in public buildings (R.R.Q., 1981, c. S-3, r. 4), amended by the Regulations made by Orders in Council 2477-82 dated 27 October 1982, 913-84 dated 11 April 1984, 2449-85 dated 27 November 1985, 88-91 dated 23 January 1991, 1441-93 dated 13 October 1993 and 466-95 dated 5 April 1995, is further amended in section 6

(1) by substituting “subsections 4 and 4.1 of section 6” for “subsection 4 of section 6” in the second paragraph of subsection 1; and

(2) by inserting the following after subsection 4:

“(4.1) A family-type hotel not more than 2 storeys high is not considered a public building.”.

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



## Draft Regulations

### Draft Regulation

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

#### Vocational training

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the vocational training of manpower in the construction industry, made by the Commission de la construction du Québec and whose text appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The amending Regulation creates the specialty of flooring-sanding as part of the trade of carpenter-joiner. The realities of the labour market and tendencies observed in the interior finishing of building, particularly in the tasks related to laying, sanding and finishing of parquet floors, have encouraged the creation of this specialty.

The examination of this document does not reveal any financial impact on companies and citizens.

Further information may be obtained from Mr. Jean Ménard, Director, Direction of the Service juridique of the Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3; tel: (514) 341-3124, extension 6425; fax: (514) 341-4287.

Any interested person having comments to make on the subject if asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executif Officer of the Commission de la construction du Québec, Mr. André Ménard, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3.

ANDRÉ MÉNARD,  
Chairman and Chief Executive Officer  
of the Commission de la construction  
du Québec

### Regulation to amend the Regulation respecting the vocational training of manpower 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. 123.1, pars. 1, 2, 6 and 14)

**1.** The Regulation respecting the vocational training of manpower in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, amended by section 74 of Chapter 61 of the Statutes of 1993, by the Regulation approved by Order in Council 799-94 dated 1 June 1994, by section 54 of Chapter 8 of the Statutes of 1995 and by the Regulation approved by Order in Council 1489-95 dated 15 November 1995, is further amended, in Schedule A, by substituting the following for the second paragraph of subsection 1:

“**Specialty in flooring-sanding.** The trade of carpenter-joiner includes the specialty in flooring-sanding.

The term “flooring layer-sander” means any person who:

(a) for the purposes of assembling wooden or composition floors:

- i. prepares, assembles and installs furs and the lap joint of the false floor;
- ii. performs basic work related to the preparation of the surface;
- iii. sets sound and thermal insulation;
- iv. lays parquet flooring, particularly wood lathing and laying of floors, including peripheral mouldings;
- v. performs sanding and finishing of floor.

(b) lays bowling alleys and performs sanding and finishing.

Performance of the work described in the first and third paragraphs includes trade-related handling for the purposes of immediate and permanent installation.”

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

## Draft Regulation

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

### Bar

#### — Trust accounting — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulation Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting trust accounting by lawyers”, adopted by the General Council of the Barreau 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.

According to the Barreau du Québec, this regulation will modify the due date for filing an annual declaration (form B-1) such that information contained within may be added to the annual application for entry on the rolls. This regulation will permit substantial savings, in that the Order will only have one mailing to do and members of the Order will only have one form to complete.

Additional information may be obtained by contacting M<sup>e</sup> Annie Chapados, lawyer at the Service de recherche et de législation of the Barreau du Québec, maison du Barreau, 445, boulevard Saint-Laurent, Montréal (Québec), H2Y 3T8; telephone no: (514) 954-3469; fax no: (514) 954-3463.

Any person having comments to make 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, rue Saint-Joseph Est, 1<sup>er</sup> étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions. They may also be forwarded to the professional order that drafted the Regulation as well as to the persons, departments and agencies concerned.

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

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## Regulation to amend the By-law respecting accounting and trust accounts of advocates

Professional Code  
(R.S.Q., c. C-26, s. 89)

**1.** The By-law respecting accounting and trust accounts of advocates (R.R.Q., 1981, c. B-1, r. 3), as amended by the Order in Council 816-95 of June 14, 1995, is further amended by replacing the number “31” and the word “January” in section 4.02 with the number “1” and the word “April”.

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

1503

## Index Statutory Instruments

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

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
Accreditation of training bodies, training instructors and training services . . . . . (An Act to foster the development of manpower training, R.S.Q., c. D-7.1)	2737	N
Bar — Trust accounting . . . . . (Professional Code, R.S.Q., c. C-26)	2754	Draft
Code of civil procedure — Determination of child support payments . . . . . (R.S.Q., c. C-25)	2742	M
Determination of child support payments . . . . . (Code of civil procedure, R.S.Q., c. C-25)	2742	M
Development of manpower training, An Act to foster the... — Accreditation of training bodies, training instructors and training services . . . . . (R.S.Q., c. D-7.1)	2737	N
Development of manpower training, An Act to foster the... — Eligible training expenditures . . . . . (R.S.Q., c. D-7.1)	2740	M
Eligible training expenditures . . . . . (An Act to foster the development of manpower training, R.S.Q., c. D-7.1)	2740	M
Labour relations, vocational training and manpower management in the construction industry, An Act respecting... — Vocational training . . . . . (R.S.Q., c. R-20)	2753	Draft
Lotteries, publicity contest and amusement machines, An Act respecting... — Video lottery machines . . . . . (R.S.Q., c. L-6)	2744	M
Occupational health and safety in mines . . . . . (An Act respecting occupational health and safety, R.S.Q., c. S-2.1)	2744	M
Occupational health and safety, An Act respecting... — Occupational health and safety in mines . . . . . (R.S.Q., c. S-2.1)	2744	M
Pension Plan of Peace Officers in Correctional Services, An Act respecting the... — Regulation . . . . . (R.S.Q., c. R-9.2)	2737	M
Professional Code — Bar — Trust accounting . . . . . (R.S.Q., c. C-26)	2754	Draft
Public Buildings Safety Act — Safety in public buildings . . . . . (R.S.Q., c. S-3)	2750	M
Safety in public buildings . . . . . (Public Buildings Safety Act, R.S.Q., c. S-3)	2750	M
Société des loteries du Québec, An Act respecting the... — Video lottery system . . . . . (R.S.Q., c. S-13.1)	2742	M

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Video lottery machines . . . . .	2744	M
(An Act respecting lotteries, publicity contest and amusement machines, R.S.Q., c. L-6)		
Video lottery system . . . . .	2742	M
(An Act respecting the Société des loteries du Québec, R.S.Q., c. S-13.1)		
Vocational training . . . . .	2753	Draft
(An Act respecting labour relations, vocational training and manpower management in the construction industry, R.S.Q., c. R-20)		