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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 293-98, 18 March 1998

An Act to abolish certain bodies (1997, c. 83) — Coming into force of certain provisions

Regulation respecting the coming into force of certain provisions of the Act to abolish certain bodies

WHEREAS the Act to abolish certain bodies (1997, c. 83) was assented to on 18 December 1997;

WHEREAS under section 57, the Act comes into force on 18 December 1997, except section 27 and paragraph 4 of section 56 which come into force on 1 April 1998, sections 29 and 30 which come into force on the date or dates of coming into force of the provisions they amend, and sections 25, 31, 32, 33, paragraph 1 of section 38, sections 41, 42, 43, 44, paragraph 3 of section 49, paragraph 3 of section 50 and paragraph 3 of section 56 which come into force on the date to be fixed by the Government;

WHEREAS it is expedient to fix 18 March 1998 as the date of coming into force of sections 25, 31, 32, 33, paragraph 1 of section 38, sections 41, 42, 43, 44, paragraph 3 of section 49, paragraph 3 of section 50 and paragraph 3 of section 56 of that Act;

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

THAT 18 March 1998 be fixed as the date of coming into force of sections 25, 31, 32, 33, paragraph 1 of section 38, sections 41, 42, 43, 44, paragraph 3 of section 49, paragraph 3 of section 50 and paragraph 3 of section 56 of the Act to abolish certain bodies (1997, c. 83).

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 326-98, 18 March 1998

An Act respecting the Régie de l'énergie (1996, c. 61) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the Régie de l'énergie as it applies to electricity and steam

WHEREAS the Act respecting the Régie de l'énergie (1996, c. 61) was assented to on 23 December 1996;

WHEREAS under section 173 of the Act, its provisions come into force on the date or dates to be fixed by the Government, except section 139 which came into force on 23 December 1996, with the exception of paragraph *d* of subparagraph 1 of the third paragraph of section 45.1 of the Act respecting the use of petroleum products (R.S.Q., c. U-1.1);

WHEREAS by Order in Council 144-97 dated 5 February 1997, sections 8 and 165 of the Act came into force on 5 February 1997;

WHEREAS by Order in Council 275-97 dated 5 March 1997, section 134 of the Act respecting the Régie de l'énergie came into force on 1 May 1997, with the exception of the first paragraph of section 16 of the Act respecting municipal and private electric power systems (R.S.Q., c. S-41), enacted by section 134;

WHEREAS by Order in Council 657-97 dated 13 May 1997, sections 6, 7, 9, 10, 12, 60 to 62, 122, 135, 148 to 171 of that Act came into force on 13 May 1997 and sections 4, 13 to 15 and 19 to 22 came into force on 2 June 1997;

WHEREAS by Order in Council 714-97 dated 28 May 1997, sections 2, 3, 5, 11, 16, 17, the first paragraph of section 18, sections 23, 26 to 30, the second paragraph of section 31, sections 33, 34, 37 to 41, 63 to 71, 77 to 79, 81 to 85, 104 to 109, 113, 115, 128, 129, 132, 142 to 144, 146, 157 to 159, 161, 162, 166, 170 and as they apply to natural gas, sections 1, 25, the first paragraph of section 31, with the exception of paragraph 3, sections 32, 35, 36, 42 to 54, 73 to 75, 80, 86 to 103, 110 to 112, paragraphs 1 to 6 of section 114 and sections 116, 117 and 147 of that Act came into force on 2 June 1997;

WHEREAS by Order in Council 1351-97 dated 15 October 1997, sections 24, 127, 130, 131, 149 to 156, 168 and as they do not apply to natural gas, section 1, subparagraph 3 of the first paragraph and the second paragraph of section 25, sections 35, 36, 42 to 47, 75, 87 to 89, 110 to 112, subparagraph 4 of the second paragraph of section 116 and section 117 of that Act came into force on 15 October 1997;

WHEREAS by the same Order in Council, sections 137, 138, 140, 141 and as they apply to petroleum products, sections 55 to 58 and 116 of that Act came into force on 1 November 1998;

WHEREAS by the same Order in Council, sections 102 and 103 of that Act, as they do not apply to natural gas, came into force on 1 January 1998;

WHEREAS by the same Order in Council, the second paragraph of section 18, sections 59, 118, paragraph *d* of subparagraph 1 of the third paragraph of section 45.1 of the Act respecting the use of petroleum products as enacted by section 139, section 160, the first paragraph of section 167, section 169 and, as they do not apply to natural gas, subparagraph 2 of the first paragraph of section 25, subparagraph 4 of the first paragraph of section 31 and sections 86, 90 to 101 and 147 of that Act came into force on 11 February 1998;

WHEREAS under section 172 of that Act, the Government may provide that the same provision comes into force on different dates according as it applies to electric power, to natural gas, to steam or to petroleum products;

WHEREAS it is expedient to fix the date of coming into force of subparagraph 3 of the first paragraph of section 31, sections 72, 76, paragraph 7 of section 114, sections 119 to 121, 123 to 126, 133, the first paragraph of section 16 of the Act respecting municipal and private electric power systems as enacted by section 134 and sections 136, 145 and 164 of the Act respecting the Régie de l'énergie;

WHEREAS it is expedient to fix the date of coming into force, as they apply to steam, of sections 55 to 58, as they do not apply to natural gas, subparagraph 1 of the first paragraph of section 25, subparagraphs 1, 2 and 5 of the first paragraph of section 31, sections 32, 48 to 51, 53, 54, 73, 74, 80, paragraphs 1 to 6 of section 114 and, as they do not apply to natural gas and petroleum products, the first paragraph and subparagraphs 1 and 2 of the second paragraph of section 116 of the Act respecting the Régie de l'énergie;

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

THAT 18 March 1998 be fixed as the date of coming into force of subparagraphs 2 and 5 of the first paragraph of section 31, paragraph 3 of section 32 and paragraph 4 of section 114 of the Act respecting the Régie de l'énergie (1996, c. 61) as they do not apply to natural gas;

THAT 2 May 1998 be fixed as the date of coming into force of sections 121, 123, 125, 133, the first paragraph of section 16 of the Act respecting municipal and private electric power systems (R.S.Q., c. S-41) as enacted by section 134, sections 136, 145, 164 and, as they do not apply to natural gas, subparagraph 1 of the first paragraph of section 25, subparagraph 1 of the first paragraph of section 31, paragraphs 1 and 4 of section 32, sections 48 to 51, 53, 54 and, as they do not apply to natural gas and petroleum products, subparagraph 1 of the second paragraph of section 116 of that Act;

THAT 11 August 1998 be fixed as the date of coming into force of paragraph 7 of section 114 and, as they do not apply to natural gas, paragraph 6 of section 114 of that Act;

THAT 1 November 1998 be fixed as the date of coming into force of subparagraph 3 of the first paragraph of section 31, sections 72, 76, 119, 120, 124, 126 and, as they apply to steam, sections 55 to 58 and, as they do not apply to natural gas, paragraph 2 of section 32, sections 73, 74, 80, paragraphs 1 to 3 and 5 of section 114 and, as they do not apply to natural gas and petroleum products, the first paragraph and subparagraph 2 of the second paragraph of section 116 of that Act.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Regulations and other acts

Gouvernement du Québec

O.C. 294-98, 18 March 1998

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

Surplus immovable property — Terms and conditions for the disposal

Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies

WHEREAS under section 49 of the Financial Administration Act (R.S.Q., c. A-6), the Government may, by regulation, upon the recommendation of the Conseil du trésor, determine the conditions of contracts made in the name of the Government by a department, a public body whose operating budget is voted wholly or in part by the National Assembly or any other public body;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 26 November 1997 with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS the Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies has been the object of a recommendation by the Conseil du trésor and it is expedient to make it with amendments;

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

THAT the Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the terms and conditions for the disposal of surplus immovable property of departments and public bodies

Financial Administration Act
(R.S.Q., c. A-6, s. 49)

DIVISION I SCOPE

1. This Regulation enacts the conditions governing the disposal of any surplus immovable property for which no specific power of alienation was granted to a minister or public body under an act.

A surplus immovable property is an immovable property that was declared as such to the Minister of Transport by a department or a public body whose operating budget is voted in whole or in part by the National Assembly.

DIVISION II RESPONSIBILITIES OF THE MINISTER OF TRANSPORT

2. The department or public body referred to in the second paragraph of section 1, which has authority over an immovable property for which no use is contemplated, shall declare it as surplus immovable property to the Minister of Transport. Such declaration results in the transfer of the authority over the immovable property to the Minister of Transport, without the administration of the immovable property and the financial charges related to it being transferred to him.

3. The Minister of Transport shall draw up an inventory of all surplus immovable property and shall make it available for consultation.

4. The Minister of Transport shall dispose of surplus immovable property according to Divisions III to V.

DIVISION III DISPOSAL IN FAVOUR OF A PUBLIC ENTITY

5. The Minister of Transport shall dispose of a surplus immovable property, according to Divisions IV and V, only if no department or public body referred to in the second paragraph of section 1, or none of the following entities, has shown an interest in the immovable property:

(1) a public body not referred to in the second paragraph of section 1;

(2) a school board, a general and vocational college, the Université du Québec or one of its constituent universities, one of its research institutes or one of its schools of higher learning;

(3) a public institution referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2), a regional board established under that Act or the Corporation d'hébergement du Québec; and

(4) a municipality, an urban community or the Kativik Regional Government.

6. Where a department or a public body referred to in the second paragraph of section 1 has shown an interest in a surplus immovable property, the Minister of Transport shall transfer the authority he has over that immovable property to that department or body free of charge or, as the case may be, shall dispose of it in its favour.

Where one of the entities referred to in paragraphs 1 to 4 of section 5 has shown an interest in a surplus immovable property, the Minister of Transport shall dispose of the immovable property in favour of the interested entity in keeping with the prices and conditions of the real estate market.

DIVISION IV DISPOSAL BY AGREEMENT, BY INVITATION TO TENDER OR BY AUCTION

7. The Minister of Transport shall offer successively and by agreement any surplus immovable property to the following people:

(1) to the owner of any contiguous immovable property because the surplus immovable property constitutes or should constitute, in whole or in part, the basis of an easement of passage in favour of the contiguous immovable property;

(2) to the owner of any contiguous immovable property from whom the immovable property or part of the surplus immovable property was acquired; to the spouse, children or grandchildren, in the case of a disposal of the contiguous immovable property in their favour;

(3) to the owner of any contiguous immovable property because the surplus immovable property is enclosed;

(4) to the tenant, farm producer within the meaning of the second paragraph of section 12, who has rented the surplus immovable property for at least one year,

provided that the immovable property is located in an agricultural zone; and

(5) to the owner of any contiguous immovable property because the total or partial configuration of the surplus immovable property allows consolidation only in favour of the immovable property.

If, pursuant to the first paragraph, several owners or tenants are involved, the surplus immovable property is the subject of an invitation to tender with those people.

For the purposes of this section, any contiguous immovable property is a piece of land one side of which touches a surplus immovable property or that would touch it if it were not separated therefrom by a public road, within the meaning of the second paragraph of section 12, a railway or a public utility right of way.

8. Disposal by agreement is carried out in keeping with the prices and conditions of the real estate market.

The disposal subsequent to an invitation to tender is carried out in favour of the tenderer who presented the highest conforming tender. The Minister of Transport may, following the invitation to tender, raise the price of the highest conforming tender.

Sections 14 and 15 apply to an invitation to tender *mutatis mutandis*.

9. Any surplus immovable property that was not the subject of a disposal according to section 7 and whose estimated value is less than \$5 000 may be the subject of a disposal by agreement, if there is only one prospective acquirer, or of an invitation to tender, if there are several prospective acquirers.

In such a case, the disposal of the surplus immovable property may be carried out at a price less than the estimated value if it makes it possible to avoid paying the costs related to conservation of the immovable property and its subsequent disposal.

10. The Minister of Transport may, at an auction, dispose of a surplus building and its accessories, whose estimated value is \$25 000 or less.

DIVISION V DISPOSAL BY PUBLIC CALL FOR TENDERS

11. Any surplus immovable property that was not disposed of by the Minister of Transport in accordance with Divisions III and IV is the subject of a public call for tenders.

12. Notwithstanding section 11, any surplus immovable property, of 5 hectares or more, located in an agricultural zone and including an access to a public road, is, first, the subject of a public call for tenders with the farm producers.

For the purposes of this section,

“public road” means any road that has become the property of a municipality in accordance with section 422 of the Cities and Towns Act (R.S.Q., c. C-19), any street or road opened pursuant to a municipal by-law, resolution or procès-verbal, any road referred to in section 6 of the Act respecting roads (R.S.Q., c. V-9) and any road referred to in sections 51 and 52 of that Act, provided that abutters have a right of access to it;

“farm producer” means any person referred to in subparagraph *j* of the first paragraph of section 1 of the Farm Producers Act (R.S.Q., c. P-28), whose agricultural operation is the subject of a valid registration in accordance with the Regulation respecting the registration of agricultural operations and the reimbursement of real estate taxes and compensations made by Order in Council 340-97 dated 19 March 1997.

13. The public call for tenders is published through an electronic tendering system or in a newspaper.

14. When making a public call for tenders, the tenderers must be informed of the conditions and rules applicable. To that end, the instructions to the tenderers must, notably,

(1) state non-compliance clauses of tenders, according to section 15;

(2) determine the period of validity of tenders;

(3) give the rules which will be followed during the opening and analysis of tenders; and

(4) mention that the Minister of Transport does not undertake to accept any of the tenders received.

15. Provisions relating to non-compliance clauses of tenders shall stipulate that a tender will be automatically rejected where:

(1) a required document is missing;

(2) a required signature by an authorized person or persons on a document is missing;

(3) an erasure of or correction to the tendered price is not initialed by the authorized person or persons;

(4) the tender is conditional or restrictive;

(5) the place and time limit fixed for receiving tenders has not been complied with; or

(6) any other condition specified as essential in the instructions to tenderers has not been abided by.

16. Any disposal subsequent to a public call for tenders is carried out in favour of the tenderer who presents the highest conforming tender.

17. The Minister of Transport may, following a public call for tenders, raise the price of the highest conforming tender where that price is less than 85 % of the estimated value of the immovable property.

DIVISION VI DISPOSAL OF CERTAIN IMMOVABLE PROPERTY IN AN AGRICULTURAL ZONE

18. The disposal of surplus immovable property located in an agricultural zone, for which an authorization for non-agricultural use was issued by the Commission de protection du territoire agricole du Québec, under sections 26 to 29 of the Act to preserve agricultural land (R.S.Q., c. P-41.1), for which an operating permit was issued in accordance with section 70 of that Act or for which an acquired right is recognized under sections 101 to 105 of that Act, is carried out without taking the location of the immovable property into account.

DIVISION VII TRANSITIONAL AND FINAL PROVISIONS

19. Offers to buy or sell surplus immovable property made by any party before 16 April 1998 shall remain governed by the Règlement sur les conditions de disposition des immeubles excédentaires made by Decision of the Conseil du trésor bearing number C.T. 154599 dated 29 January 1985 and amended by Decision C.T. 165331 dated 25 August 1987, if the offer is accepted within a period of not more than 120 days from that date.

20. This Regulation comes into force on 16 April 1998.

Gouvernement du Québec

O.C. 295-98, 18 March 1998

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

Regulation — Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under paragraph 11.3 of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by section 46 of Chapter 50 of the Statutes of 1997, the Government may, by regulation, determine for the purposes of the second paragraph of section 86 of the Act respecting the Government and Public Employees Retirement Plan, categories or subcategories of employees and rules, terms and conditions to have years or parts of years of past service as a paid trainee credited; determine, for the purposes of that paragraph, the years or parts of years of past service which may be credited and their number, which may vary according to the category or subcategory;

WHEREAS under such section 134, the Government makes the regulation after the Commission has consulted the Comité de retraite referred to in section 164 of the Act;

WHEREAS the Comité de retraite has been consulted;

Whereas under section 114 of Chapter 50 of the Statutes of 1997, the provisions of the first regulation under paragraph 11.3 of section 134 of the Act respecting the Government and Public Employees Retirement Plan made after 19 June 1997 may, where the regulation so prescribes, have effect from any date not prior to 22 March 1997;

WHEREAS by Order in Council 1845-88 dated 14 December 1988 the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan;

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 Government and Public Employ-

ees Retirement Plan, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan^(*)

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 134, par. 11.3; 1997, c. 50, ss. 46 and 114)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following Division after section 29.4:

“DIVISION IX.2 REDEMPTION OF YEARS OR PARTS OF YEARS OF PAST SERVICE AS A PAID TRAINEE

29.5 An employee who has completed the training referred to in Schedule IV.1 and a paid training period in one of the institutions listed in that Schedule may be credited with the number of months of past service mentioned in that Schedule if he proves to the Commission that he has completed the training period. Notwithstanding the foregoing, an employee who has completed the training referred to in paragraphs IV or V of that Schedule and who proves to the Commission that the duration of the training period exceeds the number of months provided for in those paragraphs may be credited with the additional months.

An employee who has not completed the training referred to in Schedule IV.1 may be credited with the number of months of service performed during his training period if he proves it to the Commission.

29.6 An employee who has completed the training referred to in Schedule IV.2 and a paid training period in one of the institutions listed in that Schedule may be credited with:

(1) 21 months of past service, if he proves to the Commission that he has completed such a training pe-

* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (*G.O.* 2, 1988, 4154), was last amended by the Regulation made by Order in Council 302-96 dated 13 March 1996 (1996, *G.O.* 2, 1603). For previous amendments, refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

riod, if the duration of the training specified in that Schedule is 24 months;

(2) 18, 16 or 12 months of past service, if he proves to the Commission that he has completed such a training period, if the duration of the training specified in that Schedule is 18, 16 or 12 months, respectively;

(3) the duration of his training, if he proves it to the Commission and the duration of the training is not specified in that Schedule.

Notwithstanding the foregoing, in the cases referred to in subparagraph 1 or 2 of the first paragraph, an employee who proves to the Commission that the duration of his training exceeds the number of months provided for in that Schedule may be credited with the additional months.

An employee who has not completed the training referred to in Schedule IV.2 may be credited with the number of months of service performed during his training period, if he proves it to the Commission.”

2. The following Schedules are inserted after Schedule IV:

“SCHEDULE IV.1

(s. 29.5)

MONTHS OF PAST SERVICE PERFORMED AS A PAID TRAINEE THAT MAY BE CREDITED ACCORDING TO THE INSTITUTION AND THE CATEGORY OR SUBCATEGORY CONCERNED

I. 12 months of past service in one of the following institutions that provided the training necessary to become a dietician:

— CHUS (Centre hospitalier de l’Université de Sherbrooke)

— Hôpital de l’Enfant-Jésus

— Hôpital général de Montréal

— Hôpital Maisonneuve-Rosemont

— Hôpital Royal Victoria

— Hôpital Saint-Luc

— Hôpital du Saint-Sacrement

— Hôpital Sainte-Justine

— Hôtel-Dieu de Montréal

II. 32 months of past service in one of the following institutions that provided the training necessary to become a nurse:

— Christ-Roi Verdun

— École Madeleine T. Cournoyer

— Homeopathic/Queen Elizabeth Montreal

— Hôpital de l’Enfant-Jésus Québec

— Hôpital Saint-Luc

— Hôpital du Saint-Sacrement

— Hôpital Sainte-Justine Montréal

— Hôtel-Dieu Alma

— Hôtel-Dieu Arthabaska

— Hôtel-Dieu Beauce

— Hôtel-Dieu Gaspé

— Hôtel-Dieu de Lévis

— Hôtel-Dieu Montmagny

— Hôtel-Dieu de Montréal

— Hôtel-Dieu de Québec

— Hôtel-Dieu de Rivière-du-Loup

— Hôtel-Dieu de Saint-Jérôme

— Hôtel-Dieu Saint-Vallier Chicoutimi

— Hôtel-Dieu Sherbrooke

— Hôtel-Dieu Sorel

— Hôtel-Dieu Valleyfield

— Jeffrey Hale — Québec

— Jewish General Hospital

— L’Espérance Saint-Laurent

— La Miséricorde Montréal

— Maisonneuve Montréal

— Montreal General

— Notre-Dame de la Merci

— Notre-Dame Montréal

— Royal Victoria — Montréal

- Sacré-Coeur Cartierville
- Sacré-Coeur Hull
- Saint-Charles Saint-Hyacinthe
- Saint-Eusèbe Joliette
- Saint-François d'Assise Québec
- Saint-Jean, Saint-Jean
- Saint-Jean-de-Dieu — Gamelin Montréal
- Saint-Joseph Lachine
- Saint-Joseph Rimouski
- Saint-Joseph Rivière-du-Loup
- Saint-Joseph Trois-Rivières
- Saint-Luc Montréal
- Saint-Mary's Montreal
- Saint-Michel Archange Mastai Québec
- Saint-Vincent de Paul Sherbrooke
- Sainte-Croix Drummondville
- Sainte-Jeanne D'Arc Montréal
- Sainte-Thérèse Shawinigan
- Sanatorium Prevost
- Sherbrooke Hospital
- Women's Montreal
- Youville Noranda

III. 21 months of past service at the Institut Lavoisier of the Hôpital Saint-Joseph de Rosemont, which has become the Hôpital Maisonneuve-Rosemont, that provided the training necessary to become a respiratory therapist.

IV. 16 months of past service in the following institutions that provided the training necessary to become a technologist in radiotherapy, nuclear medicine or diagnostic radiology:

(1) from 1944 to 1950

- Hôpital général de Montréal
- Hôpital Sainte-Justine
- Hôtel-Dieu de Montréal
- Institut du Radium

(2) from 1950 to 1960

- Hôpital de l'Enfant-Jésus
- Hôpital Saint-François d'Assise
- Hôpital du Saint-Sacrement
- Hôtel-Dieu de Québec

(3) since 1960

- Hôpital de Chicoutimi
- Hôpital de l'Enfant-Jésus
- l'Hôpital général de Lachine
- l'Hôpital général de Montréal
- Hôpital Jean-Talon
- Hôpital Laval
- Hôpital Maisonneuve-Rosemont
- Hôpital Notre-Dame
- Hôpital Reine-Élisabeth
- Hôpital Royal Victoria
- Hôpital Sacré-Coeur de Cartierville
- Hôpital Sacré-Coeur de Hull
- Hôpital Saint-Charles de Saint-Hyacinthe
- Hôpital Saint-François d'Assise
- Hôpital Saint-Luc
- Hôpital du Saint-Sacrement
- Hôpital Saint-Vincent-de-Paul
- Hôpital Sainte-Jeanne-d'Arc
- Hôpital Sainte-Justine
- Hôpital de Verdun
- Hôtel-Dieu d'Arthabaska
- Hôtel-Dieu de Lévis
- Hôtel-Dieu de Montréal
- Hôtel-Dieu de Québec
- Hôtel-Dieu de Saint-Jérôme
- Hôtel-Dieu de Sherbrooke
- Sherbrooke Hospital

V. 16 months of past service in one of the following institutions that provided the training necessary to become a medical technologist or a laboratory technician for the period in question (X):

SCHEDULE IV.2

(s. 29.6)

DURATION OF TRAINING ACCORDING TO THE INSTITUTION THAT PROVIDED IT**I. Institutions that provided the training necessary to become a nurse or nursing assistant:**

	Duration of training		
		— Hôpital Notre-Dame de Chartres, Maria	24 months
		— Hôpital Notre-Dame de la Garde, Cap-aux-Meules	24 months
		— Hôpital Notre-Dame Ste-Croix, Mont-Laurier	24 months
		— Hôpital Pierre Janet, Hull	Undetermined
		— Hôpital du Sacré-Coeur, Cartierville	18 months
— Catherine Booth Hospital	Undetermined	— Hôpital Saint-Julien	24 months
— Corporation de l'Hôpital St-Charles-Borromée	24 months	— Hôpital St-Augustin, Québec	24 months
— Corporation de l'Hôpital St-Charles, St-Hyacinthe	24 months	— Hôpital St-Benoît, Montréal	Undetermined
— Douglas Hospital, Verdun	12 months	— Hôpital St-Charles, Joliette	18 months
— École des Gardes-Malades Auxiliaires de Sept-Îles	24 months	— Hôpital St-François d'Assise, La Sarre	24 months
— École des Gardes-Malades Pratiques du Québec, Montréal	Undetermined	— Hôpital St-Jean-de-Dieu, Montréal	18 months
— Hôpital Charles Lemoine	24 months	— Hôpital St-Joseph, Granby	24 months
— Hôpital Château Pierrefonds, Pierrefonds	24 months	— Hôpital St-Joseph, La Tuque	18 months
— Hôpital Chibougamau Ltée	24 months	— Hôpital St-Joseph, Lac Mégantic	24 months
— Hôpital du Christ-Roi, Nicolet	18 months	— Hôpital St-Joseph des convalescents Montréal	Undetermined
— Hôpital Comtois, Louiseville	24 months	— Hôpital St-Joseph de Lachine	24 months
— Hôpital Cooke, Trois-Rivières	24 months	— Hôpital St-Joseph de Maniwaki	24 months
— Hôpital Crescent, Montréal	Undetermined	— Hôpital St-Joseph de la Providence	24 months
— Hôpital de l'Enfant-Jésus, Québec	18 months	— Hôpital St-Joseph, Rimouski	24 months
— Hôpital Général de Québec (Notre-Dame de Protection)	24 months	— Hôpital St-Joseph de Rivière-du-Loup	24 months
— Hôpital général de Shefford, Granby	18 months	— Hôpital St-Joseph, Thetford Mines	24 months
— Hôpital Hôtel-Dieu de Valleyfield	18 months	— Hôpital St-Luc, Montréal	24 months
— Hôpital Jean-Talon	18 months	— Hôpital St-Michel-Archange, Québec	24 months
— Hôpital La Providence de Magog	24 months	— Hôpital St-Michel de Buckingham	24 months
— Hôpital des Laurentides, L'Annonciation	24 months	— Hôpital St-Sacrement, Québec	18 months
— Hôpital Laval	24 months	— Hôpital St-Sauveur, Val d'Or	24 months
— Hôpital Le Gardeur, Repentigny	24 months	— Hôpital Ste-Anne, Baie St-Paul	24 months
— Hôpital Notre-Dame, Montréal	18 months	— Hôpital Ste-Anne-des-Monts	24 months
		— Hôpital Ste-Catherine Labouré, Coaticook	18 months

— Hôpital Ste-Famille, Ville-Marie	18 months	— Hôpital de la Miséricorde, Montréal	24 months
— Hôpital Ste-Marie, Trois-Rivières	18 months	— Hôpital Notre-Dame de Liesse, Montréal	24 months
— Hôpital Ste-Rose, Laval	24 months	— Hôpital Saint-Charles de Saint-Hyacinthe	Undetermined
— Hôpital du Très Saint-Rédempteur, Matane	24 months	— Hôpital Saint-Vincent de Paul de Sherbrooke	Undetermined
— Hôtel-Dieu d'Amos	18 months	— Hôpital Sainte-Marie de Trois-Rivières	Undetermined
— Hôtel-Dieu de Dolbeau	24 months	— Hôpital St-François d'Assise, Pointe-aux-Trembles	Undetermined
— Hôtel-Dieu de Hauterive	24 months	— Hôpital St-François d'Assise, Québec	Undetermined
— Hôtel-Dieu de Lévis	24 months	— Hôpital St-Michel de Buckingham	24 months
— Hôtel-Dieu de Montmagny	24 months	— Hôtel-Dieu Notre-Dame de l'Assomption, Jonquière	Undetermined
— Hôtel-Dieu de Montréal	18 months	— Hôtel-Dieu Sacré-Coeur, Dolbeau	Undetermined
— Hôtel-Dieu de Notre-Dame de l'Assomption, Jonquière	24 months	— Hôtel-dieu St-Michel de Roberval	24 months
— l'Hôtel-Dieu du Sacré-Coeur de Jésus de Québec	24 months	— Ville-Joie Ste-Thérèse, Hull	24 months.”.
— Hôtel-Dieu de Sorel	24 months		
— Hôtel-Dieu St-Michel de Roberval	24 months		
— Hôtel-Dieu St-Vallier, Chicoutimi	24 months		
— Institut Albert Prévost, Montréal	24 months		
— Jewish General Hospital	12 months		
— Montreal General Hospital	12 months		
— Queen Elizabeth Hospital, Montréal	12 months		
— Reddy Memorial Hospital	Undetermined		
— Sanatorium Bégin	24 months		
— Sherbrooke Hospital School of Nursing Assistants	16 months		
II. Institutions that provided the training necessary to become a child care attendant or assistant child care attendant:	Duration of training		
— Crèche St-Vincent-de-Paul, Québec	Undetermined		
— Hôpital Comtois, Louiseville	Undetermined		
— Hôpital Enfant-Jésus, Québec	Undetermined		
— Hôpital Marie Enfant	Undetermined		

3. This Regulation comes into force on the date it is made by the Government but has effect from 22 March 1997.

2124

Gouvernement du Québec

O.C. 296-98, 18 March 1998

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

Amendment to Schedule I to the Act

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

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

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

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

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

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan*

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

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following in alphabetical order in paragraph 1:

“the Association des cadres intermédiaires de la santé et des services sociaux du Québec”.

2. This Order in Council comes into force on the date it is made by the Government, but has effect from 1 April 1997.

2132

Gouvernement du Québec

O.C. 297-98, 18 March 1998

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

Amendment to Schedule I to the Act

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

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

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

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

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

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec, on 1 March 1996, by Orders in Council 556-96 dated 15 May 1996 (1996, G.O. 2, 2287), 557-96 dated 15 May 1996 (1996, G.O. 2, 2288), 821-96 dated 3 July 1996 (1996, G.O. 2, 3143), 1051-96 dated 28 August 1996 (1996, G.O. 2, 3975), 1493-96 dated 4 December 1996 (1996, G.O. 2, 4987), 1589-96 dated 18 December 1996 (1997, G.O. 2, 91), 629-97 dated 13 May 1997 (1997, G.O. 2, 2243), 788-97 dated 18 June 1997 (1997, G.O. 2, 3338), 1105-97 dated 28 August 1997 (1997, G.O. 2, 4561) and 1652-97 dated 17 December 1997 (1997, G.O. 2, 6293), and by sections 35 of Chapter 26 of the Statutes of 1997, 33 of Chapter 27 of the Statutes of 1997, 13 of Chapter 36 of the Statutes of 1997, 631 of Chapter 43 of the Statutes of 1997, 57 of Chapter 50 of the Statutes of 1997, 121 of Chapter 63 of the Statutes of 1997, 52 of Chapter 79 of the Statutes of 1997 and 37 of Chapter 83 of the Statutes of 1997.

Amendment to Schedule I to the Act respecting the Government and Public Employees Retirement Plan(*)

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

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the words “the Société des bingos du Québec Inc.” in paragraph 1 and following the alphabetical order.

2. This Order in Council comes into force on the date it is made by the Government, but has effect since 18 August 1997.

2131

Gouvernement du Québec

O.C. 299-98, 18 March 1998

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1; 1997, c. 43)

Régie du logement — Procedure for the recruitment and selection

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office

WHEREAS under sections 7.1 and 77 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), amended by the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43),

¹ Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec to 1 March 1996, amended by Orders in Council 556-96 dated 15 May 1996 (1996, G.O. 2, 2287), 557-96 dated 15 May 1996 (1996, G.O. 2, 2288), 821-96 dated 3 July 1996 (1996, G.O. 2, 3143), 1051-96 dated 28 August 1996 (1996, G.O. 2, 3975), 1493-96 dated 4 December 1996 (1996, G.O. 2, 4987), 1589-96 dated 18 December 1996 (1997, G.O. 2, 91), 629-97 dated 13 May 1997 (1997, G.O. 2, 2243), 788-97 dated 18 June 1997 (1997, G.O. 2, 3338), 1105-97 dated 28 August 1997 (1997, G.O. 2, 4561) and 1652-97 dated 17 December 1997 (1997, G.O. 2, 6287) and by sections 35 of Chapter 26 of the Statutes of 1997, 33 of Chapter 27 of the Statutes of 1997, 13 of Chapter 36 of the Statutes of 1997, 631 of Chapter 43 of the Statutes of 1997, 57 of Chapter 50 of the Statutes of 1997, 121 of Chapter 63 of the Statutes of 1997, 52 of Chapter 79 of the Statutes of 1997 and 37 of Chapter 83 of the Statutes of 1997.

the Government shall establish by regulation a procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office;

WHEREAS under section 7.2 of that Act, the Government may by regulation determine the validity period of a declaration of aptitude;

WHEREAS under sections 7.3 and 7.8 of that Act, the Government may by regulation determine in what cases, on what conditions and to what extent the members of a selection or renewal committee are entitled to remuneration or the reimbursement of expenses incurred in the performance of their duties;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office was published in the *Gazette officielle du Québec* of 3 December 1997;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, section 603 of the Act respecting the implementation of the Act respecting administrative justice will come into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides, *inter alia*, that whenever an act or any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office, attached to this Order in Council;

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

THAT the Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the procedure for the recruitment and selection of persons apt for appointment as commissioners to the Régie du logement and for the renewal of their term of office

An Act respecting the Régie du logement (R.S.Q., c. R-8.1, ss. 7.1, 7.2, 7.3, 7.7, 7.8; 1997, c. 43, s. 603)

DIVISION I

NOTICE OF RECRUITMENT

1. Where it is expedient to draw up a list of persons apt for appointment as commissioners to the Régie du logement, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall publish a notice of recruitment in a publication circulating or broadcast throughout Québec, inviting interested persons to submit their candidacies for the position of commissioner of the Board.

2. The notice shall give

(1) a brief description of the duties of a commissioner;

(2) the place where the commissioner could be assigned to mainly perform his duties;

(3) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and any qualifications, training and professional experience required for the Board;

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

(5) the deadline and address for submitting a candidacy.

3. A copy of the notice shall be sent to the Minister of Municipal Affairs and to the chairman of the Board.

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 nature of the activities that he has carried out and through which he has acquired the relevant experience;

(4) where applicable, proof that he has the qualifications mentioned in the notice, when they were acquired and for how many years they were required;

(5) any condemnation for an indictable offence or an offence punishable on summary conviction or any disciplinary decision, as well as the nature of the offence or fault in question and the imposed sentence or disciplinary penalty;

(6) any condemnation for a penal offence, the nature of the offence in question and the sentence imposed and whether one can reasonably believe that such offence is likely to question the integrity or impartiality of the Board or of the candidate, to interfere with his ability to perform his duties or to ruin the trust of the public in the office holder;

(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 any such competition in the past 3 years;

(9) a summary of the reasons for his interest in the position of commissioner of the Board.

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

DIVISION III

FORMATION OF A SELECTION COMMITTEE

5. Following publication of the notice of recruitment, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

(1) the chairman of the Board or, after consulting him, another commissioner of the Board;

(2) a member of the staff of the Ministère du Conseil exécutif or the Ministère des Affaires municipales; and

(3) a representative of the public 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, particularly in the following situations:

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

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

(3) the member is or was a partner, employer, employee of the candidate in the last 10 years; notwithstanding the foregoing, a member who is in the public service shall withdraw in respect of a candidate only if he is or was the employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

7. Before taking office, the members of the committee shall take oath by solemnly affirming the following: "I, (full name), swear that I will neither reveal nor make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office."

The oath shall be taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère des Affaires Municipales empowered to administer oaths.

The writing evidencing the oath shall be sent to the Associate Secretary General.

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 their expenses, the committee members who are neither commissioners of the Board nor employees of a government department or body are entitled to fees of \$100 per half-day of sitting which they attend.

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 retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

12. The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

13. The committee's report shall list the candidates that were turned down, giving the reasons therefor.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

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

(2) any legal person, partnership or professional association of which the candidate is or was 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 in relation to the duties of the Board;

(3) the extent of the candidate's knowledge or skills in view of the required qualifications, training and professional experience stated in the notice of recruitment;

(4) the candidate's ability to carry out adjudicative functions;

(5) the applicant's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities;

(6) the candidate's conception of the duties of a commissioner of the Board.

DIVISION VI REPORT OF THE SELECTION COMMITTEE

16. Committee decisions 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. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) the names of the candidates with whom the committee met and whom it declared apt to be appointed as commissioners to the Board, their profession and the particulars concerning their work place; and

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

That report shall be submitted to the Associate Secretary General and to the Minister of Municipal Affairs.

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

19. A member 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 have been declared apt or inapt to be appointed as commissioners to the Board.

21. The Associate Secretary General shall keep the register of declarations of aptitude up-to-date and shall enter therein the list of the candidates declared apt to be appointed as commissioners to the Board.

A declaration of aptitude is valid for a period of 3 years from its entry in the register.

The Associate Secretary General shall strike out an entry upon the expiry of the validity period of the declaration of aptitude, or when the person is appointed as commissioner to the Board, dies or asks that his entry be withdrawn from the register.

DIVISION VIII RECOMMENDATION

22. As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list of persons declared apt to the Minister of Municipal Affairs.

23. If the Minister of Municipal Affairs is of the opinion that he cannot, considering the list of persons apt to be appointed as commissioners and in the interests of, and to best carry out the duties of the Board, recommend an appointment, he shall then ask the Associate Secretary General to have a notice of recruitment published, in accordance with Division I.

The committee in charge of evaluating the aptitude of the candidates who submitted their candidacy after another notice of recruitment and of reporting to the Minister may be composed of persons previously designated to sit on a preceding committee.

24. The Minister of Municipal Affairs shall recommend to the Government the name of a person who has been declared apt to be appointed as commissioner to the Board.

Where the vacant position is that of chairman or a position of vice-chairman of the Board, the Minister of Municipal Affairs shall recommend to the Government the name of a commissioner of the Board or the name of a person declared apt to be appointed as a commissioner to the Board.

DIVISION IX RENEWAL OF TERMS OF OFFICE

25. In the 12 months before the expiry of a commissioner's term of office, the Secretary General for Senior Positions of the Ministère du Conseil exécutif shall ask that commissioner to provide him with the information mentioned in subparagraphs 5 and 6 of section 4 and with a written statement in which he agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which he is or was a member and police authorities and, where applicable, in which he agrees that the persons or organizations mentioned in section 14 be consulted.

26. The Associate Secretary General shall form a committee to examine the renewal of the commissioner's term of office and shall designate the chairman thereof.

The committee shall be composed of the Chairman of the Board or another commissioner of the Board design-

nated by the Chairman, a member of the staff of the Ministère du Conseil exécutif or Ministère des Affaires municipales and a representative of the legal community. Notwithstanding the foregoing, the Chairman of the Board may not be represented by the person who has been, during the last year of the term of office of the commissioner whose renewal is examined, the vice-chairman of the division to which that member was assigned.

In the case of a commissioner who performs administrative duties within the Board, the committee in charge of examining the renewal of his term of office shall be composed of a member of the staff of the Ministère of the Conseil exécutif, a member of the staff of the Ministère des Affaires municipales and a representative of the legal community.

Sections 6 to 9 then apply.

27. The committee shall determine whether the commissioner still fulfils the criteria set out in section 15, taking into account the needs of the Board and may hold the consultations provided for in section 14 on any matter in the record.

28. Committee decisions 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 and to the Minister of Municipal Affairs.

29. The Associate Secretary General shall be the agent empowered to notify a commissioner of the non-renewal of his term of office.

DIVISION X CONFIDENTIALITY

30. The names of candidates, the reports of selection or renewal committees, the register, the list of candidates declared apt to be appointed as commissioners to the Board, as well as any information or document related to a consultation or decision by a committee, are confidential.

Notwithstanding the foregoing, a commissioner whose term of office is not renewed may consult the recommendation of the renewal committee concerning him.

31. 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. 300-98, 18 March 1998

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1; 1997, c. 43)

Régie du logement — Remuneration and other conditions of office

Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement

WHEREAS under the first and second paragraphs of section 7.14 of the Act respecting the Régie du logement (R.S.Q., c. R-8.1), made by section 603 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), the Government may, by regulation, determine the mode, standards and scales of remuneration of the commissioners of the Régie du logement, as well as the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his duties; the Government may also determine other conditions of office applicable to all or certain members, including fringe benefits other than the pension plan;

WHEREAS the third paragraph of the same section of the Act provides that regulatory provisions may vary according to whether they apply to full-time or part-time commissioners or to a commissioner charged with an administrative office within the Board;

WHEREAS the fourth paragraph of the same section of the Act provides that the regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, section 7.14 of the Act, made by section 603 of Chapter 43 of the Statutes of 1997 comes into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides in particular that whenever an act or any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make the Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement attached to this Order in Council;

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

THAT the Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the remuneration and other conditions of office of commissioners of the Régie du logement

An Act respecting the Régie du logement
(R.S.Q., c. R-8.1, s. 7.14.; 1997, c. 43, s. 603)

DIVISION I REMUNERATION

1. The salary scales applicable to the chairman, vice-chairmen and commissioners of the Board du logement are those in Schedule I.

The salary scales shall be revised in keeping with the policy adopted by the Government for holders of senior positions appointed by the Government.

2. Part-time commissioners of the Board shall receive fees in accordance with the hourly rate in Schedule I, up to a maximum of seven hours' work a day.

The maximum number of work hours may be exceeded where authorized by the chairman of the Board and special circumstances warrant it.

For the purpose of this Regulation, fees paid to the commissioners of the Board are considered to be a salary.

3. The starting salary of a full-time commissioner of the Board shall be determined by his experience and education, the position available, his income at the time established in accordance with the standards prescribed in Schedule II.

A civil servant appointed as a full-time commissioner of the Board may not receive a salary lower than the regular salary to which he was entitled before his appointment, in accordance with his classification in the public service.

4. A person who has retired from the public sector defined in Schedule III and is appointed commissioner of the Board shall receive a salary corresponding to the

salary determined in accordance with the standards of this Regulation, from which shall be deducted half the amount of the retirement pension he receives from the public sector. The deduction shall be established in the instrument of appointment or upon renewal of the commissioner's term of office. The salary may therefore be lower than the minimum of the scale applicable to the position.

5. Whoever has received or is receiving a severance pay or allowance from the public sector defined in Schedule III and simultaneously receives a salary as a commissioner of the Board during the period covered by such pay or allowance shall reimburse the portion of the severance pay or allowance that covers the period for which he was receiving a salary, or shall cease to receive it during that period.

However, if the salary he receives as a commissioner of the Board is less than what he was receiving prior to his appointment, he shall repay only that portion of the severance pay or allowance up to the amount of his new salary, or he may continue to receive the portion of the severance pay or allowance that exceeds his new salary.

The period covered by the severance pay or allowance corresponds to that which would have been covered by the same amount if the member had received it as a salary for his office, employment or previous position.

6. Upon renewal of a term of office, the salary shall remain the same as the salary paid before such renewal, subject to section 4.

7. Where a commissioner of the Board already in office is designated as vice-chairman, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a vice-chairman of the Board already in office is designated as chairman, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a commissioner of the Board already in office is designated as chairman, his salary shall be the regular minimum salary of the scale applicable to that position. However, the new salary may not be lower than the regular salary to which the member was entitled before the designation.

8. A full-time commissioner of the Board who ceases to hold an administrative office within the Board in

accordance with the second paragraph of section 7.16. of the Act respecting the Régie du logement (R.S.Q., c. R-8.1; 1997, c. 43 s. 603), shall receive, starting on the effective date, a salary equivalent to what he was receiving without exceeding the maximum of the salary scale for a commissioner's position.

However, in such cases, a public servant may not receive a salary lower than the regular salary to which he would be entitled according to his classification in the public service.

9. The salary of a commissioner of the Board shall be revised in keeping with the performance assessment carried out according to the job factors and job ratings shown in Schedule IV and in keeping with the policy adopted by the Government for holders of holders of senior positions appointed by the Government.

Revision of the salary of a commissioner of the Board who has retired from the public sector defined in Schedule III shall also take into account the deduction made in the instrument of appointment or upon renewal of his term of office in accordance with section 4 of this Regulation.

10. The annual performance assessment of a commissioner of the Board shall be carried out by the chairman of the Board or by a vice-chairman he designates. The job factors and job ratings for assessing a commissioner's performance, in accordance with the principle of independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of a vice-chairman of the Board shall be carried out by the chairman of the Board and shall address, with respect to his administrative office, the efficiency and effectiveness of the management of resources at his disposal to carry out the Board's mission. If applicable, it shall also address his performance as a commissioner, and the job factors and job ratings for the assessment, in keeping with the principle of the independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of the chairman of the Board shall be carried out by the Minister of Municipal Affairs and shall address only the efficiency and effectiveness of the management of resources at his disposal to carry out the Board's mission. The job factors and job ratings for assessing his performance are shown in Schedule IV.

11. A commissioner of the Board whose term of office has expired and who is concluding the cases he has begun to hear but has yet to determine in accordance

with the first paragraph of section 7.13. of the Act respecting the Régie du logement, shall continue to be remunerated by the Board, for a period to be determined by the chairman, according to the annual salary to which he was entitled. However, if the chairman considers that the new situation warrants his performing his duties part time, the commissioner may be remunerated according to an hourly rate calculated in keeping with the annual salary he was receiving at the time his term of office expired. For the purposes of this paragraph, a commissioner is deemed to work 35 hours a week.

If the situation applies to a part-time commissioner, he shall receive the hourly rate to which he was entitled.

12. A vice-chairman of the Board who replaces the chairman under section 12 of the Act respecting the Régie du logement shall receive an additional remuneration equivalent to 5 % of his annual salary for the duration of that replacement.

A vice-chairman of the Board who replaces another vice-chairman in accordance with section 12 of the Act shall receive an additional remuneration equivalent to 3 % of his annual salary for the duration of that replacement.

The additional remuneration shall be paid only in the event of a replacement lasting at least 45 consecutive days.

DIVISION II OTHER CONDITIONS OF OFFICE

§1. *Insurance plans*

13. Full-time commissioners of the Board shall participate in the group insurance plans for managerial staff of the Québec public and parapublic sectors.

In case of disability of a commissioner of the Board who is entitled to salary insurance benefits during his term of office, the benefits provided for under the long- or short-term salary insurance plans shall be paid and the commissioner shall be exempted from paying premiums to the insurance plans and pension plan for the duration of the period of disability, even if the commissioner's term expires during that period.

§2. *Pension plans*

14. In accordance with section 7.17. of the Act respecting the Régie du logement and subject to any special provisions included in the following plans and prescribed by order in council,

(1) full-time commissioners and vice-chairmen of the Board shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees.

(2) the chairman of the Board shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject to the special retirement provisions of Order in Council 245-92 dated 26 February 1992 and any consequential amendments.

§3. *Annual vacation leave*

15. Full-time commissioners and vice-chairmen of the Board shall be entitled to a paid annual vacation of 20 working days, to be calculated proportionally to the time in office during the fiscal year.

Commissioners who are on full leave without pay from the public service shall be entitled to an annual vacation equivalent to the number of days of leave they would be entitled to under their classification in the public service.

Where part or all of the annual vacation to which a member or vice-chairman is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the chairman of the Board before the end of that fiscal year.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which a commissioner or vice-chairman is entitled.

16. The chairman of the Board shall be entitled to a paid annual vacation of 25 working days, to be calculated proportionally to the time in office during the fiscal year.

Where part or all of the annual vacation to which he is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which he is entitled.

§4. *Legal holidays*

17. A full-time commissioner of the Board shall have the same annual paid legal holidays as those that apply to the public service.

§5. *Expenses incurred in office*

18. The chairman and vice-chairmen of the Board are entitled to the reimbursement of expenses, with supporting documents but without prior authorization, that were incurred in the performance of their duties up to the annual amount of \$2 100 per fiscal year for the chairman and \$1 400 per fiscal year for a vice-chairman.

The expenses are reimbursed in accordance with Décret 1308-80 concernant les dépenses de fonction des présidents et de certains vice-présidents et membres à plein temps d'organismes gouvernementaux, dated 28 April 1980, and any consequential amendments.

§6. *Travel and living expenses*

19. Commissioners of the Board shall be entitled to the reimbursement of travel and living expenses incurred in the performance of their duties 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, and any consequential amendments.

20. For the purposes of reimbursing expenses incurred, the principal location for the performance of duties of commissioners of the Board is that provided for by order in council.

§7. *Notice of resignation*

21. For the purposes of section 7.10. of the Act respecting the Régie du logement, a notice of resignation given to the Minister of Municipal Affairs shall be sent to the chairman of the Board who shall forward a copy to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

§8. *Full leave without pay from the public service*

22. For the purposes of section 7.18. of the Act respecting the Régie du logement, a public servant who is appointed commissioner of the Board shall be on full leave without pay from the Ministère des Affaires municipales for the duration of his term of office and for carrying out his duties.

23. A commissioner who is on full leave without pay from the public service and resigns his office or whose term is not renewed shall be reintegrated into the Ministère des Affaires municipales with the salary he had with the Board if that salary is equal to or lower than the maximum of the applicable salary scale in the public service. If his salary with the Board was higher, he shall be reintegrated at the maximum of the salary scale according to his classification in the public service.

§9. Transition allowance and other similar measures

24. A full-time commissioner of the Board, who is not on full leave without pay from the public service and whose term of office is not renewed or who does not request a renewal of his term, shall receive a transition allowance.

The allowance at the time of departure is equivalent to one month's salary for each year of continuous service since the beginning of his term as full-time holder of a senior position appointed by the Government, without exceeding twelve months.

If the period is less than one year, the allowance shall be calculated proportionally to the number of days of service completed.

25. A commissioner of the Board shall not receive a transition allowance if he is dismissed or removed pursuant to sections 7.11. or 7.12. of the Act respecting the Régie du logement.

26. A commissioner of the Board who has resigned from office, who received or is receiving the transition allowance prescribed in section 24 and who holds an office, employment or any other remunerated position in the public sector defined in Schedule III during the period to which the allowance applies, shall either reimburse that portion of the allowance that covers the period for which he received a salary, or cease to receive it during that period.

However, if the salary he receives is lower than that which he previously received, he shall reimburse the allowance only up to the amount of the new salary, or he may continue to receive the portion of the allowance that exceeds his new salary.

The period covered by the transition allowance is the same as that which would have been covered by the same amount had the member received it as a salary while holding an office, an employment or a previous position.

27. A full-time commissioner of the Board who has resigned from office, who has benefitted from a departure incentive program or its equivalent and who, within the two years following his departure holds an office, employment or any other remunerated position in the public sector defined in Schedule III shall reimburse the amount equivalent to the amount received under the program up to the amount of the remuneration received during that two-year period as a result of his return.

28. Part-time teaching activities are not governed by sections 26 and 27.

29. Sections 9 and 10 of this Regulation come into force on 1 April 1999. Any salary revision made before that date shall be carried out, if applicable, in accordance with the rules applicable before the date of coming into force of this Regulation.

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

SCHEDULE I

(ss. 1, 2)

SALARY SCALES APPLICABLE TO THE CHAIRMAN, VICE-CHAIRMEN AND COMMISSIONERS OF THE RÉGIE DU LOGEMENT

1. The salary scale applicable to the chairman of the Board corresponds to the scale established for Level 5 chief executive officers under Décret 1018-95 dated 2 August 1995, and any consequential amendments.

2. The salary scale applicable to vice-chairmen of the Board corresponds to the scale established for Level 3 vice-chairmen of government bodies under the Order in Council referred to in section 1.

3. The salary scale applicable to the full-time commissioners of the Board corresponds to the scale established for Level 2 full-time members of government bodies under the Order in Council referred to in section 1.

4. The hourly rates paid to commissioners of the Board performing their duties part time are calculated as follows: the maximum of the scale applicable to Level 2 full-time members of bodies + 20 %* ÷ 261 working days ÷ 7 hours per working day.

* Compensation for the absence of fringe benefits

SCHEDULE II

(s. 3)

DETERMINATION OF THE STARTING SALARY OF A COMMISSIONER APPOINTED TO THE RÉGIE DU LOGEMENT

For the purposes of determining the salary to be used as a basis for the calculation of the starting salary of a commissioner appointed to the Régie du logement, the following rules shall apply:

1. Take into account the regular salary with the previous employer, supported by a compulsory attestation by the employer.

2. Determine self-employment income by one of the following means:

— a financial statement prepared by an accounting firm;

— a copy of the T4 or Relevé 1 slip(s) showing the income for the year(s) of reference required;

— an affidavit in which the candidate attests to his income;

— any other acceptable and accurate proof of the candidate's financial situation.

3. Exclude from the salaries, earnings or income provided, any amount that is not of a regular nature such as premiums, overtime or other bonuses of that nature.

4. Take into account, for the purposes of determining the salary, only the income from the principal employment, thereby excluding income from casual employment or work done outside regular hours.

5. Subtract, in the case of candidates who are contract or casual employees of the Gouvernement du Québec, the percentage of their salary compensating for the absence of fringe benefits, where such a percentage is provided.

6. Establish an average over a number of years where income varies considerably because of profit-sharing income or income of another type.

SCHEDULE III

(ss. 4, 5, 9, 26, 27)

PUBLIC SECTOR

The public sector includes

1. the Government, a government department, the Conseil exécutif and the Conseil du trésor;

2. the Lieutenant-Governor's staff, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly, where the law provides that its personnel is appointed and remunerated in accordance with the Public Service Act and any body to which the National Assembly or one of its committees appoints the majority of the members;

3. any body that is established by an Act, pursuant to an Act or by a decision of the Government, the Conseil du trésor or a minister and that meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed or remunerated in accordance with the Public Service Act;

(3) the Government or a Minister appoints at least half of its members or directors and at least half of its operating costs are borne directly or indirectly by the consolidated revenue fund or by other funds administered by a public body referred to in section 1 or 2 of this Schedule or by both at the same time;

4. the Public Curator;

5. any body or agency, other than those mentioned in sections 1, 2 or 3 of this Schedule, instituted by an Act, pursuant to an Act, or by a decision of the Government, the Conseil du Trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister;

6. any joint-stock company, other than a government body mentioned in section 3 of this Schedule, of which more than 50 % of the voting shares are part of the public domain or are owned by a government body referred to in sections 1 to 3 and 5 of this Schedule or by an undertaking referred to in this section;

7. any educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

8. any general and vocational college instituted in accordance with the General and Vocational Colleges Act (R.S.Q., c. C-29);

9. any school board referred to in the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), and the Conseil scolaire de l'Île-de-Montréal;

10. any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1);

11. any other educational institution of which more than one-half of the operating expenses are paid out of the appropriations entered in the budgetary estimates tabled in the National Assembly;

12. any public institution or private institution under agreement and any regional board referred to in the Act

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

13. a regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

14. any municipality, and any body declared by law to be the mandatary or agent of a municipality, and any body whose board of directors is composed for a majority of members of the municipal council, as well as any body otherwise under municipal authority;

15. any urban community, intermunicipal board, intermunicipal transit corporation, intermunicipal board of transport, Kativik Regional Government and any other body whose board of directors is composed in the majority of elected municipal officers, except a private body.

SCHEDULE IV

(ss. 9, 10)

JOB FACTORS AND JOB RATINGS FOR PERFORMANCE ASSESSMENTS

Annual performance assessments shall be based on the following job factors:

(1) Qualitative job factors include factors and standards for assessing the knowledge, skills, attitudes and behaviour of a member in the exercise of his powers and duties, in particular,

(a) the knowledge and use of acts, regulations, rules of evidence and procedure, and jurisprudence acquired through the means available to him;

(b) the written quality of decisions, in particular, clarity, precision and conciseness;

(c) behaviour with respect to the parties, their witnesses and their representatives, in particular during hearings;

(d) compliance with the code of ethics applicable to a commissioner of the Board;

(e) availability and interest in the duties;

(f) communications and relations with the management and staff of the Board;

(g) participation in committees and activities related to the duties of a commissioner of the Board.

(2) Quantitative job factors assess the quantitative contribution of a member with respect to the handling of cases, in particular,

(a) the number of cases settled following conciliation, withdrawal or amicable settlement;

(b) the number of cases handled following inquiries and hearings for the parties, and the testimonies, arguments and the entire documentation pertaining to a case taken under advisement;

(c) the number of decisions rendered.

The annual performance assessment shall be in keeping with the following job ratings:

A performance that far exceeds required standards;

B performance that exceeds required standards;

C performance that meets required standards;

D performance that is below required standards;

E performance that is far below required standards.

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Gouvernement du Québec

O.C. 306-98, 18 March 1998

Naming of the new French language and English language school boards

WHEREAS under the first paragraph of section 111 of the Education Act (R.S.Q., c. I-13.3), the Gouvernement du Québec made Order in Council 1014-97 dated 13 August 1997 concerning the division of the territory of Québec into territories for French language school boards and territories for English language school boards;

WHEREAS under the third paragraph of that section, amended by paragraph 1 of section 2 of the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, c. 47), Order in Council 1014-97 temporarily assigned a name to each school board; the name may contain a number;

WHEREAS under the first paragraph of section 111.1 of the Education Act enacted by section 3 of the Act to amend the Education Act, the Act respecting school elections and other legislative provisions (1997, c. 47), after consulting each school board established by the

territorial division order, the Government shall determine its name;

WHEREAS under the second paragraph of that section, the order is published in the *Gazette officielle du Québec* and comes into force 10 days after the date of its publication;

WHEREAS on 17 December 1997, the Government adopted Order in Council 1674-97 regarding the naming of 24 new school boards;

WHEREAS the general term Commission scolaire is assigned to each new name;

Whereas the provisional councils of French language school boards and English language school boards listed in the Schedule adopted resolutions suggesting a name for their respective school board;

WHEREAS the Commission de toponymie was consulted and issued a favourable notice on the name retained;

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

THAT the Government determine the name of the French language school boards and English language school boards listed in the Schedule;

THAT this Order in Council come into force 10 days after its publication in the *Gazette officielle du Québec*.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

SCHEDULE

NAMING OF THE NEW FRENCH LANGUAGE SCHOOL BOARDS AND THE ENGLISH LANGUAGE SCHOOL BOARDS

1. The name of the Commission scolaire 01-01 is changed to the Commission scolaire des Monts-et-Marées.

2. The name of the Commission scolaire 01-02 is changed to the Commission scolaire des Phares.

3. The name of the Commission scolaire 01-03 is changed to the Commission scolaire du Fleuve-et-des-Lacs.

4. The name of the Commission scolaire 02-01 is changed to the Commission scolaire du Pays-des-Bleuets.

5. The name of the Commission scolaire 02-03 is changed to the Commission scolaire des Rives-du-Saguenay.

6. The name of the Commission scolaire 03-01 is changed to the Commission scolaire de Charlevoix.

7. The name of the Commission scolaire 03-02 is changed to the Commission scolaire de la Capitale.

8. The name of the Commission scolaire 04-01 is changed to the Commission scolaire du Chemin-du-Roy.

9. The name of the Commission scolaire 05-01 is changed to the Commission scolaire des Hauts-Cantons.

10. The name of the Commission scolaire 05-03 is changed to the Commission scolaire des Sommets.

11. The name of the Commission scolaire 06-02 is changed to the Commission scolaire de Montréal.

12. The name of the Commission scolaire 06-03 is changed to the Commission scolaire Marguerite-Bourgeoys.

13. The name of the Commission scolaire 07-02 is changed to the Commission scolaire des Portages-de-l'Outaouais.

14. The name of the Commission scolaire 07-03 is changed to the Commission scolaire au Coeur-des-Vallées.

15. The name of the Commission scolaire 07-04 is changed to the Commission scolaire des Hauts-Bois-de-l'Outaouais.

16. The name of the Commission scolaire 08-01 is changed to the Commission scolaire du Lac-Témiscamingue.

17. The name of the Commission scolaire 08-02 is changed to the Commission scolaire de Rouyn-Noranda.

18. The name of the Commission scolaire 08-04 is changed to the Commission scolaire de l'Or-et-des-Bois.

19. The name of the Commission scolaire 08-05 is changed to the Commission scolaire du Lac-Abitibi.

20. The name of the Commission scolaire 09-01 is changed to the Commission scolaire de l'Estuaire.

21. The name of the Commission scolaire 09-02 is changed to the Commission scolaire du Fer.

22. The name of the Commission scolaire 10-01 is changed to the Commission scolaire de la Baie-James.

23. The name of the Commission scolaire 11-02 is changed to the Commission scolaire des Chic-Chocs.

24. The name of the Commission scolaire 11-03 is changed to the Commission scolaire René-Lévesque.

25. The name of the Commission scolaire 12-01 is changed to the Commission scolaire de la Côte-du-Sud.

26. The name of the Commission scolaire 12-04 is changed to the Commission scolaire des Navigateurs.

27. The name of the Commission scolaire 13-01 is changed to the Commission scolaire de Laval.

28. The name of the Commission scolaire 15-01 is changed to the Commission scolaire de la Seigneurie-des-Mille-Îles.

29. The name of the Commission scolaire 15-02 is changed to the Commission scolaire de la Rivière-du-Nord.

30. The name of the Commission scolaire 15-04 is changed to the Commission scolaire Pierre-Neveu.

31. The name of the Commission scolaire 16-02 is changed to the Commission scolaire de Saint-Hyacinthe.

32. The name of the Commission scolaire 16-03 is changed to the Commission scolaire des Hautes-Rivières.

33. The name of the Commission scolaire 16-04 is changed to the Commission scolaire Marie-Victorin.

34. The name of the Commission scolaire 16-05 is changed to the Commission scolaire des Patriotes.

35. The name of the Commission scolaire 16-07 is changed to the Commission scolaire des Grandes-Seigneuries.

36. The name of the Commission scolaire 50-01 is changed to the Commission scolaire Central Québec — Central Québec School Board.

37. The name of the Commission scolaire 50-05 is changed to the Commission scolaire Sir-Wilfrid-Laurier — Sir-Wilfrid-Laurier School Board.

38. The name of the Commission scolaire 50-06 is changed to the Commission scolaire Western Québec — Western Québec School Board.

39. The name of the Commission scolaire 50-09 is changed to the Commission scolaire New Frontiers — New Frontiers School Board.

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Gouvernement du Québec

O.C. 317-98, 18 March 1998

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

Administrative Tribunal of Québec — Procedure for the recruitment and selection

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

WHEREAS under sections 42 and 49 of the Act respecting administrative justice (1996, c. 54), the Government establishes, by regulation, a recruiting and selection procedure of persons apt for appointment as members of the Administrative Tribunal of Québec and a procedure for the renewal of the term of office of the members;

WHEREAS under section 44 of the Act, the Government may, by regulation, fix the validity period of a declaration of aptitude;

WHEREAS under sections 45 and 50 of the Act, the members of a selection committee or an examination committee are entitled to receive remuneration or to be reimbursed for expenses incurred in the performance of their duties in the cases, subject to the conditions and to the extent as may be determined by regulation of the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the 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 was published in the *Gazette officielle du Québec* of 14 May 1997;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, sections 42, 44, 45, 49 and 50 of the Act respecting administrative justice will come into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides in particular that whenever an act or

any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make 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, attached to this Order in Council;

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

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, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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 and 50)

DIVISION I NOTICE OF RECRUITMENT

1. Where it is expedient to draw up a list of persons 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 publish a notice of recruitment in a publication circulating or broadcast throughout Québec, inviting interested persons to submit their candidacies for the position of member of the Tribunal.

2. The notice of recruitment shall give

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

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

(3) the place where a member could be assigned to mainly perform his duties;

(4) in substance, the selection conditions and criteria prescribed by the Act and this Regulation and any quali-

fications, training and professional experience required for the Tribunal;

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

(6) the deadline and address for submitting a candidacy.

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 carried out and through which he has acquired the relevant experience;

(5) where applicable, proof that he has the qualifications indicated in the notice, when they were acquired and for how many years they were required;

(6) any condemnation for an indictable offence or an offence punishable on summary conviction or any disciplinary decision, as well as the nature of the offence or fault in question and the imposed sentence or disciplinary penalty;

(7) any condemnation for a penal offence, the nature of the offence in question and the sentence imposed and whether one can reasonably believe that such offence is likely to question the integrity or impartiality of the Tribunal or of the candidate, to interfere with his ability to perform his duties or to ruin the trust of the public in the office holder;

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

(9) where applicable, whether he has filed his candidacy for the position of member of the Tribunal in the past 3 years; and

(10) a summary of the reasons for his interest in the position of member of the Tribunal.

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

DIVISION III FORMATION OF A SELECTION COMMITTEE

5. Following publication of the notice of recruitment, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall form a selection committee, designate a chairman and appoint to it

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

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

(3) a representative of the public 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, particularly in the following situations

(1) the member is or was 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 was a partner, employer, employee of the candidate in the past 10 years; notwithstanding the foregoing, a member who is in the public service shall withdraw in respect of a candidate only where the member is or was employee or immediate superior of the candidate.

Where a member of the committee has withdrawn, is absent or unable to act, the decision shall be made by the other members.

7. Before taking office, the members of the committee shall take an oath by solemnly affirming the following: "I, (full name), swear that I will neither reveal or

make known, without due authorization to do so, anything whatsoever of which I may gain knowledge in the exercise of my office."

The oath shall be taken before a member of the staff of the Ministère du Conseil exécutif or the Ministère de la Justice empowered to administer oaths.

The writing evidencing the oath shall be sent to the Associate Secretary General.

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 their expenses, the committee members who are neither members of the Tribunal nor employees of a government department or body are entitled to fees of \$100 per half-day of sitting which they attend.

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 retain those who, in its opinion, meet the eligibility requirements and any additional evaluative measures applied in consideration of the positions to be filled or the large number of candidates.

12. The chairman of the committee shall inform the short-listed candidates of the date and place of their meeting with the committee and shall inform the other candidates that they were turned down and, as a result, will not be called to a meeting.

13. The committee's report shall list the candidates that were turned down, giving reasons therefor.

DIVISION V CONSULTATIONS AND SELECTION CRITERIA

14. The committee may, on any matter in a candidate's record or any aspect of a candidacy or of the candidacies as a whole, consult with

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

(2) any legal person, partnership or professional association of which a candidate is or was 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 in relation to the duties of the Tribunal;

(3) the extent of the candidate's knowledge or skills, in view of the required qualifications, training and professional experience stated in the notice of recruitment;

(4) the candidate's ability to carry out adjudicative functions;

(5) the candidate's judgment, open-mindedness, perceptiveness, level-headedness, decision-making and expressive abilities; and

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

DIVISION VI REPORT OF THE SELECTION COMMITTEE

16. Committee decisions 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. Not later than 30 days after an application therefor by the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif, the committee shall promptly submit a report including

(1) 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 particulars concerning their work place; and

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

That report shall be submitted to the Associate Secretary General, to the Minister of Justice and to the Minis-

ters 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. Wherever possible, the committee shall declare apt a number of candidates 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 have been declared apt or inapt to be appointed to the Tribunal.

21. The Associate Secretary General 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.

A declaration of aptitude is valid for a 3-year period from its entry in the register.

The Associate Secretary General shall strike out an entry 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.

DIVISION VIII RECOMMENDATION

22. As soon as he is notified of a vacant position, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall forward a copy of the updated list of persons declared apt 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.

23. If the Minister of Justice is of the opinion that he cannot, considering the list of persons apt to be appointed as members and in the interests of, and to best carry out the duties of the Tribunal, recommend an appointment, he shall then ask the Associate Secretary General to have a notice of recruitment published, in accordance with Division I.

The committee in charge of evaluating the aptitude of the candidates who submitted their candidacy after another notice of recruitment and in charge of reporting to the Minister may be composed of persons previously designated to sit on a preceding committee.

24. The Minister of Justice, 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 as member of 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 declared apt to be appointed as member of the Tribunal.

DIVISION IX **RENEWAL OF TERMS OF OFFICE**

25. In the 12 months before the expiry of a member's term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall ask the member to provide him with the information mentioned in subparagraphs 6 and 7 of the first paragraph of section 4 and with a written statement in which he agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which he is or was a member and police authorities and, where applicable, in which he agrees that the persons or organizations mentioned in section 14 be consulted.

26. The Associate Secretary General shall form a committee to examine the renewal of the term of the member and shall designate the chairman thereof.

The committee shall be composed of the President of the Tribunal or another member of the Tribunal designated by the President, a member of the staff of the Ministère du Conseil exécutif or the Ministère de la Justice and a representative of the legal community. Notwithstanding the foregoing, the President of the Tribunal may not be represented by the person who has been, during the last year of the term of the member whose renewal is examined, the vice-president of the division to which the member was assigned.

In the case of a member who performs administrative duties within the Tribunal, the committee in charge of examining the renewal of his term of office shall be composed of a member of the staff of the Ministère de la Justice, a member of the staff of the Ministère de la Justice and a representative of the legal community.

Sections 6 to 9 then apply.

27. The committee shall determine whether the member still fulfils the criteria set out in section 15, taking

into account the needs of the Tribunal, and may hold the consultations provided for in section 14 on any matter in the record.

28. Committee decisions 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 and to the Minister of Justice.

29. The Associate Secretary General shall be the agent empowered to notify a member of the non-renewal of his term of office.

DIVISION X **CONFIDENTIALITY**

30. The names of candidates, the reports of selection or renewal committees, the register, 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.

Notwithstanding the foregoing, a member whose term of office is not renewed may consult the recommendation of the renewal committee concerning him.

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

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Gouvernement du Québec

O.C. 318-98, 18 March 1998

Administrative Tribunal of Québec **— Remuneration and other conditions of office**

Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec

WHEREAS under the first and second paragraphs of section 56 of the Act respecting administrative justice (1996, c. 54), the Government may, by regulation, determine the mode, standards and scales of remuneration of the members of the Administrative Tribunal of Québec, as well as the conditions subject to which and the extent to which a member may be reimbursed the expenses incurred in the performance of his duties; the Government may also determine other conditions of office ap-

plicable to all or certain members, including fringe benefits other than the pension plan;

WHEREAS the third paragraph of section 56 of the Act provides that regulatory provisions may vary according to whether they apply to full-time or part-time members or to a member charged with an administrative office within the Tribunal;

WHEREAS the fourth paragraph of section 56 of the Act provides that the regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, section 56 of the Act comes into force on 1 April 1998;

WHEREAS section 55 of the Interpretation Act (R.S.Q., c. I-16) provides in particular that whenever an act or any provision of an act comes into force at a date subsequent to its sanction, the regulations contemplated therein may validly be made and published before such date;

WHEREAS it is expedient to make the Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec attached to this Order in Council;

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

THAT the Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the remuneration and other conditions of office of members of the Administrative Tribunal of Québec

An Act respecting administrative justice
(1996, c. 54, s. 56)

DIVISION I REMUNERATION

1. The salary scales applicable to the president, vice-presidents and members of the Administrative Tribunal of Québec are those in Schedule I.

The salary scales shall be revised in keeping with the policy adopted by the Government for holders of senior positions appointed by the Government.

2. Part-time members of the Tribunal shall receive fees in accordance with the hourly rate in Schedule I, up to a maximum of seven hours' work a day.

The maximum number of work hours may be exceeded where authorized by the president of the Tribunal and where special circumstances warrant it.

For the purposes of this Regulation, fees paid to the members of the Tribunal are considered to be a salary.

3. The starting salary of a full-time member of the Tribunal shall be determined by his experience and education, the position available, and his income at the time of his appointment established in accordance with the standards prescribed in Schedule II.

A civil servant appointed as a full-time member of the Tribunal may not receive a salary lower than the regular salary to which he was entitled before his appointment, in accordance with his classification in the Québec public service.

4. A person who has retired from the public sector defined in Schedule III and is appointed member of the Tribunal shall receive a salary corresponding to the salary determined in accordance with the standards of this Regulation, from which shall be deducted half the amount of the retirement pension he receives from the public sector. The deduction shall be established in the instrument of appointment or upon renewal of the member's term of office. The salary may therefore be lower than the regular minimum of the scale applicable to the position.

5. Whoever has received or is receiving a severance pay or allowance from the public sector defined in Schedule III and receives a salary as a member of the Tribunal during the period covered by such pay or allowance shall reimburse the portion of the severance pay or allowance that covers the period for which he was receiving a salary, or shall cease to receive it during that period.

However, if the salary he receives as a member of the Tribunal is lower than what he was receiving prior to his appointment, he shall repay only that portion of the severance pay or allowance up to the amount of his new salary, or he may continue to receive the portion of the severance pay or allowance that exceeds his new salary.

The period covered by the severance pay or allowance corresponds to that which would have been covered by the same amount if the member had received it as salary for his office, employment or previous position.

6. Upon renewal of a term of office, the salary shall remain the same as the salary paid before such renewal, subject to section 4.

7. Where a member of the Tribunal already in office is designated as vice-president of the Tribunal, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a vice-president of the Tribunal already in office is designated as president of the Tribunal, his salary shall be increased by 5 %. However, the new salary may not be lower than the regular minimum salary of the scale applicable to that position.

Where a member of the Tribunal already in office is designated as president of the Tribunal, his salary shall be the regular minimum salary of the scale applicable to that position. However, the new salary may not be lower than the regular salary to which the member was entitled before the designation.

8. A full-time member of the Tribunal who ceases to hold an administrative office within the Tribunal in accordance with the second paragraph of section 58 of the Act respecting administrative justice (1996, c. 54), shall receive, starting on the effective date, a salary equivalent to what he was receiving without exceeding the maximum of the salary scale for a member's position.

However, in such cases, a public servant may not receive a salary lower than the regular salary to which he would be entitled according to his classification in the Québec public service.

9. The salary of a member of the Tribunal shall be revised in keeping with the performance assessment carried out according to the job factors and job ratings in Schedule IV and in keeping with the policy adopted by the Government for holders of senior positions appointed by the Government.

Revision of the salary of a member of the Tribunal who has retired from the public sector defined in Schedule III shall also take into account the deduction made in the instrument of appointment or upon renewal of his term of office in accordance with section 4 of this Regulation.

10. The annual performance assessment of a member of the Tribunal shall be carried out by the president of the Tribunal or by a vice-president he designates. The job factors and job ratings for assessing a member's performance, in accordance with the principle of independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of a vice-president of the Tribunal shall be carried out by the president of the Tribunal and shall address, with respect to his administrative office, the efficiency and effectiveness of the management of resources at his disposal to carry out the Tribunal's mission. If applicable, it shall also address his performance as a member. The job factors and job ratings for the assessment, in keeping with the principle of independent exercise of jurisdictional functions, are shown in Schedule IV.

The annual performance assessment of the president of the Tribunal shall be carried out by the Minister of Justice and shall address only the efficiency and effectiveness of the management of resources at his disposal to carry out the Tribunal's mission. The job factors and job ratings for assessing his performance are shown in Schedule IV.

11. A member of the Tribunal whose term of office has expired and who is concluding the cases he has begun to hear but has yet to determine in accordance with the first paragraph of section 55 of the Act respecting administrative justice, shall continue to be remunerated, for a period to be determined by the president, according to the annual salary to which he was entitled. However, if the president considers that the new situation warrants his performing his duties part time, the member may be remunerated according to an hourly rate calculated in keeping with the annual salary he was receiving at the time his term of office expired. For the purposes of this paragraph, a member is deemed to work 35 hours a week.

If the situation applies to a part-time member, he shall receive the hourly rate to which he was entitled.

12. A vice-president of the Tribunal who replaces the president in accordance with section 63 of the Act respecting administrative justice shall receive an additional remuneration equivalent to 5 % of his annual salary for the duration of that replacement.

A vice-president of the Tribunal who replaces another vice-president in accordance with section 63 of the Act shall receive an additional remuneration equivalent to 3 % of his annual salary for the duration of that replacement.

The additional remuneration shall be paid only in the event of a replacement lasting at least 45 consecutive days.

DIVISION II **OTHER CONDITIONS OF OFFICE**

§1. Insurance plans

13. Full-time members of the Tribunal shall participate in the group insurance plans for managerial staff of the Québec public and parapublic sectors.

In case of disability of a member who is entitled to salary insurance benefits during his term of office, the benefits provided for under the long- or short-term salary insurance plans shall be paid and the member shall be exempted from paying premiums to the pension and insurance plans for the duration of the period of disability, even if the member's term expires during that period.

§2. Pension plans

14. In accordance with section 59 of the Act respecting administrative justice and subject to any special provisions included in the following plans and prescribed by order in council,

(1) full-time members of the Tribunal shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees or, as the case may be, in the Civil Service Superannuation Plan;

(2) the vice-presidents of the Tribunal shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject to the special retirement provisions of Order in Council 245-92 dated 26 February 1992 and any consequential amendments;

(3) the president of the Tribunal shall participate in the Government and Public Employees Retirement Plan (RREGOP) applicable to non unionizable employees and are subject to the special retirement provisions of Orders in Council 245-92 dated 26 February 1992 and 461-92 dated 1 April 1992 and any consequential amendments.

§3. Annual vacation leave

15. Full-time members and vice-presidents of the Tribunal shall be entitled to a paid annual vacation of 20 working days, to be calculated proportionally to the time in office during the fiscal year.

Members who are on full leave without pay from the Québec public service shall be entitled to an annual vacation equivalent to the number of days of leave they would be entitled to under their classification in the public service.

Where part or all of the annual vacation to which a member or vice-president is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the president of the Tribunal before the end of that fiscal year.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which a member or vice-president is entitled.

16. The president of the Tribunal shall be entitled to a paid annual vacation of 25 working days, to be calculated proportionally to the time in office during the fiscal year.

Where part or all of the annual vacation to which he is entitled cannot be taken in a given fiscal year, a request for its carryover shall be made to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

The number of days of annual vacation carried over may not exceed the number of days of annual vacation to which he is entitled.

§4. Legal holidays

17. A full-time member of the Tribunal shall have the same annual paid legal holidays as those that apply to the Québec public service.

§5. Expenses incurred in office

18. The president and vice-presidents of the Tribunal are entitled to the reimbursement of expenses, with supporting documents but without prior authorization, that were incurred in the performance of their duties up to the amount of \$3 600 per fiscal year for the president and \$2 100 per fiscal year for a vice-president.

The expenses are reimbursed in accordance with Décret 1308-80 concernant les dépenses de fonction des présidents et de certains vice-présidents et membres à plein temps d'organismes gouvernementaux, dated 28 April 1980, and any consequential amendments.

§6. Travel and living expenses

19. Members of the Tribunal shall be entitled to the reimbursement of travel and living expenses incurred in

the performance of their duties 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, and any consequential amendments.

20. For the purposes of reimbursing expenses incurred, the principal location for the performance of duties of members of the Tribunal is that provided for by order in council.

§7. Notice of resignation

21. For the purposes of section 52 of the Act respecting administrative justice, a notice of resignation given to the Minister of Justice shall be sent to the president of the Tribunal who shall forward a copy to the Associate Secretary-General for Senior Positions of the Ministère du Conseil exécutif.

§8. Full leave without pay from the public service

22. For the purposes of section 60 of the Act respecting administrative justice, a public servant who is appointed member of the Tribunal shall be on full leave without pay from the Ministère de la Justice.

23. A member of the Tribunal who is on full leave without pay from the Ministère de la Justice and resigns his office or whose term is not renewed shall be reintegrated into the Ministère de la Justice with the salary he had at the Tribunal if that salary is equal to or lower than the maximum of the applicable salary scale in the Québec public service. If his salary at the Tribunal was higher, he shall be reintegrated with a salary equivalent to the maximum of the salary scale applicable to him according to his classification in the public service.

§9. Transition allowance and other similar measures

24. A full-time member of the Tribunal who is not on full leave without pay from the Québec public service and whose term of office is not renewed or who does not request a renewal of his term, shall receive a transition allowance.

The allowance at the time of departure is equivalent to one month's salary for each year of continuous service since the beginning of his term as full-time holder of a senior position appointed by the Government, without exceeding twelve months.

If the period is less than one year, the allowance shall be calculated proportionally to the number of days of service completed.

25. A member of the Tribunal who is dismissed or removed shall not receive a transition allowance in accordance with sections 53 or 54 of the Act respecting administrative justice.

26. A member of the Tribunal who no longer performs his duties, who received or is receiving the transition allowance prescribed in section 24 and who holds an office, employment or any other remunerated position in the public sector defined in Schedule III during the period to which the allowance applies, shall either reimburse that portion of the allowance that covers the period for which he received a salary, or cease to receive it during that period.

However, if the salary he receives is lower than that which he previously received, he shall reimburse the allowance only up to the amount of the new salary, or he may continue to receive the portion of the allowance that exceeds his new salary.

The period covered by the transition allowance is the same as that which would have been covered by the same amount had the member received it as a salary while holding an office, an employment or a previous position.

27. A full-time member of the Tribunal who no longer performs his duties, who has benefitted from a departure incentive program or its equivalent and who, within the two years following his departure holds an office, employment or any other remunerated position in the public sector defined in Schedule III shall reimburse the amount equivalent to the amount received under the program up to the amount of the remuneration received during that two-year period as a result of his return.

28. Part-time teaching activities are not governed by sections 26 and 27.

29. Sections 9 and 10 of this Regulation come into force on 1 April 1999. Any salary revision made before that date in the case of persons referred to in section 841 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43) shall be carried out, if applicable, in accordance with the rules applicable before the coming into force of this Regulation.

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

SCHEDULE I

(ss. 1, 2)

SALARY SCALES APPLICABLE TO THE PRESIDENT, VICE-PRESIDENTS AND MEMBERS OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

1. The salary scale applicable to the president of the Tribunal corresponds to the scale established for Level 6 chief executive officers under Décret 1018-95 dated 2 August 1995, and any consequential amendments.

2. The salary scale applicable to vice-presidents of the Tribunal corresponds to the scale established for Level 5 vice-presidents of government bodies under the Order in Council referred to in section 1.

3. The salary scale applicable to full-time members of the Tribunal corresponds to the scale established for Level 3 full-time members of government bodies under the Order in Council referred to in section 1.

4. The salary scale applicable to physicians who are full-time members of the Tribunal corresponds to the scale established for physicians who are full-time members of government bodies under the Order in Council referred to in section 1.

5. The hourly rates paid to members of the Tribunal performing their duties part time, including physicians, are calculated as follows:

Members: the maximum of the scale applicable to Level 3 full-time members of bodies + 20 %* ÷ 261 working days ÷ 7 hours per working day

Physicians: the maximum of the scale applicable to physicians who are full-time members of bodies + 20 %* ÷ 261 working days ÷ 7 hours per working day

* Compensation for the absence of fringe benefits

SCHEDULE II

(s. 3)

DETERMINATION OF THE STARTING SALARY OF A MEMBER APPOINTED TO THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

For the purposes of determining the income to be used as a basis for the calculation of the starting salary of a member appointed to the Administrative Tribunal of Québec, the following rules shall apply:

1. Take into account the regular salary with the previous employer, supported by a compulsory attestation by the employer.

2. Determine self-employment income by one of the following means:

— a financial statement prepared by an accounting firm;

— a copy of the T4 or Relevé 1 slip(s) showing the income for the year(s) of reference required;

— an affidavit in which the candidate attests to his income;

— any other acceptable and accurate proof of the candidate's financial situation.

3. Exclude from the salaries, earnings or income provided, any amount that is not of a regular nature such as premiums, overtime or other bonuses of that nature.

4. Take into account, for the purposes of determining the salary, only the income from the principal employment, thereby excluding income from casual employment or work done outside regular hours.

5. Subtract, in the case of candidates who are contract or casual employees of the Gouvernement du Québec, the percentage of their salary compensating for the absence of fringe benefits, where such a percentage is provided.

6. Establish an average over a number of years where income varies considerably because of profit-sharing income or income of another type.

SCHEDULE III

(ss. 4, 5, 9, 26, 27)

THE PUBLIC SECTOR INCLUDES

1. the Government, a government department, the Conseil exécutif and the Conseil du trésor;

2. the Lieutenant-Governor's staff, the National Assembly, the Public Protector, any person designated by the National Assembly to perform duties that come under the National Assembly, where the law provides that its personnel is appointed and remunerated in accordance with the Public Service Act and any body to which the National Assembly or one of its committees appoints the majority of the members;

3. any body that is established by an Act, pursuant to an Act or by a decision of the Government, the Conseil du trésor or a minister and that meets one of the following conditions:

(1) all or part of its appropriations for operating purposes appear under that heading in the budgetary estimates tabled in the National Assembly;

(2) its employees are required by law to be appointed or remunerated in accordance with the Public Service Act;

(3) the Government or a minister appoints at least half of its members or directors and at least half of its operating costs are borne directly or indirectly by the consolidated revenue fund or by other funds administered by a public body referred to in section 1 or 2 of this Schedule or by both at the same time;

4. the Public Curator;

5. any body or agency, other than those mentioned in sections 1, 2 or 3 of this Schedule, instituted by an Act, pursuant to an Act, or by a decision of the Government, the Conseil du Trésor or a minister and at least half of whose members or directors are appointed by the Government or a minister;

6. any joint-stock company, other than a government body mentioned in section 3 of this Schedule, of which more than 50 % of the voting shares are part of the public domain or are owned by a government body referred to in sections 1 to 3 and 5 of this Schedule or by an undertaking referred to in this section;

7. any educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

8. any general and vocational college instituted in accordance with the General and Vocational Colleges Act (R.S.Q., c. C-29);

9. any school board referred to in the Education Act (R.S.Q., c. I-13.3) or the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14), and the Conseil scolaire de l'Île-de-Montréal;

10. any private institution accredited for purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1).;

11. any other educational institution of which more than one-half of the operating expenses are paid out of

the appropriations entered in the budgetary estimates tabled in the National Assembly;

12. any public institution or private institution under agreement and any regional board referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2);

13. a regional council established under the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

14. any municipality, and any body declared by law to be the mandatary or agent of a municipality, and any body whose board of directors is composed in the majority of members of the municipal council, as well as any body otherwise under municipal authority;

15. any urban community, intermunicipal board, intermunicipal transit corporation, intermunicipal board of transport, Kativik Regional Government and any other body whose board of directors is composed in the majority of elected municipal officers, except a private body.

SCHEDULE IV

(ss. 9, 10)

JOB FACTORS AND JOB RATINGS FOR PERFORMANCE ASSESSMENTS

Annual performance assessments shall be based on the following job factors:

(1) Qualitative job factors include factors and standards for assessing the knowledge, skills, attitudes and behaviour of a member in the exercise of his powers and duties, in particular,

(a) the knowledge and use of acts, regulations, rules of evidence and procedure, and jurisprudence acquired through the means available to him;

(b) the written quality of decisions, in particular, clarity, precision and conciseness;

(c) behaviour with respect to the parties, their witnesses and their representatives, in particular during hearings;

(d) compliance with the code of ethics applicable to a member of the Tribunal;

(e) availability and interest in the duties;

(f) communications and relations with the management and staff of the Tribunal;

(g) participation in committees and activities related to the duties of a member of the Tribunal.

(2) Quantitative job factors assess the quantitative contribution of a member with respect to the handling of cases, in particular,

(a) the number of cases settled following conciliation, withdrawal or an amicable settlement;

(b) the number of cases handled following inquiries and hearings for the parties, and the testimonies, arguments and the entire documentation pertaining to a case taken under advisement;

(c) the number of decisions rendered.

The annual performance assessment shall be in keeping with the following job ratings:

A performance that far exceeds required standards

B performance that exceeds required standards

C performance that meets required standards

D performance that is below required standards

E performance that is far below required standards

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Gouvernement du Québec

O.C. 323-98, 18 March 1998

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

Republic of Colombia and Republic of Iceland

Taking of effect of the Act respecting the civil aspects of international and interprovincial child abduction in respect of the Republic of Colombia and the Republic of Iceland

WHEREAS under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec* any State, province or

territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

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

WHEREAS by Order in Council 687-97 dated 21 May 1997, the Government designated the Republic of Columbia and the Republic of Iceland as States in which the Act respecting the civil aspects of international and interprovincial child abduction applies;

WHEREAS that Order in Council provides that the Act will take effect, in respect of those States, on a later date to be fixed by the Government;

WHEREAS it is expedient to fix the date of taking of effect of the Act in respect of those States;

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

THAT the Act respecting the civil aspects of international and interprovincial child abduction take effect on 1 December 1997 in respect of the Republic of Columbia and the Republic of Iceland.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 324-98, 18 March 1998

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

Cyprus and Republic of Zimbabwe

Taking of effect of the Act respecting the civil aspects of international and interprovincial child abduction in respect of Cyprus and the Republic of Zimbabwe

WHEREAS under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in

the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

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

WHEREAS by Order in Council 421-96 dated 3 April 1996, the Government designated Cyprus and the Republic of Zimbabwe as States in which the Act respecting the civil aspects of international and interprovincial child abduction applies;

WHEREAS that Order in Council provides that the Act will take effect, in respect of those States, on a later date to be fixed by the Government;

WHEREAS it is expedient to fix the date of taking of effect of the Act in respect of those States;

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

THAT the Act respecting the civil aspects of international and interprovincial child abduction take effect on 1 January 1998 in respect of Cyprus and the Republic of Zimbabwe.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

2121

Gouvernement du Québec

O.C. 329-98, 18 March 1998

Appointment of a person responsible for the general management and signature of services contracts of the Commission scientifique et technique chargée d'analyser les événements relatifs à la tempête de verglas survenue du 5 au 9 janvier 1998, ainsi que l'action des divers intervenants

WHEREAS by Order in Council 80-98 dated 28 January 1998, the Government has established a scientific and technical commission with a view to study the events related to the ice storm that occurred between 5 and 9 January 1998, as well as the actions of the different responders and to make all necessary recommendations for the future;

WHEREAS the Government entrusted the Minister of Public Security the duty to provide the Commission with the technical and administrative support necessary for the carrying out of its mandate;

WHEREAS it is expedient to appoint a member of the staff of the Ministère de la Sécurité publique as the person responsible for the general management of the Commission;

WHEREAS under section 12 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3), no deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy Minister or a member of the staff of the Department, and only, in the case of such member, to the extent determined by the Government;

WHEREAS it is expedient to authorize such member of the staff of the Ministère de la Sécurité publique to sign the services contracts of the Commission on behalf of the Minister of Public Security;

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

THAT Raymond Hardy, member of the staff of the Ministère de la Sécurité publique, be appointed as the person responsible for the general management of the Commission scientifique et technique chargée d'analyser les événements relatifs à la tempête de verglas survenue du 5 au 9 janvier 1998, ainsi que l'action des divers intervenants;

THAT, in accordance with section 12 of the Act respecting the Ministère de la Sécurité publique (R.S.Q., c. M-19.3), Raymond Hardy be authorized to sign the services contracts until the end of the Commission's mandate.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

2130

Gouvernement du Québec

O.C. 334-98, 18 March 1998

An Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27)

An Act respecting the implementation of the Act respecting administrative justice (1997, c. 43)

— Coming into force

COMING INTO FORCE of certain provisions of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions and of the Act respecting the implementation of the Act respecting administrative justice

WHEREAS the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27) was assented to on 12 June 1997;

WHEREAS under section 69, the Act comes into force on the date or dates to be fixed by the Government;

WHEREAS by Order in Council 1416-97 dated 29 October 1997, section 24 of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions enacting section 429.1, the first paragraph of section 429.5 and section 429.12 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), section 30 enacting section 590 of the Act respecting industrial accidents and occupational diseases for the sole purpose of declaring the Minister of Labour responsible for the administration of the provisions of the Act relating to the Commission des lésions professionnelles, section 58.1, enacted by section 866 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), and section 62, came into force on 29 October 1997;

WHEREAS under Order in Council 1524-97 dated 26 November 1997, sections 11, 12, 13, 865, 867 and paragraph 4 of section 876 of the Act respecting the implementation of the Act respecting administrative justice come into force at the same time as the provisions of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions, other than those which came into force by Order in Council 1416-97 dated 29 October 1997;

WHEREAS it is expedient to fix the date of coming into force of the other provisions of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions and sections 11, 12,

13, 865, 867 and paragraph 4 of section 876 of the Act respecting the implementation of the Act respecting administrative justice;

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

THAT the provisions of the Act to establish the Commission des lésions professionnelles and amending various legislative provisions (1997, c. 27), other than those which came into force by Order in Council 1416-97 dated 29 October 1997 and sections 11, 12, 13, 865, 867 and paragraph 4 of section 876 of the Act respecting the implementation of the Act respecting administrative justice (1997, c. 43), come into force on 1 April 1998.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

2127

Gouvernement du Québec

O.C. 383-98, 25 March 1998

An Act respecting the Régie de l'énergie (1996, c. 61)

Régie de l'énergie

— **Rates and terms and conditions of payment of the annual duty**

Rates and terms and conditions of payment of the annual duty payable to the Régie de l'énergie

WHEREAS under subparagraph 1 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (1996, c. 61), the Government may make regulations determining the rate and terms and conditions of payment of the annual duty payable to the Régie de l'énergie by a distributor;

WHEREAS under the second paragraph of that section, the rates and terms and conditions may vary according to the distributor or class of distributors; a regulation thereunder may also exclude a distributor or class of distributors;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the rates and terms and conditions of payment of the annual duty payable to the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 21 January 1998 with a notice that it could be made by the Government upon the expiry of 45 days

following its publication (erratum published in Part 2 of the *Gazette officielle du Québec* of 18 February 1998);

WHEREAS under section 18 of that Act, a regulation may come into force within a shorter time period than that provided in section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying 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 such coming into force of the Regulation respecting the rates and terms and conditions of payment of the annual duty payable to the Régie de l'énergie:

— It is important to ensure, as of the fiscal period beginning on 1 April 1998, the financing of the Régie de l'énergie according to equity and imputability rules, so that the expenditures resulting from its activities be incurred by the distributors concerned;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the rates and terms and conditions of payment of the annual duty payable to the Régie de l'énergie, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting the rates and terms and conditions of payment of the annual duty to the Régie de l'énergie

An Act respecting the Régie de l'énergie
(1996, c. 61, s. 112, subpar. 1)

1. The rates of the annual duty for the fiscal period of the Régie de l'énergie ending on 31 March 1999 shall be determined by dividing, according to forms of energy, the adjusted estimated expenditures of the Régie by the following:

(1) the sum of the volumes of electric power transmitted and distributed by each distributor of electric

power in the preceding fiscal period, excluding the volume of electric power sold to another such distributor;

(2) the sum of the volumes of natural gas transported and delivered by each distributor of natural gas in the preceding fiscal period;

(3) the sum of the volumes of fuel and diesel fuel delivered by each distributor of petroleum products, refined in Québec, traded with a Québec refiner or imported in the preceding fiscal period;

(4) the sum of the volumes of steam distributed by pipes for heating purposes by each distributor of steam in the preceding fiscal period.

For the purposes of the first paragraph, the adjusted estimated expenditures shall correspond to the difference, by form of energy, between, on the one hand, the estimated expenditures of the Régie according to the estimates approved by the Government for the current fiscal period and, on the other hand, the surplus of the revenues over the expenditures of the preceding fiscal period anticipated in the same estimates.

The annual duty payable by each distributor of a form of energy is the product of the rate multiplied by the volumes referred to in the first paragraph and ascribable to the distributor.

2. The rates of the annual duty for each subsequent fiscal period shall be determined by dividing, for each form of energy, the adjusted estimated expenditures by the following:

(1) the sum of the volumes of electric power transmitted and distributed by each distributor of electric power during the preceding fiscal period, excluding the volume of electric power sold to another such distributor;

(2) the sum of the volumes of natural gas transported and delivered by each distributor of natural gas in the preceding fiscal period;

(3) the sum of the volumes of fuel and diesel fuel delivered by each distributor of petroleum products, refined in Québec, traded with a Québec refiner or imported in the preceding fiscal period;

(4) the sum of the volumes of steam distributed by pipes for heating purposes by each distributor of steam in the preceding fiscal period.

For the purposes of the first paragraph, the adjusted estimated expenditures shall correspond to the differ-

ence, by form of energy, between the estimated expenditures of the Régie according to the estimates approved by the Government for the current fiscal period and the surplus of the revenues over the expenditures of the Régie for the preceding fiscal period anticipated in the same estimates. The surplus of the revenues over the expenditures anticipated for the preceding fiscal period includes the difference between, for the fiscal period prior to the latter, the surplus of the revenues over the expenditures appearing in the financial statements of the Régie audited by the Auditor General under section 109 of the Act and the surplus anticipated in the estimates for the fiscal period prior to the current fiscal period.

The annual duty payable by the distributor of a form of energy is the product of the rate multiplied by the volumes referred to in the first paragraph and ascribable to the distributor.

3. The annual duty is payable by a distributor of electric power or natural gas in equal instalments, on the first of each month, until full payment is made at the end of each fiscal period of the Régie.

On the first day of a fiscal period of the Régie, if the Government has not approved the estimates for the fiscal period, the duty for the preceding fiscal period shall continue to be payable until the last day of the month in which they were approved. Any amount collected in excess or owing with respect to the duty payable to the Régie for that period shall be equally divided among the remaining monthly instalments.

The annual duty is payable by a distributor of petroleum products or of steam in one instalment on the first of each fiscal period of the Régie or, where the estimates are approved by the Government after that date, on the first day of the month following that approval.

4. This Regulation does not govern distributors of petroleum products other than those who deliver fuel or diesel fuel that is imported, refined in Québec or traded with a Québec refiner.

5. This Regulation replaces the Regulation respecting the duties payable by gas distributors made by Order in Council 1627-94 dated 16 November 1994 and the Regulation respecting the duty payable to the Régie de l'Énergie, made by Order in Council 1634-97 dated 10 December 1997.

6. This Regulation comes into force on 1 April 1998.

2128

Gouvernement du Québec

O.C. 391-98, 25 March 1998

An Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 2)

Basic prescription drug insurance plan — Amendments

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

WHEREAS under subparagraph 3 of the first paragraph of section 78 of the Act respecting prescription drug insurance and amending various legislative provisions (1996, c. 32), the Government may, after consulting the Régie de l'assurance-maladie du Québec, make regulations to determine the cases, conditions and therapeutic indications in and for which the cost of certain medications included in the list drawn up by the Minister in accordance with section 60 of the Act is covered by the basic prescription drug insurance plan; the conditions may vary according to whether the coverage is provided by the Board or under a group insurance contract or an employee benefit plan;

WHEREAS under section 79 of the Act, such a regulation is not subject to the requirements concerning publication and date of coming into force contained in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

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 the Regulation;

WHEREAS, in accordance with section 78 of the Act respecting prescription drug insurance and amending various legislative provisions, the Régie de l'assurance-maladie du Québec has been consulted on those amendments;

IT IS ORDERED, therefore, upon 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. 78, 1st par., subpar. 3)

1. The Regulation respecting the basic prescription drug insurance plan is amended in the second paragraph of section 2.1:

(1) by inserting the following after subparagraph 5:

“(5.1) ANAGRELIDE: for treatment of thrombocytopenia where the conventional therapy is ineffective or poorly tolerated;”;

(2) by inserting the following after subparagraph 7:

“(7.1) BRIMONIDINE:

(a) for adjuvant treatment of glaucoma where treatment with a beta-blocker produces insufficient control of ocular tension;

(b) for treatment of glaucoma where a beta-blocker is not tolerated or is contraindicated;”;

(3) by inserting the following after subparagraph 18:

“(18.1) CODEINE, syrup: for treatment of pain in persons unable to take tablets;”;

(4) by substituting the following for paragraph g of subparagraph 32:

“(g) for treatment of HIV-infected persons suffering from severe neutropenia (neutrophil count below $0.5 \times 10^9/L$);”;

(5) by substituting the following for subparagraph 52.1:

“(52.1) LATANOPROST:

(a) for adjuvant treatment of glaucoma where treatment with a beta-blocker produces insufficient control of ocular tension;

(b) for treatment of glaucoma where a beta-blocker is not tolerated or is contraindicated;”;

(6) by striking out the word “non-prophylactic” in subparagraph 72.

2. This Regulation comes into force on 1 April 1998.

2129

M.O., 1998

Order of the Minister of Public Security dated March 19, 1998

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

CONCERNING a correction to the order of the Minister of Public Security, dated 11 November 1997, respecting the approval of screening devices for the purposes of section 202.3 of the Highway Safety Code

The Minister of Public Security,

CONSIDERING the approval of screening devices by the Minister's Order dated 11 November 1997;

CONSIDERING the publication of that Order in the *Gazette officielle du Québec* of 26 November 1997;

CONSIDERING the necessity to correct errors in the designation of two of the devices listed in section 1 of the Order;

ORDERS:

THAT the designation of the first 2 devices listed in section 1 of the Order read as follows:

— Alco-Sensor IV DWF, made by Intoximeters inc.
— Alcotest® 7410 GLC, made by National Draeger inc.

Sainte-Foy, March 19, 1998

PIERRE BÉLANGER,
The Minister of Public Security

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* The Regulation respecting the basic prescription drug insurance plan, made by Order in Council 1519-96 dated 4 December 1996 (1996, *G.O.* 2, 4941), was last amended by the Regulations made by Orders in Council 1217-97 dated 17 September 1997 (1997, *G.O.* 2, 4996) and 1709-97 dated 17 December 1997 (1997, *G.O.* 2, 6472). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1997, updated to 1 September 1997.

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