

Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 131
21 July 1999
No. 29

Summary

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Legal deposit — 1st Quarter 1968
Bibliothèque nationale du Québec
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PROVINCE OF QUÉBEC

1st SESSION

36th LEGISLATURE

QUÉBEC, 19 JUNE 1999

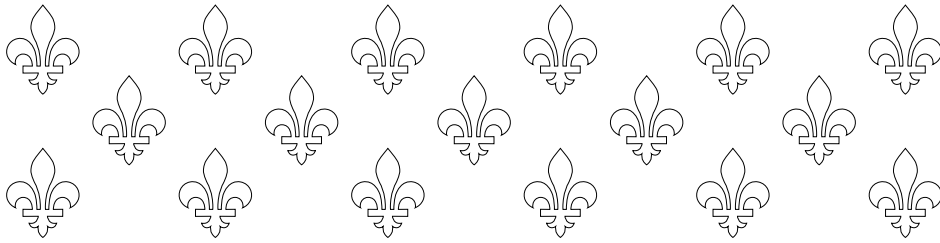
OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 19 June 1999

This day, at three minutes past eleven o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bills :

- | | | | |
|----|--|----|--|
| 1 | An Act respecting the obligation to establish one's identity before voting and amending other legislative provisions pertaining to elections (<i>modified title</i>) | 23 | An Act to amend the Act respecting the Communauté urbaine de Montréal |
| 4 | An Act respecting Immobilière SHQ | 24 | An Act to amend the Automobile Insurance Act and other legislative provisions |
| 7 | An Act to amend the Act respecting the Conseil supérieur de l'éducation in order to establish the advisory committee on the financial accessibility of education | 26 | An Act to amend the Act respecting childcare centres and childcare services |
| 8 | An Act respecting the leasing of part of the water power of the Shipshaw river | 28 | Midwives Act |
| 17 | An Act to amend the Education Act for Cree, Inuit and Naskapi Native Persons | 30 | An Act to amend the Act respecting elections and referendums in municipalities and other legislative provisions |
| 20 | An Act to amend the Act respecting liquor permits and the Act respecting the Régie des alcools, des courses et des jeux | 39 | An Act respecting the Société nationale du cheval de course |
| | | 42 | An Act respecting the construction of infrastructures and equipment by Hydro-Québec on account of the ice storm of 5 to 9 January 1998 |

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|-----|---|-----|---|
| 43 | An Act respecting certain declarations of exception in Acts relating to education | 205 | An Act respecting Ville de Victoriaville |
| 44 | An Act to amend the Police Act | 207 | An Act to amend the charter of the City of Laval |
| 45 | An Act to amend certain legislative provisions respecting the Public Curator | 208 | An Act respecting Ville de Saint-Basile-le-Grand |
| 46 | An Act to amend the Act respecting municipal taxation and the Act respecting municipal debts and loans | 209 | An Act respecting Municipalité de Saint-Jean-de-Matha |
| 48 | An Act respecting the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec (<i>modified title</i>) | 211 | An Act respecting the Commission de l'aqueduc de la Ville de La Tuque |
| 52 | An Act to amend the Fire Investigations Act | 212 | An Act respecting Municipalité régionale de comté de Vaudreuil-Soulanges |
| 53 | An Act respecting the Corporation d'hébergement du Québec | 213 | An Act to amend the Act respecting the Mouvement des caisses Desjardins |
| 60 | An Act respecting environmental assessment of the proposed Churchill River hydroelectric development | 214 | An Act respecting Ville de Saint-Hubert |
| 61 | An Act respecting the Société de la faune et des parcs du Québec | 215 | An Act respecting the pension plan of certain employees of the Centre hospitalier de l'Université Laval |
| 69 | An Act to amend the Act respecting prescription drug insurance | 216 | An Act respecting Ville de Saint-Laurent |
| 71 | An Act respecting the transport of bulk material under municipal contracts | 217 | An Act respecting Magog Social and Curling Club, Limited |
| 203 | An Act respecting Les Soeurs du Bon-Pasteur de Québec | 218 | An Act respecting Ville de Chapais |
| 204 | An Act respecting certain immovables of the cadastre of the parish of Saint-Esprit | | To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor. |



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 1

(1999, chapter 15)

**An Act respecting the obligation to
establish one's identity before voting and
amending other legislative provisions
pertaining to elections**

Introduced 17 March 1999

Passage in principle 18 May 1999

Passage 18 June 1999

Assented to 19 June 1999

**Québec Official Publisher
1999**

EXPLANATORY NOTES

This bill provides that electors at a provincial, municipal or school election or in a provincial, municipal or school referendum will be required, before voting, to produce as identification either their health-insurance card, driver's licence or probationary licence, passport or any other document determined by regulation after consultation with the advisory committee established under the Election Act.

An elector who cannot produce such identification will nevertheless be admitted to vote if he meets other requirements set out in the bill.

The bill prohibits anyone, on pain of penal sanctions, from producing a fraudulent document or from recording or using information contained in a document produced as identification for voting purposes.

Other amendments pertaining to the electoral process are included in the bill. First, it is provided that polling stations will be open from 9:30 a.m. to 8:30 p.m. for a provincial election or referendum. Second, a permanent board of revisors is created to ensure that the permanent list of electors is updated on a continuous basis. Lastly, the proceedings of the Commission de la représentation relative to the delimitation of electoral divisions are suspended until 1 July 2000.

LEGISLATION AMENDED BY THIS BILL :

- Referendum Act (R.S.Q., chapter C-64.1);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3).

Bill 1

AN ACT RESPECTING THE OBLIGATION TO ESTABLISH ONE'S IDENTITY BEFORE VOTING AND AMENDING OTHER LEGISLATIVE PROVISIONS PERTAINING TO ELECTIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ELECTION ACT

1. Section 40.4 of the Election Act (R.S.Q., chapter E-3.3) is amended by adding “or on the basis of the changes made by the permanent board of revisors established under section 40.12.1” at the end of the second paragraph.
2. Section 40.11 of the said Act is amended by inserting “an *ad hoc*” before “revision” in the first line of the first paragraph.
3. The said Act is amended by inserting the following chapter after section 40.12:

“CHAPTER II.1

“PERMANENT REVISION

“DIVISION I

“ESTABLISHMENT AND ORGANIZATION OF PERMANENT BOARD OF REVISORS

“40.12.1. To ensure that the permanent list of electors is updated on a continuous basis, the chief electoral officer shall establish a permanent board of revisors within the chief electoral officer's office.

“40.12.2. The permanent board shall be composed of three members, including the chairman, appointed by the chief electoral officer.

The chairman may be chosen from among the chief electoral officer's personnel.

The other two members shall be chosen from among two lists of at least five names transmitted to the chief electoral officer respectively by the leader of the party having had the greatest number of candidates elected in the last

general election and by the leader of the party having had the second greatest number of candidates elected in that election, or by the person designated in writing for such purpose by either leader.

The lists must be transmitted to the chief electoral officer within six months after the publication of the notice referred to in section 380 following a general election.

“40.12.3. The chief electoral officer may, on reasonable grounds, refuse a list that has been transmitted to him. In such a case, the chief electoral officer shall request a new list.

Failing a list, the chief electoral officer shall make the appointment without further formalities.

“40.12.4. If a member of the permanent board is absent or unable to act, the chief electoral officer shall appoint a substitute. Sections 40.12.2 and 40.12.3 apply to the appointment with the necessary modifications.

“40.12.5. The members of the permanent board shall be appointed for a term not exceeding five years.

“40.12.6. The tariff of remuneration and expenses of permanent board members shall be fixed by government regulation.

“40.12.7. The chairman of the permanent board shall convene the board whenever the chairman considers it appropriate.

“40.12.8. The permanent board shall sit in Québec or Montréal, at the office of the chief electoral officer.

On the authorization of the chief electoral officer, the board may sit at any other place.

“40.12.9. The quorum of the permanent board is two members.

Decisions are made by a majority vote. In case of a tie, the chairman has a casting vote.

“40.12.10. A member of the permanent board must, on pain of forfeiture of office, abstain from participating in any deliberation or decision concerning which any of the grounds for recusation, with the necessary modifications, listed in articles 234 and 235 of the Code of Civil Procedure (chapter C-25) could be invoked in the member’s regard. Moreover, the member must withdraw from the sitting for the duration of the deliberations and the vote relating to such matter.

“40.12.11. The chief electoral officer shall place at the disposal of the permanent board the personnel necessary for the exercise of the board’s functions.

After consulting the chairman of the permanent board and as needed, the chief electoral officer shall request returning officers to appoint a sufficient number of teams of two revising officers.

The provisions of this Act applicable to revising officers during an election period apply with the necessary modifications to revising officers assigned to the permanent board.

“DIVISION II

“REVISION PROCESS

“40.12.12. The permanent board shall decide the cases submitted to it by the chief electoral officer concerning the updating of the permanent list of electors.

“40.12.13. Sections 211 and 213 to 216.1 apply with the necessary modifications to the exercise of the functions of the permanent board.

“40.12.14. Before striking off or refusing to enter a person’s name, the permanent board must, unless the person is present, convene the person by way of a written notice stating the grounds for the decision it intends to make and allow the person to present observations within 30 days.

The notice must be served by the revising officers on the person concerned or, if it cannot be served, it must be left at the address entered on the permanent list of electors or at any other place where the permanent board or the revising officers have reason to believe the person may be reached.

A certificate of the service shall be drawn up by the revising officers in the prescribed form and returned to the permanent board.

“40.12.15. Notwithstanding section 40.12.14, the permanent board is not required to send a written notice if the person concerned has met with the revising officers and confirmed to them that he is not a qualified elector or if the permanent board is satisfied, on the basis of the evidence presented to it, that the person is under curatorship or is dead.

“40.12.16. If the person to whom a notice is served requests to appear before the permanent board, the permanent board shall convene the person by means of a notice in writing of at least 10 clear days.

The notice shall be served as provided for in section 40.12.14.

The permanent board shall, upon convening a person who lives a great distance away, endeavour to keep the travelling involved to a minimum.

“40.12.17. Whenever the permanent board makes a decision in the absence of the elector concerned, it shall immediately notify the elector of its decision in writing.

The notice must state the grounds for the decision and describe the procedure whereby the elector may apply to the board for a revision of the decision. The notice must also indicate that the elector has 30 days to file an application for revision.

“40.12.18. Any party represented in the National Assembly other than those referred to in section 40.12.2 may delegate a representative recognized by the chief electoral officer to the sittings of the permanent board.

Such a representative may take part in the deliberations of the permanent board, but is not entitled to vote. The tariff provided for in section 40.12.6 applies to such a representative.

“40.12.19. The permanent board shall advise the chief electoral officer of its final decisions immediately and the chief electoral officer shall forthwith correct the permanent list of electors accordingly.

“DIVISION III

“SUSPENSION OF PROCEEDINGS AND END OF TERM

“40.12.20. The issue of an order instituting a by-election suspends the proceedings of the permanent board in respect of the electoral division concerned until the date of publication of the notice referred to in section 380.

“40.12.21. The issue of a writ instituting a referendum suspends the proceedings of the permanent board until the date of publication of the notice referred to in section 380 of Appendix 2 to the Referendum Act (chapter C-64.1).

“40.12.22. From 1 September of the calendar year in which a regular election is to be held under the Act respecting elections and referendums in municipalities (chapter E-2.2) or, in the case of a by-election, from the date of publication of a public notice of election, the proceedings of the permanent board are suspended in respect of the territory concerned until the date of publication of the notice referred to in section 260 of that Act.

In the case of a referendum under that Act, the proceedings of the permanent board are suspended, in respect of the territory concerned, from the date on which the chief electoral officer transmits to the clerk or the secretary-treasurer a list of the electors whose names are entered on the permanent list of electors until

(1) the date of the sitting referred to in the third paragraph of section 532 of that Act, the date of the reading referred to in section 556 of that Act or the date of publication of the notice referred to in the second paragraph of section 559 of that Act, if no referendum is held ; or

(2) the date of the tabling of the statement of the final results referred to in section 578 of that Act, if a referendum is held.

“40.12.23. The publication of the public notice referred to in section 42 of the Act respecting school elections (chapter E-2.3) suspends the proceedings of the permanent board in respect of the territory concerned until the date of publication of the notice referred to in section 163 of that Act.

The filing of the list of electors pursuant to section 347 of the Education Act (chapter I-13.3) suspends the proceedings of the permanent board in respect of the territory concerned until the date of the tabling provided for in section 351 of that Act.

“40.12.24. The issue of an order instituting a general election terminates the term of office of the members of the permanent board, notwithstanding any other termination date indicated in their instrument of appointment.”

4. The heading of Division II of Chapter III of Title II.1 of the said Act is amended by inserting “*AD HOC*” before “REVISION”.

5. Section 40.38 of the said Act is amended by replacing “a revision” in the third line by “an *ad hoc* revision”.

6. Section 40.38.1 of the said Act, enacted by section 3 of chapter 52 of the statutes of 1998, is amended by replacing “Not later than 1 October” in the first line of the first paragraph by “Between 1 October and 1 November”.

7. Section 51 of the said Act is amended by adding the following paragraph at the end :

“Where an application for a name change is received by the chief electoral officer after the issue of an order instituting an election, the change cannot take effect until the date of the publication of the notice referred to in section 380.”

8. Section 259.7 of the said Act, enacted by section 57 of chapter 52 of the statutes of 1998, is amended by replacing “three” in subparagraph 1 of the first paragraph by “five”.

9. Section 263 of the said Act is amended by replacing “336” in the second line by “335.1”.

10. Section 307 of the said Act is amended by adding the following paragraph at the end :

“In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”

11. Section 308 of the said Act is amended by inserting “, members of the identity verification panel” after “clerks” in the first line.

12. The said Act is amended by inserting the following section after section 312:

“312.1. The returning officer shall establish an identity verification panel for every place where a polling station is located. With the authorization of the chief electoral officer, more than one panel may be established.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. Sections 310 to 312 apply with the necessary modifications to the appointment of the panel members other than the chairman.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 337. Decisions are made by a majority vote.”

13. Section 313 of the said Act is amended by inserting “identity verification panel members,” after “list of the” in the second line of the first paragraph.

14. Section 324 of the said Act is amended by replacing “in alphabetical order, first, the surname and given name of the candidate of each authorized party and then those of the other candidates” in the first, second and third lines of the second paragraph by “the given name and surname of each candidate in alphabetical order”.

15. Section 333 of the said Act is amended by replacing “10:00 a.m. until 8:00 p.m.” by “9:30 a.m. until 8:30 p.m.”.

16. Section 335 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“335. Every employer shall ensure that every employee who is qualified to vote has at least four consecutive hours free to vote while the polling stations are open, not counting the time normally allowed for meals.

If an employee does not have such a period outside working hours, the employer shall grant the employee, at the time of day determined by the employer, the leave of absence required so that the employee may have four consecutive hours to vote.

No deduction of wages or penalty may be imposed on the employee by the employer by reason of the leave of absence.”

17. The said Act is amended by inserting the following after section 335 :

“Verification of identity of electors

“335.1. The officer in charge of information and order shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 337 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 337 in their possession.

“335.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name ;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members ;

(3) meet either of the following conditions :

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address ; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 337 ;

ii. attests to the identity and address of the elector ;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 205 ;

iv. produces a document referred to in the second paragraph of section 337 that bears his photograph ; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the

Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by regulation.

“335.3. No person may write down or otherwise record information contained in a document produced pursuant to section 335.2.

This section shall not operate to prevent the members of the identity verification panel from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced pursuant to section 335.2.

“335.4. Where an elector meets the conditions imposed by section 335.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.”

18. Section 337 of the said Act is amended by adding the following paragraphs at the end:

“In addition, each elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation of the Government after consultation with the advisory committee.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.”

19. The said Act is amended by inserting the following section after section 337:

“337.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 337.

This section shall not operate to prevent polling officers from recording, at the request of the chief electoral officer, for statistical purposes and without identifying electors, the type of document produced by electors.”

20. Section 338 of the said Act is amended

(1) by replacing “and if” in the third line of the first paragraph by “, if”;

(2) by adding “and if he has produced identification in accordance with section 335.2 or the second paragraph of section 337” at the end of the first paragraph.

21. Section 432 of the said Act is amended by striking out “to the office or residence of the returning officer, or” in the second line of the first paragraph.

22. Section 433 of the said Act is repealed.

23. Section 490 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the chief electoral officer shall first inform the authorized parties represented in the National Assembly of the decision he intends to make and shall use all necessary means to inform the other authorized parties, the candidates and the electors concerned of his decision.”

24. Section 494 of the said Act is amended by replacing “. He has no power, however, to punish a person for contempt of court” at the end of the first paragraph by “, except the power to order imprisonment”.

25. Section 549 of the said Act is amended

(1) by adding “and members of the permanent board of revisors” after “officers” in paragraph 1;

(2) by adding the following paragraph at the end:

“(4) determine, after consultation with the advisory committee, the documents issued by the Government or a government department or body or recognized by the Government that may be produced for the purposes of the second paragraph of section 337.”

26. The said Act is amended by inserting the following section after section 551.1:

“551.1.O.1. Every person who writes down or otherwise records information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337 is liable to a fine of \$500 to \$2,000.”

27. Section 551.2 of the said Act is amended by replacing “uses a list of electors for commercial purposes or for profit” in the first and second lines by “, for commercial purposes or for profit, uses a list of electors or any information contained in a document produced pursuant to section 335.2 or pursuant to the second paragraph of section 337”.

28. Section 553.1 of the said Act, amended by section 82 of chapter 52 of the statutes of 1998, is again amended by inserting “, produces a fraudulent document as identification” after “declaration” in the second line of paragraph 2.1.

29. The said Act is amended by inserting the following sections after section 572:

“572.1. Notwithstanding any general law or special Act, neither the chief electoral officer nor his employees may be compelled to give testimony relating to information obtained in the performance of their duties or to produce any document containing such information.

“572.2. No proceedings may be brought against the chief electoral officer or his employees by reason of an act or omission in good faith in the performance of their duties.

“572.3. No civil action may be instituted by reason of the publication of a report of the chief electoral officer or of the publication in good faith of an extract from or a summary of such a report.”

REFERENDUM ACT

30. Appendix 2 to the Referendum Act (R.S.Q., chapter C-64.1), amended by section 22 of chapter 8 of the statutes of 1997 and by sections 93 and 94 of chapter 52 of the statutes of 1998, is again amended

(1) by replacing “third” in the first paragraph of section 3 by “fifth” and by moving that paragraph to the end of the section;

(2) by inserting “represented” after “party” in section 132;

(3) by replacing sections 231.3 to 231.14 by the following:

“231.3

to

231.13

“231.14 Replace “candidate” in the second paragraph by “official delegate”.”;

(4) by replacing “fourth” in section 302 by “fifth”;

(5) by inserting the following section after section 312:

“312.1”;

(6) by replacing the paragraph relating to the second paragraph of section 490 by the following paragraph:

“Replace “authorized parties represented in the National Assembly” by “national committees” and “other authorized parties, the candidates” by “official delegates”,”;

(7) by adding the following at the end:

“SCHEDULE II Strike out “, 481, 499, 509, 529, 534”.

Replace “Election Act (Revised Statutes of Québec, chapter E-3.3)” by “Referendum Act”.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

31. Section 68 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 58 of chapter 23 of the statutes of 1995 and by section 18 of chapter 34 of the statutes of 1997, is again amended by inserting “member of an identity verification panel,” after “clerk,” in the third line.

32. The said Act is amended by inserting the following section after section 81:

“81.1. An identity verification panel shall be established for every place where a polling station is located.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer. In the case of a municipality described in section 77, sections 77 to 79 apply with the necessary modifications to the appointment of the panel members other than the chairman.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the third paragraph of section 215. Decisions are made by a majority vote.”

33. Section 190 of the said Act is amended by adding the following paragraph at the end:

“In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”

34. The said Act is amended by inserting the following sections after section 213:

“213.1. The returning officer shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 215 and are directed to the

identity verification panel if they indicate that they do not have any of the documents prescribed by section 215 in their possession.

“213.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name ;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members ;

(3) meet either of the following conditions :

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address ; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 215 ;

ii. attests to the identity and address of the elector ;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 131 ;

iv. produces a document referred to in the third paragraph of section 215 that bears his photograph ; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 335.2 of the Election Act.

“213.3. No person may write down or otherwise record information contained in a document produced pursuant to section 213.2.

“213.4. Where an elector meets the conditions imposed by section 213.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.”

35. Section 215 of the said Act is amended by adding the following paragraphs at the end:

“In addition, the elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the third paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.”

36. The said Act is amended by inserting the following section after section 215:

“215.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the third paragraph of section 215.”

37. Section 216 of the said Act is amended

(1) by replacing “and if” in the third line of the first paragraph by “, if”;

(2) by adding “and if he has produced identification in accordance with section 213.2 or the third paragraph of section 215” at the end of the first paragraph.

38. Section 545 of the said Act is amended

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

“The person must also produce identification in accordance with the third paragraph of section 215 or, failing that, establish his identity in accordance with section 213.2, which applies with the necessary modifications.”;

(2) by inserting “has established his identity,” after “person” in the first line of the last paragraph;

(3) by adding the following paragraph at the end:

“No person may write down or otherwise record information contained in a document produced pursuant to the second paragraph.”

39. The said Act is amended by inserting the following section after section 545 :

“545.1. The clerk or the secretary-treasurer may, if he considers it expedient, establish on the premises where the register is open for registration an identity verification panel for persons who present themselves pursuant to section 545 and cannot produce identification in accordance with the third paragraph of section 215. The panel shall be composed of three members, including a chairman, appointed in accordance with section 569. Sections 213.1 to 213.4 and the fourth paragraph of section 215 apply with the necessary modifications.”

40. Section 569 of the said Act is amended by replacing “and as poll clerk” by “, as poll clerk and as a member of an identity verification panel”.

41. Section 586 of the said Act , amended by section 42 of chapter 34 of the statutes of 1997, is again amended by inserting the following paragraph after paragraph 5 :

“(5.1) every person who, to be admitted to vote or to allow someone to vote or to make entries in the register pursuant to Chapter IV of Title II or to allow someone to make such entries, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person;”.

42. Section 631 of the said Act, amended by section 72 of chapter 23 of the statutes of 1995 and by section 43 of chapter 34 of the statutes of 1997, is again amended by inserting the following paragraph after paragraph 7 :

“(7.1) every person who writes down or otherwise records information contained in a document produced by an elector pursuant to section 213.2, the third paragraph of section 215, the second paragraph of section 545 or section 545.1 or uses such information for commercial purposes or for profit;”.

ACT RESPECTING SCHOOL ELECTIONS

43. Section 94 of the Act respecting school elections (R.S.Q., chapter E-2.3) is amended by adding the following paragraph at the end :

“In particular, the returning officer shall ensure that places where polling stations are located are arranged in such a manner that electors appearing before the identity verification panel do not hinder or delay the polling proceedings.”

44. Section 95 of the said Act is amended by adding the following sentence at the end: “The returning officer shall also appoint the members of identity verification panels.”

45. The said Act is amended by inserting the following section after section 97:

“97.1. An identity verification panel shall be established for every place where a polling station is located.

An identity verification panel is composed of three members, including a chairman, appointed by the returning officer.

The function of the panel members is to verify the identity of electors who have been unable to produce identification pursuant to the second paragraph of section 114. Decisions are made by a majority vote.”

46. The said Act is amended by inserting the following sections after section 112:

“112.1. The returning officer shall ensure that electors arriving at a place where a polling station is located are informed of the obligation to produce identification in accordance with section 114 and are directed to the identity verification panel if they indicate that they do not have any of the documents prescribed by section 114 in their possession.

“112.2. An elector who has been directed to the identity verification panel must, if he wishes to be admitted to vote,

(1) declare before the panel members that he is the elector whose name appears on the list of electors and is entitled to be entered on the list in respect of the address appearing opposite his name;

(2) sign the sworn statement provided for that purpose in the register kept by the panel members;

(3) meet either of the following conditions:

(a) produce at least two documents providing evidence of his name, including one that bears his photograph, or failing that, at least two documents which together provide evidence of his name and date of birth and of the address appearing on the list opposite his name or his domiciliary address; or

(b) be accompanied by a person who

i. identifies himself in accordance with the first paragraph of section 114;

ii. attests to the identity and address of the elector;

iii. declares that he has not accompanied any other elector other than his spouse or relative within the meaning of section 46;

iv. produces a document referred to in the second paragraph of section 114 that bears his photograph; and

v. signs a sworn statement provided for that purpose in the register kept by the panel members, which statement shall indicate his name, date of birth and address.

However, a document not bearing a photograph may be produced by a person accompanying an elector if that person resides in a location listed in Schedule I to the Regulation respecting forms and statements of fees under the Health Insurance Act (R.R.Q., 1981, chapter A-29, r.2) or in a locality referred to in section 7.8 of the Regulation respecting licences, made by Order in Council 1421-91 (1991, G.O. 2, 4146), is accompanying an elector who is entitled to vote in such a location or locality and meets the requirements determined by a regulation made under section 335.2 of the Election Act.

“112.3. No person may write down or otherwise record information contained in a document produced pursuant to section 112.2.

“112.4. Where an elector meets the conditions imposed by section 112.2, the chairman of the identity verification panel shall give the elector a certificate attesting that he has validly established his identity.”

47. Section 114 of the said Act is amended

(1) by inserting “and, where required, his date of birth” after “address” in the first line;

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

“In addition, the elector shall produce as identification, notwithstanding any inconsistent provision, his health-insurance card issued by the Régie de l’assurance-maladie du Québec, driver’s licence or probationary licence issued in plastic form by the Société de l’assurance automobile du Québec, Canadian passport or any other document that has been issued by the Government or a government department or body or recognized by the Government and is determined by regulation by the Government pursuant to paragraph 4 of section 549 of the Election Act.

Where an elector who has not been directed to the identity verification panel cannot produce identification in accordance with the second paragraph, the deputy returning officer shall invite the elector to submit his case to the members of the panel.”

48. The said Act is amended by inserting the following section after section 114:

“114.1. No person may write down or otherwise record information contained in a document produced by an elector pursuant to the second paragraph of section 114.”

49. Section 115 of the said Act is amended

(1) by replacing “and if” in the third line by “, if”;

(2) by replacing “and address correspond to those appearing on the list of electors” at the end by “, address and, where applicable, date of birth correspond to those appearing on the list of electors and if he has produced identification in accordance with section 112.2 or the second paragraph of section 114”.

50. Section 214 of the said Act is amended by replacing paragraph 4 by the following paragraph :

“(4) to be admitted to vote or to allow someone to vote, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person,”.

51. Section 215 of the said Act is amended by striking out “or” at the end of paragraph 2, adding “or” at the end of paragraph 3 and adding the following paragraph after paragraph 3 :

“(4) writes down or otherwise records information contained in a document produced pursuant to section 112.2 or the second paragraph of section 114 or makes use of such information for commercial purposes or for profit,”.

TRANSITIONAL PROVISIONS

52. Notwithstanding the time limit provided for in the last paragraph of section 40.12.2 of the Election Act, the first transmission of lists pursuant to that section must be effected within 30 days after the day this Act is assented to, unless an order instituting a general election is issued during that period.

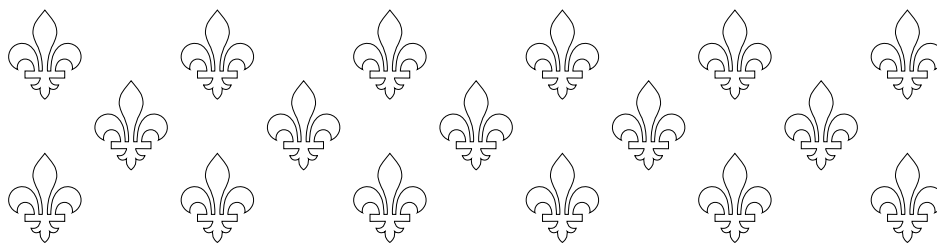
53. The provisions of sections 31 to 42 do not apply to a by-election held under the Act respecting elections and referendums in municipalities for which the public notice of election was published before 19 June 1999 or to a referendum for which the public notice referred to in section 539 of that Act was given before that date.

54. The provisions of sections 43 to 51 do not apply to a by-election held under the Act respecting school elections for which the public notice referred to in section 42 was published before 1 January 2000 or to a referendum held under the Education Act for which the public notice referred to in section 346 of that Act was given before that date.

55. The proceedings of the Commission de la représentation relating to the preparation of the preliminary report provided for in section 22 of the Election Act are suspended until 1 July 2000 and the time limit provided in that section is deferred to 1 January 2001.

FINAL PROVISION

56. This Act comes into force on 19 June 1999.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 4
(1999, chapter 16)

An Act respecting Immobilière SHQ

Introduced 17 March 1999
Passage in principle 19 May 1999
Passage 18 June 1999
Assented to 19 June 1999

Québec Official Publisher
1999

EXPLANATORY NOTES

This bill gives effect to the reform of the government accounting policies announced by the Minister of Finance in the Budget Speech of 31 March 1998 and establishes a housing authority to be known as Immobilière SHQ, a legal person with share capital established in the public interest.

The mission of the housing authority will be to acquire residential immovables, together with the related rights and obligations, in particular the immovables belonging to the Société d'habitation du Québec, and put them at the disposal of municipal housing bureaus and other non-profit organizations so that they may operate them. Its mission will include acquiring the rights and obligations arising from loans granted by the Société d'habitation du Québec to municipal housing bureaus or other non-profit organizations.

The bill establishes the rules of operation of the housing authority and contains financial provisions specifying the authorized capital of the housing authority and the manner in which the financial commitments it is authorized to make are to be fulfilled.

Lastly, the bill contains transitional and final provisions.

Bill 4

AN ACT RESPECTING IMMOBILIÈRE SHQ

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

CHAPTER I

ESTABLISHMENT AND MISSION

1. A housing authority to be known as “Immobilière SHQ” is hereby established.

The housing authority is a legal person with share capital and is a mandatory of the State.

2. The property of the housing authority forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The housing authority binds none but itself when it acts in its own name.

3. The mission of the housing authority is to acquire residential immovables, with the related rights and obligations, in particular the immovables belonging to the Société d’habitation du Québec, and, for consideration, put the immovables at the disposal of municipal housing bureaus and other non-profit organizations so that they may operate them.

A further mission of the housing authority is to acquire the rights and obligations arising from loans granted by the Société d’habitation du Québec to municipal housing bureaus or other non-profit organizations.

4. In the pursuit of its mission, the housing authority may

- (1) lease, construct, renovate, maintain and administer any immovable ;
- (2) alienate any immovable that belongs to it or charge that immovable with a real right ;
- (3) borrow to acquire, construct or renovate an immovable ;
- (4) assume any hypothec or charge affecting an immovable it acquires ;
- (5) grant loans, acquire and hold hypothecary or other claims, assign them or otherwise dispose of them.

5. The housing authority may, according to law, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.

The housing authority may also enter into an agreement with a department or body of the Government of Québec and with any person or body and participate with them in joint projects.

6. The provisions of Part II of the Companies Act (R.S.Q., chapter C-38), except those of sections 159 to 162, 179, 184, 189 and subsection 3 of section 196, and the provisions of sections 89.1 to 89.4 of Part I and of sections 123.87 to 123.89 of Part IA of that Act apply to the housing authority.

7. The by-laws of the housing authority are not subject to ratification by the shareholder.

CHAPTER II

ORGANIZATION AND OPERATION

8. The head office of the housing authority shall be located in the territory of the Communauté urbaine de Québec. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*.

9. The affairs of the housing authority shall be administered by a board of directors composed of not more than five members, appointed by the Government for a term of not more than three years.

On the expiry of their term, the members of the board of directors shall remain in office until replaced or reappointed.

10. The Government shall appoint the chair and vice-chair of the board of directors from among the members of the board.

The Government shall also appoint a secretary and determine the secretary's remuneration, employment benefits and other conditions of employment.

The chair shall call and preside at the meetings of the board of directors and shall ensure the proper conduct of the housing authority's operations. The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.

11. Any vacancy occurring in the course of the term of office of a member of the board of directors shall be filled in accordance with the rules of appointment set out in section 9, for the unexpired portion of the term of the member to be replaced.

Absence from the number of board meetings determined in the internal by-laws of the housing authority constitutes a vacancy in the cases and circumstances indicated therein.

12. The members of the board of directors shall receive no remuneration, except in such cases, on such conditions and to such extent as may be determined by the Government. They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

13. The board of directors may hold its meetings at any place in Québec.

14. The quorum at meetings of the board is the majority of its members, including the chair or the vice-chair.

Decisions of the board are made by a majority vote of the members present. In the case of a tie-vote, the chair of the meeting has a casting vote.

15. The minutes of the meetings of the board of directors, approved by it and certified by the chair or the secretary of the board, are authentic. The same applies to documents and copies emanating from the housing authority or forming part of its records, where so certified.

16. An intelligible print-out of a decision or of any other data stored by the housing authority in computerized or other electronic form is a document of the housing authority and constitutes proof of its contents where certified by the chair or the secretary.

17. No document binds the housing authority or may be attributed to it unless it is signed by the chair or the secretary.

The chair or the secretary may, by special written commission, authorize another person to sign a specific deed, document or writing in the name of the housing authority.

18. The internal by-laws of the housing authority may allow, subject to the conditions and on the documents determined therein, that a signature be affixed by means of an automatic device, that a signature be electronic or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 17.

The housing authority may, in its internal by-laws, fix the operating procedures of the board of directors and delegate to the chair or secretary any power vested in it.

CHAPTER III**FINANCIAL PROVISIONS**

19. The authorized share capital of the housing authority is \$15,000,000, divided into 150,000 shares having a par value of \$100 each.

20. The shares of the capital of the housing authority shall form part of the domain of the State and shall be allotted to the Minister of Finance.

21. The Minister of Finance may, with the authorization of the Government, pay to the housing authority out of the consolidated revenue fund the sum of \$15,000,000 for 150,000 fully paid shares of its share capital for which certificates shall be issued to the Minister of Finance.

The payment may be made in one or more instalments; if it is made in more than one instalment, each must be authorized by the Government.

22. After a reduction of the share capital of the housing authority and an equivalent repayment of capital, made to the Minister of Finance under the Act respecting the reduction of the share capital of legal persons established in the public interest and of their subsidiaries (R.S.Q., chapter R-2.2.1), the Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, subscribe for shares of the housing authority for an amount that shall not exceed the amount of the repayment. The shares shall be paid out of the consolidated revenue fund. Certificates shall be issued when the shares are fully paid.

23. The housing authority may, by regulation, determine the consideration to be paid by municipal housing bureaus and other non-profit organizations for the use of its immovables.

The regulation shall be submitted to the Government for approval.

24. The housing authority shall finance its operations out of the consideration paid by municipal housing bureaus and other non-profit organizations for the use of its immovables, interest earned on loans, revenue on investments and the other monies it receives.

25. The Government may, subject to the conditions it determines,

(1) guarantee the payment of the principal of and interest on any loan contracted by the housing authority and the performance of its obligations;

(2) make any commitment in respect of the pursuit or financing of an initiative in which the housing authority is a participant;

(3) authorize the Minister of Finance to advance to the housing authority any amount considered necessary for the pursuit of its mission.

The sums required for the purposes of this section shall be taken out of the consolidated revenue fund.

26. The revenues of the housing authority and the amounts recovered by it as repayment of the loans transferred to it must be allocated to the repayment of its loans and other obligations and of advances made by the Minister of Finance for the pursuit of its mission.

27. For the purposes of the Act respecting insurance (R.S.Q., chapter A-32), the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2), the Savings and Credit Unions Act (R.S.Q., chapter C-4.1), the Act respecting trust companies and savings companies (R.S.Q., chapter S-29.01), the Cooperatives Act (R.S.Q., chapter C-67.2), the Act respecting security fund corporations (R.S.Q., chapter C-69.1), the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1), the Act respecting the sociétés d'entraide économique (R.S.Q., chapter S-25.1), regulations made under the said Acts and article 1339 of the Civil Code, titles of indebtedness issued by the housing authority, and which are covered by loan insurance issued under the National Housing Act (Revised Statutes of Canada, 1985, chapter N-11), are considered to be bonds or other titles of indebtedness issued or guaranteed by Canada, Québec or another province of Canada.

CHAPTER IV

ACCOUNTS AND REPORTS

28. The fiscal year of the housing authority ends on 31 December.

29. The housing authority shall, not later than 30 June each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

The financial statements and report of operations must contain all the information required by the Minister.

30. The Minister shall table the report of operations and financial statements of the housing authority in the National Assembly within 15 days of receiving them or, if it is not sitting, within 15 days of resumption.

31. The books and accounts of the housing authority shall be audited by the Auditor General each year and whenever so ordered by the Government.

The auditor's report must be submitted with the report of operations and the financial statements of the housing authority.

32. The housing authority shall communicate to the Minister any information required by the Minister concerning its operations.

CHAPTER V**TRANSITIONAL AND FINAL PROVISIONS**

33. The residential immovables belonging to the Société d'habitation du Québec and the rights and obligations arising from the loans granted by it to municipal housing bureaus or other non-profit organizations shall, from 1 January 2000, be transferred to Immobilière SHQ on such conditions as may be determined by the Government.

Immobilière SHQ shall acquire all the rights and assume all the obligations of the Société d'habitation du Québec in respect of the property so transferred, including the rights and obligations arising from the loans contracted by the Société d'habitation du Québec to finance the completion of those immovables or to grant those loans.

Proceedings to which the Société d'habitation du Québec is a party in relation to that property are continued by Immobilière SHQ without continuance of suit.

34. Immobilière SHQ shall remit to the Minister of Finance, subject to the terms and conditions determined by the Minister of Finance, an amount equal to its accumulated assets as at 1 January 2000 and to the advances paid by the Government on that date. The Minister shall subscribe and pay for shares of the housing authority for an amount equivalent to that amount and for which certificates shall be issued.

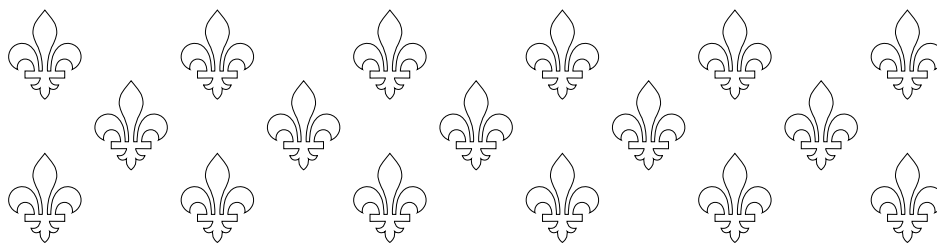
35. The guarantee of the Government in respect of the repayment of the principal of and the interest on and of the costs and other accessories of any loan contracted by the Société d'habitation du Québec for the financing of the immovables transferred to Immobilière SHQ or for the granting of loans to municipal housing bureaus or other organizations remains without change or novation in respect of any beneficiary of that guarantee.

36. A transfer of property made pursuant to section 33 shall be registered in the land register on presentation of a declaration describing the transfer, referring to this Act and including the description of the immovables so transferred.

37. The provisions of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) do not apply to a transfer made to Immobilière SHQ by the Société d'habitation du Québec pursuant to this Act.

38. The Minister of Municipal Affairs and Greater Montréal is responsible for the administration of this Act.

39. The provisions of this Act come into force on the date or dates to be fixed by the Government, which may not be later than 1 January 2000.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 7
(1999, chapter 17)

**An Act to amend the Act respecting the
Conseil supérieur de l'éducation in
order to establish the advisory
committee on the financial accessibility
of education**

**Introduced 15 April 1999
Passage in principle 5 May 1999
Passage 17 June 1999
Assented to 19 June 1999**

**Québec Official Publisher
1999**

EXPLANATORY NOTES

This bill amends the Act respecting the Conseil supérieur de l'éducation in order to establish the advisory committee on the financial accessibility of education.

The advisory committee will be responsible for advising the Minister of Education on any matter submitted by the Minister in respect of financial assistance programs, tuition fees, admission or registration fees for educational services and other fees relating to such services, as well as any measures or policies that may affect the financial accessibility of education.

In addition, the bill provides that the Minister of Education is required to submit to the advisory committee for advice every draft regulation relating to the financial assistance programs, every condition the Minister intends to include in the budgetary rules and every directive the Minister intends to give to educational institutions in respect of those fees.

Bill 7

AN ACT TO AMEND THE ACT RESPECTING THE CONSEIL SUPÉRIEUR DE L'ÉDUCATION IN ORDER TO ESTABLISH THE ADVISORY COMMITTEE ON THE FINANCIAL ACCESSIBILITY OF EDUCATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The preamble to the Act respecting the Conseil supérieur de l'éducation (R.S.Q., chapter C-60) is amended by adding, at the end, “, and an advisory committee to advise the Minister on the financial accessibility of education”.

2. Section 6 of the said Act is amended by inserting “referred to in section 15” after “Council” in the first line.

3. Section 11 of the said Act is amended by replacing the second paragraph by the following paragraph :

“The Council shall meet at least ten times a year.”

4. Section 12 of the said Act is amended by inserting “referred to in section 15” after “committees” in the second line of the second paragraph.

5. The said Act is amended by inserting, after section 23, the following sections :

“23.1. An advisory committee on the financial accessibility of education is hereby established.

“23.2. The advisory committee is composed of seventeen members, including a chair, appointed by the Government after consultation with groups representing students, the staff of educational institutions and socio-economic circles :

(1) one member is a student at the secondary level in vocational education ;

(2) two members are students at the college level, one in a program of technical studies and the other in a program of pre-university studies ;

(3) four members are university students, one at the undergraduate level, one at the Master's level, one at the Doctoral level and one in a continuing education program ;

(4) one member is a teacher;

(5) five members are persons assigned to administrative functions, two in a general and vocational college and the others in an educational institution at the university level;

(6) three members are persons representing socio-economic groups;

(7) one member is a public servant at the Ministère de l'Éducation.

A public servant of the Ministère de l'Éducation cannot be appointed chair of the advisory committee.

“23.3. The members of the advisory committee are appointed for a term of not more than four years.

At the expiry of their term, the members of the advisory committee remain in office until reappointed or replaced.

The term of a member of the advisory committee may be renewed only once.

“23.4. The advisory committee is responsible for advising the Minister of Education on every matter submitted to the committee by the Minister in respect of

(1) financial assistance programs established by the Act respecting financial assistance for education expenses (chapter A-13.3);

(2) tuition fees, admission or registration fees for educational services and other fees relating to such services;

(3) measures or policies that may affect the financial accessibility of education.

“23.5. The advisory committee may

(1) refer to the Minister any question concerning a matter coming under the jurisdiction of the committee;

(2) cause studies and research to be carried out;

(3) solicit and receive observations and suggestions from individuals or groups.

“23.6. The advisory committee may adopt rules of internal management, which shall be submitted to the Council for approval.

“23.7. The Minister must seek the advice of the advisory committee on every draft regulation respecting the financial assistance programs referred to in paragraph 1 of section 23.4.

The Minister must also seek the advice of the advisory committee on every condition the Minister intends to include in the budgetary rules and on every directive the Minister intends to give to educational institutions in respect of the matters referred to in paragraph 2 of section 23.4.

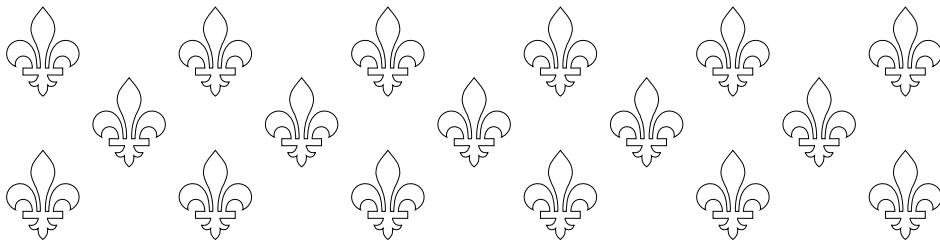
“23.8. The Minister shall transmit to the Council every request for advice made to the advisory committee by the Minister.

The Minister shall indicate the time within which the advice of the advisory committee must be transmitted to the Minister. That time shall not be less than thirty days.

If the advisory committee fails to transmit its advice within the time indicated, the Minister’s obligations under section 23.7 shall cease.”

6. Section 27 of the said Act is amended by inserting “, 23.3” after “18” in the first line.

7. This Act comes into force on 19 June 1999.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 8
(1999, chapter 18)

An Act respecting the leasing of part of the water power of the Shipshaw river

Introduced 18 March 1999
Passage in principle 4 May 1999
Passage 18 June 1999
Assented to 19 June 1999

Québec Official Publisher
1999

EXPLANATORY NOTE

The object of this bill is to authorize the Minister of Natural Resources, in accordance with section 3 of the Watercourses Act, to lease part of the water power of the Shipshaw river to Abitibi-Consolidated Inc. The bill determines the term of the lease, provides for its possible renewal and sets out the conditions of the lease, including the obligation for the lessee to make developmental manufacturing investments in the Saguenay—Lac-Saint-Jean administrative region. The bill also determines the royalties to be paid by the lessee according to the quantity of electricity generated by the leased water power.

LEGISLATION REPEALED BY THIS BILL :

– Act respecting the leasing of part of the water-powers of the Shipshaw River (1950-51, chapter 26).

Bill 8

AN ACT RESPECTING THE LEASING OF PART OF THE WATER POWER OF THE SHIPSHAW RIVER

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Minister of Natural Resources is authorized to lease to Abitibi-Consolidated Inc., as provided for by this Act and subject to conditions considered by the Minister to be in keeping with the interests of Québec,

(1) the water power of that section of the Shipshaw river lying between the prolongation in that river of the north-east limit of range IV East of the original survey of the township of Falardeau and the south-west limit of Bloc B of the original survey of the Shipshaw river basin ;

(2) the right to use such water power by diverting the flow of the Shipshaw river, especially through lake Jim Gray, to the south limit of Bloc F of the original survey of the township of Falardeau.

2. The lessee is authorized to operate, maintain and rebuild the dams and other works erected for the exploitation of the water power referred to in section 1.

The plans and specifications for the rebuilding of such dams and works require the prior approval of the Government.

3. The lease shall be for a term of 10 years beginning on 1 January 2002 and may be renewed for a further 10-year term.

4. By the end of the lease, the lessee must have made developmental manufacturing investments in the Saguenay—Lac-Saint-Jean administrative region which translated into their present value in 1998 using an annual rate of 10% total at least \$390,000,000, exclusive of investments made for the purposes of production or transportation of electricity. Investments made after 14 April 1998 are eligible investments for the purposes of this provision.

Should such investments fall short of the required amount, the lessee shall pay to the Minister of Natural Resources, not later than 1 October 2012, an amount which translated into its future value in 2012 using an annual rate of 10% is equal to 20% of the difference between \$390,000,000 in 1998 and the present value in 1998 of investments made between 14 April 1998 and 31 December 2011, discounted at an annual rate of 10%.

5. If the lease is renewed, the lessee must make, during the term of the renewal, investments of the same nature as those referred to in section 4, in the same region, which translated into their present value in 2002 using an annual rate of 10% total at least \$150,000,000.

Should such investments fall short of the required amount, the lessee shall pay to the Minister of Natural Resources, before 1 October 2022, an amount which translated into its future value in 2022 using an annual rate of 10% is equal to 20% of the difference between \$150,000,000 in 2002 and the present value in 2002 of investments made during the term of the renewal, discounted at an annual rate of 10%.

6. Upon signing the lease, the lessee shall pay to the Minister of Natural Resources the sum of \$3,332,388.

7. In addition to the charge payable under section 68 of the Watercourses Act (R.S.Q., chapter R-13), the lessee is required to pay to the Minister of Natural Resources a royalty equivalent to the royalty determined under the *Politique concernant l'octroi et l'exploitation des forces hydrauliques du domaine public pour les centrales hydroélectriques de 25 MW et moins* or any policy that may have replaced that policy.

8. The lease shall determine rules governing the sale of electricity generated by the water power referred to in section 1 and not consumed by the plants operated by the lessee in the Saguenay—Lac-Saint-Jean administrative region as well as rules governing payment to the Minister of Natural Resources of part of the sale proceeds.

9. In addition to such grounds as may be stipulated in the lease, the following circumstances are grounds for cancellation of the lease by the Minister without any further formality or compensation :

(1) the closing of any of the plants operated by the lessee on 19 June 1999 in the Saguenay—Lac-Saint-Jean administrative region ; or

(2) total consumption by the plants operated by the lessee in that region remaining, for three consecutive years, below 50% of the generating capacity of the water power referred to in section 1.

10. For the purposes of the determination of investments eligible under sections 4 and 5, the lessee shall, not later than 1 April 2003, provide to the Minister of Natural Resources audited and detailed financial data, prepared in keeping with generally accepted accounting principles, concerning the manufacturing investments made by the lessee between 14 April 1998 and 31 December 2002.

From 1 April 2004, the lessee shall provide annually to the Minister such financial data concerning the manufacturing investments made by the lessee in the course of the preceding year.

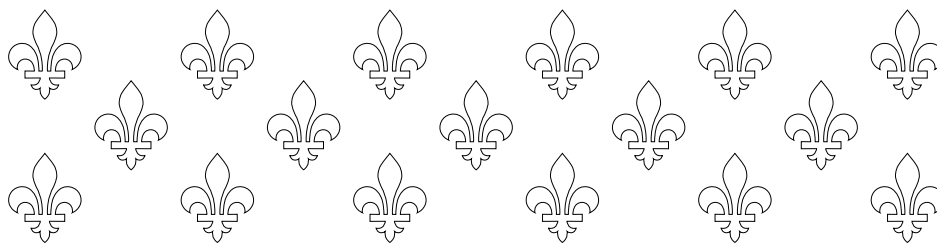
11. The lessee may not assign, transfer or otherwise alienate the rights granted under this Act unless it has obtained authorization from and complied with the conditions determined by the Government.

12. The lessee shall be liable for any damage attributable to operations and work carried out under this Act.

13. On the expiry of the lease or of its term of renewal, or in the event of cancellation of the lease, ownership of the works and improvements used for the exploitation of the water power referred to in section 1 shall, unless waived by the Government, be transferred to the State without any indemnity or compensation.

14. The Act respecting the leasing of part of the water-powers of the Shipshaw River (1950-51, chapter 26) is repealed.

15. This Act comes into force on 19 June 1999, except section 14, which comes into force on 1 January 2002.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 17
(1999, chapter 19)

An Act to amend the Education Act for Cree, Inuit and Naskapi Native Persons

Introduced 20 April 1999
Passage in principle 5 May 1999
Passage 17 June 1999
Assented to 19 June 1999

Québec Official Publisher
1999

EXPLANATORY NOTES

This bill amends the Education Act for Cree, Inuit and Naskapi Native Persons to provide that the designation of a commissioner by the Cree Regional Authority will be made by means of an election by the members of the Cree Regional Authority and that the Cree School Board will be authorized to regulate the election procedure.

The bill also provides that the commissioner elected by the Cree Regional Authority will be ex officio the chairman of the Cree School Board.

LEGISLATION AMENDED BY THIS BILL :

– Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14).

Bill 17

AN ACT TO AMEND THE EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 579 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by replacing paragraph 2 by the following paragraph :

“(2) the Cree Regional Authority shall elect one commissioner from among its members.”

2. Section 580 of the said Act is amended by adding “referred to in paragraph 1 of section 579” at the end of the second paragraph.

3. Section 581 of the said Act is amended by striking out the second paragraph.

4. Section 582 of the said Act is amended

(1) by inserting “referred to in paragraph 1 of section 579” after “commissioners” in the second line ;

(2) by adding the following paragraph at the end :

“The school board may, by by-law, regulate the procedure for the election of the commissioner referred to in paragraph 2 of section 579.”

5. Section 582.1 of the said Act is replaced by the following section :

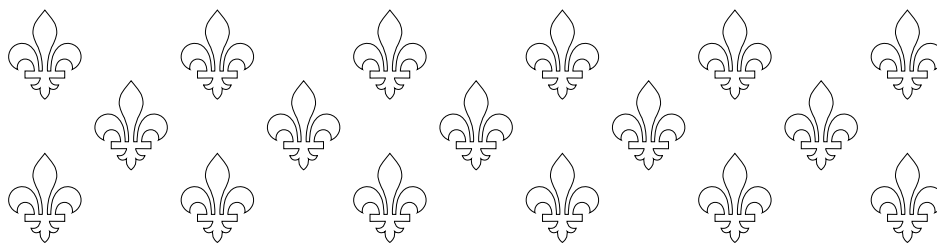
“582.1. The commissioner referred to in paragraph 2 of section 579 is ex officio the chairman of the school board.

The council of commissioners shall designate a vice-chairman from among its members. The term of office of the vice-chairman is one year and may be renewed.”

6. The chairman of the Cree School Board and the commissioner designated by the Cree Regional Authority who are in office on 18 June 1999 remain in office until the first election, held pursuant to paragraph 2 of section 579 of the Education Act for Cree, Inuit and Naskapi Native Persons enacted by

section 1. The election shall be held within 12 months from 19 June 1999, on the date fixed by the council of commissioners of the Cree School Board.

7. This Act comes into force on 19 June 1999.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 20
(1999, chapter 20)

**An Act to amend the Act respecting
liquor permits and the Act respecting the
Régie des alcools, des courses et des jeux**

**Introduced 11 May 1999
Passage in principle 27 May 1999
Passage 17 June 1999
Assented to 19 June 1999**

**Québec Official Publisher
1999**

EXPLANATORY NOTES

This bill amends the Act respecting liquor permits to introduce the obligation for the Régie des alcools, des courses et des jeux to consider certain aggravating factors when sanctioning offences involving the presence in an establishment of alcoholic beverages acquired otherwise than in accordance with the proper permits. Consequently, the bill repeals the legislative provision authorizing the board to make regulations to sanction such offences.

This bill also amends the Act respecting liquor permits to allow alcoholic beverages to be served in the passenger terminal at the Québec/Jean-Lesage International Airport without restriction as to time.

Lastly, the bill amends the Act respecting the Régie des alcools, des courses et des jeux to better harmonize the decision-making process of the board with the one established in the Act respecting administrative justice.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting liquor permits (R.S.Q., chapter P-9.1) ;
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1).

Bill 20

AN ACT TO AMEND THE ACT RESPECTING LIQUOR PERMITS AND THE ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LIQUOR PERMITS

1. Section 65 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by replacing “at the Dorval and Mirabel international airports” by “in the passenger terminals at the Montréal Dorval and Mirabel International Airports and at the Québec/Jean-Lesage International Airport”.

2. Section 86 of the said Act, amended by section 875 of chapter 43 of the statutes of 1997 and by section 38 of chapter 51 of the statutes of 1997, is again amended by adding the following paragraph at the end :

“In determining the administrative sanction for a contravention of section 72.1, the board shall consider in particular the following aggravating factors :

(a) the quantity of alcoholic beverages or the number of video lottery machines involved ;

(b) the fact that the alcoholic beverages involved are of bad quality or unfit for consumption ;

(c) the fact that the alcoholic beverages involved were made fraudulently or are adulterated ;

(d) the fact that the permit holder involved contravened section 72.1 in the five preceding years ;

(e) the fact that the alcoholic beverages are not marketed by the Société des alcools du Québec and are not made, bottled or delivered in accordance with a permit issued under the Act respecting the Société des alcools du Québec (chapter S-13).”

3. Section 114 of the said Act, amended by section 52 of chapter 51 of the statutes of 1997, is again amended by striking out paragraph 14.1.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES ET
DES JEUX

4. Sections 31 and 32 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1), amended by sections 573 and 574, respectively, of chapter 43 of the statutes of 1997, are again amended by striking out “evidence and”.

5. Section 32.1 of the said Act, enacted by section 57 of chapter 51 of the statutes of 1997 and amended by section 49 of chapter 79 of the statutes of 1997, is again amended by replacing that part of the first paragraph after “person concerned” by “in writing as provided in section 5 of the Act respecting administrative justice (1996, chapter 54) and allow the person at least 20 days to present observations and to file an application to meet, alone or accompanied, with the board. The notice must be accompanied with a copy of the documents upon which it is based.”

6. Section 32.2 of the said Act, enacted by section 57 of chapter 51 of the statutes of 1997 and amended by section 50 of chapter 79 of the statutes of 1997, is repealed.

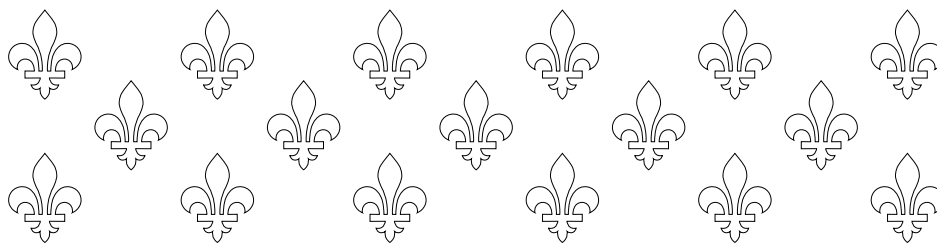
7. Section 32.4 of the said Act, enacted by section 57 of chapter 51 of the statutes of 1997, is repealed.

8. Section 33 of the said Act, amended by section 58 of chapter 51 of the statutes of 1997 and section 51 of chapter 79 of the statutes of 1997, is repealed.

9. Section 39 of the said Act, amended by section 577 of chapter 43 of the statutes of 1997 and section 61 of chapter 51 of the statutes of 1997, is again amended by replacing the second paragraph by the following paragraph :

“The decision is executory once the persons concerned have received a copy of it or from the time indicated therein, provided that the persons concerned have previously received a copy or that they have been otherwise notified. In cases of suspension or revocation of a permit or authorization issued under the Act respecting liquor permits (chapter P-9.1), notification of the decision may be made to any reasonable person working in the establishment to which the permit applies.”

10. This Act comes into force on 19 June 1999.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 23
(1999, chapter 21)

An Act to amend the Act respecting the Communauté urbaine de Montréal

Introduced 29 April 1999
Passage in principle 1 June 1999
Passage 18 June 1999
Assented to 19 June 1999

**Québec Official Publisher
1999**

EXPLANATORY NOTE

This bill amends the Act respecting the Communauté urbaine de Montréal to allow the Community to regulate road service and vehicle towing on the thoroughfares in its territory that are not under the management of the Minister of Transport.

Bill 23

AN ACT TO AMEND THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 121 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 64 of chapter 31 of the statutes of 1998, is again amended by inserting the following paragraph after paragraph 5 :

“(5.1) road service and vehicle towing;”.

2. The said Act is amended by inserting the following subdivision after section 158.4 :

“§5.1. — *Road service and vehicle towing*

“158.5. The Community may regulate road service and vehicle towing in any part of its territory not covered by a regulation made by the Government for that purpose under the Act respecting the Ministère des Transports (chapter M-28).

To regulate road service and vehicle towing, the Community may, by by-law,

(1) require that the appropriate permit issued by the Community be held by persons operating or using a road service vehicle in its territory ;

(2) establish classes of permits based on the classes of road service vehicles established under subparagraph 6 ;

(3) determine the qualifications and knowledge required of applicants for a permit, the term and other conditions applying to the issue and renewal of permits, and the information and documents to be provided by applicants ;

(4) determine the subject matter for the examinations to be taken by all permit applicants, the nature of the examinations and the pass mark ;

(5) determine the grounds on which the issue or renewal of permits may be refused, or on which permits may be suspended or revoked ;

(6) establish classes of road service vehicles and set out the characteristics of each class;

(7) prescribe, for each class of road service vehicle, the mandatory accessories, apparatus and equipment for the vehicles in that class;

(8) fix, according to the classes of towed vehicles it determines, the rates that may be charged by permit holders;

(9) prescribe the obligations of permit holders including, in particular, the manner in which permit holders are to conduct themselves when dealing with customers;

(10) prescribe the books, registers and records to be kept by permit holders.

“158.6. The Community may enter into a contract with any person to entrust the person with the provision of road service and vehicle towing services, in any part of its territory not covered by a regulation made by the Government under section 12.1.1 of the Act respecting the Ministère des Transports (chapter M-28), for any vehicle that obstructs traffic or constitutes a hazard on a public road.

Where a by-law made under section 158.5 is in force, the contract referred to in the first paragraph may be entered into only with a holder of the appropriate permit. The contract may, however, contain stipulations that depart from the provisions of the by-law adopted under subparagraphs 7 to 10 of the second paragraph of that section.

The road service and vehicle towing services in respect of which a contract is entered into under this section may be provided, where the vehicle no longer obstructs traffic or no longer constitutes a hazard on the public road, by a person other than the person authorized under the contract.

“158.7. An inspector responsible for the application of a by-law made under section 158.5 may, in performing the duties of an inspector, enter a building or on land at any reasonable time and inspect any vehicle, accessory, apparatus or equipment to which the by-law applies.

The inspector may examine the books, registers and records of any person operating or using a road service vehicle in any part of the territory of the Community in which the by-law applies, and make copies of the books, registers and records. The inspector may, in addition, require any information to be furnished relating to the application of the by-law.

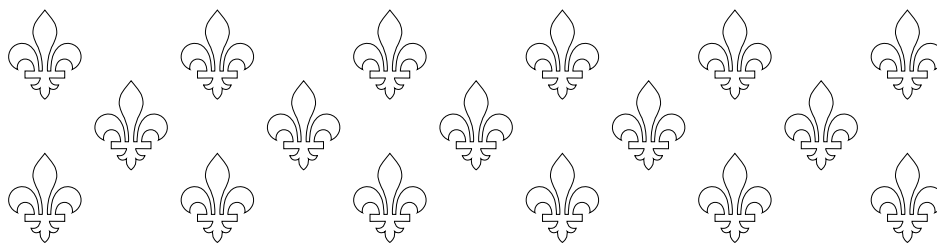
“158.8. No person may hinder an inspector in the performance of an inspector's duties. In particular, no person may deceive or attempt to deceive an inspector by concealment or false declarations.

On demand, the inspector must produce identification and a certificate of appointment as an inspector, signed by the head of the department or the person responsible for the administrative unit to which the inspector is attached.

“158.9. Every person who provides the road service or vehicle towing services covered by a contract under section 158.6 without being authorized to do so under such a contract is guilty of an offence.

“158.10. The Community may, by by-law, prescribe that an offence under section 158.8 or 158.9 entails the penalty prescribed in the by-law, which may not exceed the amounts fixed under the second paragraph of section 69.”

3. This Act comes into force on 19 June 1999.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 24
(1999, chapter 22)

An Act to amend the Automobile Insurance Act and other legislative provisions

Introduced 28 April 1999
Passage in principle 13 May 1999
Passage 18 June 1999
Assented to 19 June 1999

**Québec Official Publisher
1999**

EXPLANATORY NOTES

This bill amends the Automobile Insurance Act principally so as to revise the public plan for the compensation of victims of road accidents.

The maximum indemnity for non-pecuniary damage is increased from \$138,445 to \$175,000 and compensation will henceforth be claimable for pain and suffering and other temporary consequences of accidents. As well, the indemnity payable to a victim who dies without dependants is increased from \$18,420 to \$40,000.

The conditions for eligibility for a care expense indemnity are relaxed and adjustments are made to better reflect the economic loss sustained by victims.

The rules governing the compensation of property damage are amended so as to clarify conditions for eligibility. New financial provisions are introduced to provide explicitly for the use of investment income as a source of financing and to authorize the Société de l'assurance automobile du Québec, with the approval of the Government, to use unappropriated surpluses to grant rebates on insurance contributions. Rules governing the payment of the cost of health services required as a result of automobile accidents are also included in the bill.

LEGISLATION AMENDED BY THIS BILL :

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5).

Bill 24

AN ACT TO AMEND THE AUTOMOBILE INSURANCE ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 11 of the Automobile Insurance Act (R.S.Q., chapter A-25) is amended by replacing “grant an extension to an applicant who, owing to extraordinary circumstances, was unable to act within the prescribed time” in the second paragraph by “allow an applicant to apply for compensation after the prescribed time if the applicant was unable, for serious and valid reasons, to act sooner”.

2. Section 22 of the said Act is repealed.

3. Section 26 of the said Act is amended by striking out “and shall not be less than the indemnity the victim was receiving, if such was the case, at the end of the one hundred and eightieth day after the accident” in the third paragraph.

4. Section 29.1 of the said Act is amended by adding “but not beyond the date scheduled, at the time of the accident, for the completion of current studies” at the end of the first paragraph.

5. Section 30 of the said Act is amended

(1) by adding “but not beyond the date scheduled, at the time of the accident, for the completion of current studies” at the end of the second paragraph;

(2) by striking out the third and fourth paragraphs.

6. Section 36.1 of the said Act is amended by adding “but not beyond the end of the school year in which he reaches 16 years of age” at the end of the first paragraph.

7. Section 37 of the said Act is amended

(1) by adding “but not beyond the end of the school year in which he reaches 16 years of age” at the end of the second paragraph;

(2) by striking out “section 38 or” in the fourth paragraph.

8. Section 42 of the said Act is amended by replacing “sections 21 and 22” in the fourth paragraph by “section 21”.

9. Section 50 of the said Act is amended by adding the following paragraph at the end:

“Where, following an examination required under section 83.12, the victim is informed by the Société that he is no longer entitled to an income replacement indemnity, the period determined under the second paragraph only begins on the date of the Société’s decision.”

10. Section 63 of the said Act is replaced by the following section:

“63. The spouse of a victim on the date of the victim’s death is entitled to a lump sum indemnity equal to the greater of

(1) the amount obtained by multiplying the gross income used in computing the income replacement indemnity to which the victim was entitled on the one hundred and eighty-first day after the accident, or would have been entitled to on that date if he had survived but had been unable to hold any employment by reason of the accident, by the factor appearing in Schedule I opposite the age of the victim on the date of his death; and

(2) \$49,121.

If the spouse was disabled on the date of the victim’s death, the indemnity amount referred to in subparagraph 1 of the first paragraph is determined on the basis of the factors appearing in Schedule II.”

11. Sections 64 and 65 of the said Act are repealed.

12. Section 68 of the said Act is amended by replacing “provided for by section 63, 64 or 65, as the case may be,” by “provided for by section 63”.

13. Section 69 of the said Act is replaced by the following section:

“69. If the victim is a minor and has no dependants on the date of his death, his mother and father are entitled to equal shares of a lump sum indemnity of \$40,000. If one of the parents is deceased, has been deprived of parental authority or has abandoned the victim, the share of that parent accrues to the other parent. If both parents are deceased, the indemnity shall be paid to the victim’s succession except where the property of the succession is to be taken by the State.

If the victim is of full age and has no dependants on the date of his death, the indemnity shall be paid to his succession except where the property of the succession is to be taken by the State.”

14. Division III of Chapter III of Title II of the said Act is repealed.

15. Chapter IV of Title II of the said Act is replaced by the following chapter:

“CHAPTER IV

“NON-PECUNIARY DAMAGE INDEMNITY

“73. For loss of enjoyment of life, pain, mental suffering and other consequences of the temporary or permanent injuries or functional or cosmetic sequelae that a victim may suffer following an accident, a victim is entitled, to the extent determined by regulation, to a lump sum indemnity not exceeding \$175,000 for non-pecuniary damage.

“74. No indemnity is payable if the victim dies within 24 hours after the accident.

“75. If the victim dies more than 24 hours but within 12 months after the accident, the indemnity that may be paid is the indemnity fixed by regulation for the compensation of bodily injury.

“76. The indemnity shall be determined by the Société on the basis of the amounts in force on the date of the decision.”

16. Section 79 of the said Act is amended by replacing the second and third paragraphs by the following paragraphs:

“The Société shall determine, subject to the conditions and in accordance with the computation method prescribed by regulation, the personal home assistance needs of the victim and the amount of the reimbursement. Expenses are reimbursed on presentation of vouchers, but no reimbursement may exceed \$614 per week.

In the cases and subject to the conditions prescribed by regulation, the Société may replace the reimbursement of expenses by an equivalent weekly allowance.”

17. Section 83 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs:

“83. A victim who, by reason of the accident, has become unable to care for a child under 16 years of age or for a person ordinarily unable, for any reason whatever, to hold any employment is entitled, if the victim is not already receiving an indemnity under section 80, to the reimbursement of expenses incurred for the care of that child or person.

Entitlement to the reimbursement is maintained when the victim regains the ability to care for the child or person but cannot do so for a time because the victim must

(1) receive medical or paramedical care; or

(2) undergo an examination by a health professional, as required by the Société.”;

(2) by replacing “est également incapable de” in the fourth line of the fifth paragraph of the French text by “ne peut non plus”.

18. Section 83.5 of the said Act is replaced by the following section :

“83.5. A victim who undergoes an examination as required by the Société is entitled to the reimbursement of lodging and transportation expenses.

As well, a victim who must be absent from work for a time to receive medical or paramedical care by reason of the accident or to undergo an examination as required by the Société is entitled to an indemnity for any resulting loss of salary.

A person who accompanies a victim whose physical or mental condition or age so requires when the victim must receive medical or paramedical care or undergo an examination as required by the Société is entitled to an availability allowance. The person is also entitled to the reimbursement of lodging and transportation expenses.

The payment of the allowance and of the indemnity and the reimbursement of lodging and transportation expenses shall be made in the cases and subject to the conditions prescribed by regulation.”

19. Section 83.8 of the said Act is replaced by the following section :

“83.8. For the purposes of this chapter, a member of a professional order designated by a regulation of the Société is a health professional.”

20. Section 83.12 of the said Act is amended

(1) by adding “chosen by the Société from a list of professionals drawn up after consultation with the professional orders concerned” at the end of the first paragraph;

(2) by striking out the second paragraph.

21. Section 83.13 of the said Act is repealed.

22. Section 83.22 of the said Act is amended by replacing “equivalent to the capital value of the indemnity” in the first paragraph by “, the amount of

which shall be computed in accordance with the rules, conditions and method prescribed by regulation.”.

23. Section 83.32 of the said Act, amended by section 41 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing “interest be paid to him” in the first paragraph by “ the person be paid interest computed from the date of the decision refusing to recognize entitlement to an indemnity or refusing to increase the amount of an indemnity, as the case may be.”;

(2) by replacing the second paragraph by the following paragraphs:

“Other cases requiring the payment of interest by the Société may be prescribed by regulation.

The applicable interest rate is the rate fixed under the second paragraph of section 28 of the Act respecting the Ministère du Revenu (chapter M-31).”

24. Section 83.34 of the said Act is amended by adding the following paragraph at the end:

“The amount provided for in section 73 as well as the indemnity amounts prescribed by a regulation under that section shall also be revalorized on 1 January each year.”

25. The said Act is amended by inserting the following section after section 83.44.1:

“83.44.2. A decision concerning the reimbursement of expenses under Division I of Chapter V has effect only in respect of the subject-matter of the decision and shall not be construed as a recognition of entitlement to any other indemnity.”

26. Section 83.46 of the said Act is amended by replacing “it was impossible *de facto* for him to act within that time” by “the person was unable, for serious and valid reasons, to act sooner”.

27. Section 143 of the said Act is replaced by the following section:

“143. The maximum amounts that may be paid by the Société, exclusive of interest and judicial costs, are \$50,000 per accident for bodily injury and \$10,000 per accident for property damage.”

28. Section 145 of the said Act is amended by replacing “, the amount of \$250” in the fifth line of the first paragraph by “the deductible fixed by a regulation of the Société”.

29. Section 148 of the said Act is amended

- (1) by replacing “90” in the fourth line of the first paragraph by “60”;
- (2) by adding the following at the end of the first paragraph: “No claim is admissible if
 - (1) the repairs were made before the damage was appraised by the expert designated by the Société; or
 - (2) the accident was not reported to a police department within 48 hours, unless the claimant was unable, for serious and valid reasons, to act sooner.”;
- (3) by inserting “covering the part of the damage for which the victim is not responsible” after “claim” in the second line of the second paragraph;
- (4) by replacing “the amount of \$250” in the third line of the second paragraph and in the fourth line of the third paragraph by “the deductible fixed by a regulation of the Société”.

30. Section 149 of the said Act is amended

- (1) by inserting “legal persons, partnerships” after “Government,” in the second line of paragraph 1;
- (2) by adding the following paragraphs at the end:
 - “(5) a person who is insured against the damage sustained;
 - “(6) the owner of an automobile for damage to the automobile or, where applicable, to other property if, at the time of the accident,
 - the owner was driving the automobile while under a sanction within the meaning of section 106.1 of the Highway Safety Code (chapter C-24.2) or without the licence required by section 65 of that Code;
 - the owner, in contravention of section 84, did not have a liability insurance contract guaranteeing compensation for property damage caused by an automobile;
 - the automobile was not registered or the duties provided for in section 31.1 of the Highway Safety Code were unpaid.”

31. Section 151.1 of the said Act is amended

- (1) by replacing “, on the basis of one or more of the following factors” in the fourth line by “according to the accident risk attached to that type of road vehicle. Accident risk may be measured on the basis of such factors as”;

(2) by replacing paragraph 4 by the following paragraph :

“(4) its make, model or piston displacement;”.

32. Section 151.3 of the said Act is amended by inserting “an exemption or” after “giving entitlement to” in paragraph 1.

33. Section 152 of the said Act is amended

(1) by replacing “, the payment of the cost of highway safety promotion, the payment of the liabilities of the Société under Title IV and Chapter II of this title and the payment of the administration expenses of the Société” in the first paragraph by “and of all costs incurred for the administration of this Act, the Act respecting the Société de l’assurance automobile du Québec and the Highway Safety Code”;

(2) by inserting “or contingency fund” after “contingency reserve” in the second paragraph;

(3) by adding the following paragraph at the end:

“For the fixation of insurance contributions, the Société may include investment income other than investment income from assets held in connection with actuarial liability.”

34. The said Act is amended by inserting the following section after section 152:

“152.1. After appropriating such sums as it considers necessary to any contingency reserve or contingency fund it may establish, the Société may, subject to the conditions and in the manner it determines and with the approval of the Government, use all or part of an unappropriated surplus to grant rebates on insurance contributions.”

35. Chapter II of Title V of the said Act is replaced by the following chapter:

“CHAPTER II

“HEALTH SERVICES

“155.1. For the fiscal year 1998, the Société shall pay into the consolidated revenue fund the sum of \$88,654,360, which represents the annual cost of health services required as a result of automobile accidents.

“155.2. For the fiscal year 1999 and subsequent fiscal years of the Société, the sum representing the annual cost of health services required as a result of automobile accidents and defrayed by the Régie de l’assurance-

maladie du Québec shall be determined by agreement between that body, the Minister of Finance and the Société.

For those same fiscal years, the sum representing the annual cost of health services required as a result of automobile accidents and defrayed by the Ministère de la Santé et des Services Sociaux shall be determined by agreement between the Minister of Health and Social Services, the Minister of Finance and the Société.

If an agreement under this section is not made for a given fiscal year, the Société shall pay, for that fiscal year, the sum indicated in section 155.1.

The Société shall pay the sum representing the cost of health services annually into the consolidated revenue fund in two equal instalments, on 31 March and 30 September.

“155.3. If agreed between the Minister of Health and Social Services and the Société, the cost of health services paid under the second paragraph of section 155.2 may be reimbursed, in whole or in part, upon billing of the services.

“155.4. The parties referred to in this chapter may exchange such nominative information as is necessary for the purposes of this chapter.

In that case, they shall make an agreement specifying the information to be transmitted, the means to be used to ensure confidentiality and the security measures to be applied. The agreement shall be submitted to the Commission d'accès à l'information for an opinion.

Should the Commission give an unfavourable opinion, the agreement may be submitted to the Government for approval ; it comes into force on the date of its approval.

The agreement, together with the opinion of the Commission d'accès à l'information and, where applicable, the approval of the Government, shall be tabled in the National Assembly within 30 days of the issue of such opinion or approval or, if the Assembly is not sitting, within 30 days of resumption.”

36. Chapter IV of Title V of the said Act is repealed.

37. Section 179.1 of the said Act is amended by inserting the following paragraph after the first paragraph :

“The Inspector General may, at the request of the Société, communicate to the Société the same information if it is necessary for the purposes of section 22 of the Act respecting owners and operators of heavy vehicles (1998, chapter 40).”

38. Section 195 of the said Act, amended by section 57 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing paragraphs 12, 13 and 14 by the following paragraph:

“(12) to determine the injuries, the functional or cosmetic sequelae and the minimum eligibility requirements applicable to the compensation of non-pecuniary damage under section 73 and to prescribe rules for evaluating non-pecuniary damage and rules for fixing indemnity amounts;”;

(2) by replacing paragraphs 18 and 19 by the following paragraphs:

“(18) to prescribe conditions and a computation method for the determination of personal home assistance needs and the amount to be reimbursed and to prescribe the cases in which and the conditions subject to which the Société may replace the reimbursement of expenses by an equivalent weekly allowance;

“(19) to prescribe the cases and conditions which give entitlement to the reimbursement of expenses or an availability allowance and to determine the maximum amount of such reimbursement and allowance;”;

(3) by striking out paragraphs 22 and 26;

(4) by adding the following paragraphs after paragraph 32:

“(33) to determine the professional orders whose members are health professionals for the purposes of Chapter VI of Title II;

“(34) to prescribe rules, conditions and a method applicable to the computation of a single-payment indemnity paid under section 83.22;

“(35) to prescribe cases requiring the payment of interest by the Société;

“(36) to determine rules governing the application of Chapter II of Title IV as well as rules for the determination of the deductibles provided for in sections 145 and 148 and to prescribe the reimbursement of other expenses to victims, the maximum amount that may be so reimbursed and the conditions for reimbursement.”

39. The said Act is amended

(1) by replacing “of unemployment insurance benefits or of allowances paid under the National Training Act (Revised Statutes of Canada, 1985, chapter N-19)” in sections 15, 20 and 29.1 by “of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23)” and by striking out “or allowances” in those sections;

(2) by replacing “of unemployment insurance benefits or of allowances paid under the National Training Act (Revised Statutes of Canada, 1985, chapter N-19)” in sections 24 and 42 by “of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23)”;

(3) by striking out “or allowances” in sections 25 and 42.1;

(4) by replacing “of unemployment benefits” in the first paragraph of section 36.1 by “of regular benefits or employment benefits established to assist in obtaining skills for employment through a training program under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23)”;

(5) by replacing “unemployment insurance benefits” in the second and third paragraphs of section 36.1 by “benefits”;

(6) by replacing “premium determined under the Unemployment Insurance Act (Revised Statutes of Canada, 1985, chapter U-1)” in section 52 by “employee’s premium determined under the Act respecting employment insurance in Canada (Statutes of Canada, 1996, chapter 23)”.

TRANSITIONAL AND MISCELLANEOUS PROVISIONS

40. Section 67 of the Health Insurance Act (R.S.Q., chapter A-29), amended by section 128 of chapter 63 of the statutes of 1997, section 68 of chapter 36 of the statutes of 1998 and section 45 of chapter 44 of the statutes of 1998, is again amended by inserting the following paragraph after the fifth paragraph:

“Nor does it prohibit the disclosure of information obtained for the carrying out of this Act to the Société de l’assurance automobile du Québec and to the Ministère de la Santé et des Services sociaux for the purpose of determining the cost of health services provided following an automobile accident, in accordance with section 155.4 of the Automobile Insurance Act (chapter A-25).”

41. Section 2 of the Act respecting the Régie de l’assurance-maladie du Québec (R.S.Q., chapter R-5), amended by section 2 of chapter 94 of the statutes of 1997, is again amended by replacing “fifth” in subparagraph *i* of the second paragraph by “seventh”.

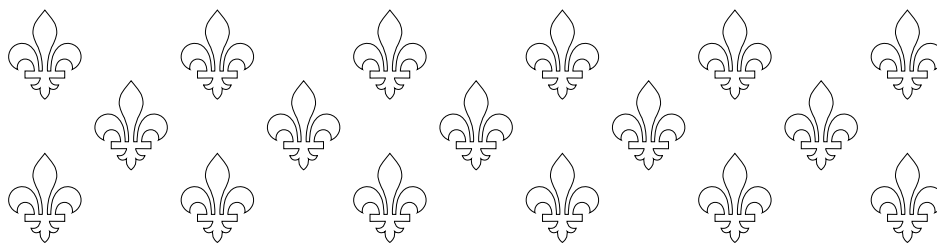
42. Notwithstanding section 83.34 of the Automobile Insurance Act, the amounts provided for in sections 69 and 73 of that Act, as enacted by sections 13 and 15 of this Act, respectively, and the indemnity amounts fixed in a regulation governing the application of section 73 shall only be indexed from 1 January 2001.

43. Notwithstanding section 23 of the Act to amend the Automobile Insurance Act and other legislative provisions (1989, chapter 15), the interest

rate fixed pursuant to the third paragraph of section 83.32 of the Automobile Insurance Act, enacted by section 23 of this Act, is the rate applicable to interest payments on indemnities paid to victims of accidents having occurred before 1 January 1990 and sections 83.35 to 83.39 of the Automobile Insurance Act apply to the indexation of the amount of indemnities paid to victims of accidents having occurred before that date.

44. The provisions of the Automobile Insurance Act, as enacted by sections 2 to 13, 15 to 17, 24 and 27 to 30 of this Act, and the regulatory provisions adopted under paragraphs 12, 18, 19 and 36 of section 195 of the Automobile Insurance Act, as enacted by section 38 of this Act, shall apply to accidents and deaths that occur on or after 1 January 2000; accidents and deaths having occurred before that date shall continue to be governed by the provisions applicable at that time.

45. This Act comes into force on 1 July 1999, except sections 2 to 13, 15 to 24, 27 to 30, 38 and 44, which come into force on 1 January 2000.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 26
(1999, chapter 23)

**An Act to amend the Act respecting
childcare centres and childcare
services**

**Introduced 29 April 1999
Passage in principle 13 May 1999
Passage 17 June 1999
Assented to 19 June 1999**

**Québec Official Publisher
1999**

EXPLANATORY NOTES

This bill amends the Act respecting childcare centres and childcare services so that not only the children of a home childcare provider and those of the adult assisting the home childcare provider will be taken into account but also the children who ordinarily live with either of them. Access to the reduced-contribution childcare program is given, with certain restrictions, to the children of, and the children ordinarily living with, home childcare providers and assisting adults if the children are provided home childcare.

The bill specifies that the holder of a childcare centre permit has the power to suspend or withdraw the recognition of a home childcare provider. As well, any home childcare provider whose recognition is suspended or withdrawn is granted the right to contest the decision before the Administrative Tribunal of Québec.

The Minister is given the power, in exceptional cases and where warranted in the public interest, to authorize a departure from certain standards established under the Act or the regulations, subject to the conditions determined by the Minister. The Minister is also authorized to establish pilot projects subject to certain conditions.

Finally, the bill contains a number of consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting childcare centres and childcare services (R.S.Q., chapter S-4.1);
- Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, chapter 58).

Bill 26

AN ACT TO AMEND THE ACT RESPECTING CHILDCARE CENTRES AND CHILDCARE SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Section 1 of the Act respecting childcare centres and childcare services (R.S.Q., chapter S-4.1), amended by section 59 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “and the children under nine years of age who ordinarily live with the person” after “the person’s children under nine years of age” in the first and second lines of paragraph 1 of the definition of “home childcare”;

(2) by replacing “under nine years of age including the children of both” in the first and second lines of paragraph 2 of the definition of “home childcare” by “including their children under nine years of age and the children under nine years of age who ordinarily live with either of them”.

2. Section 3 of the said Act, replaced by section 65 of chapter 58 of the statutes of 1997, is amended by replacing “any child of any assisting person if they are under nine years of age must be” in the third paragraph by “those of any assisting adult as well as the children who ordinarily live with either of them must, if they are under nine years of age, be”.

3. Section 8 of the said Act, amended by section 72 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “and the children under nine years of age who ordinarily live with the person” after “the person’s children under nine years of age” in the first and second lines of subparagraph 1 of the first paragraph;

(2) by replacing “the children under nine years of age of both” in the second line of subparagraph 2 of the first paragraph by “their children under nine years of age and the children under nine years of age who ordinarily live with either of them”;

(3) by replacing “any child of the assisting adult if they are under nine years of age” in the seventh and eight lines of the second paragraph by “those of the assisting adult and the children who ordinarily live with either of them if they are under nine years of age”.

4. Section 9 of the said Act, replaced by section 73 of chapter 58 of the statutes of 1997, is amended by inserting “, including suspension or withdrawal of recognition,” after “measures” in the first line of paragraph 6.

5. Section 39 of the said Act, replaced by section 109 of chapter 58 of the statutes of 1997, is amended by replacing the fourth paragraph by the following paragraph :

“However, a place referred to in the preceding paragraph cannot be granted in a home childcare operation in respect of any child of, or any child who ordinarily lives with, the home childcare provider or a home childcare provider referred to in the last paragraph of section 8 ; the same applies in respect of any child of, or any child who ordinarily lives with, the adult assisting the home childcare provider where the home childcare is provided at the child’s residence.”

6. Section 42 of the said Act, amended by section 719 of chapter 43 and section 134 of chapter 58 of the statutes of 1997, is replaced by the following section :

“42. Any applicant whose application for a permit is refused, any permit holder whose permit is suspended, revoked or not renewed or any home childcare provider whose recognition is suspended or withdrawn by the holder of a childcare centre permit having recognized the home childcare provider may, within 60 days of notification of the decision of the Minister or the holder of a childcare centre permit, as the case may be, contest the decision before the Administrative Tribunal of Québec.”

7. Section 73 of the said Act, amended by section 122 of chapter 58 of the statutes of 1997, is again amended

(1) by inserting “, including suspension and withdrawal of recognition,” after “measures” in the first line of paragraph 13.1 ;

(2) by replacing “74.10” in the third line of paragraph 24 by “74.9”.

8. Section 73.1 of the said Act is replaced by the following :

“CHAPTER IV.1

“DEPARTURE

“73.1. In an exceptional case and where the Minister considers it warranted in the public interest, the Minister may authorize the application of a measure that departs from a standard established by this Act or the regulations other than a standard established under any of paragraphs 13, 13.1, 14, 15 and 18 to 24 of section 73.

However, before the Minister may authorize the application of a measure that departs from a standard established under paragraph 2, 5, 6, 6.1, 10.2, 16.1 or 17 of section 73, the applicant or the permit holder must prove to the Minister that the proposed measure is appropriate and would, to the same degree, protect the health, ensure the safety and foster the development and well-being of the children.

“CHAPTER IV.2

“PILOT PROJECTS

“73.2. The Minister may establish pilot projects for the purpose of experimenting or innovating in the field of childcare or of studying, improving or developing childcare standards; the Minister may authorize a person or organization to provide childcare within such pilot projects according to standards that are different from those established by this Act and the regulations.

Pilot projects shall be established for a maximum duration of one year and may, if the Minister considers it necessary, be extended for a maximum of six months.

The Minister shall issue directives establishing the standards applicable to pilot projects. The Minister may, at any time, make changes to or terminate a pilot project after advising the authorized person or organization.”

9. Section 159 of the Act respecting the Ministère de la Famille et de l'Enfance and amending the Act respecting child day care (1997, chapter 58) is amended by replacing “1999” in the fifth line by “2000”.

10. A person recognized by the holder of a childcare centre permit as a home childcare provider who, on 18 June 1999, provides home childcare to a child who is not the person's child but ordinarily lives with the person or a child who is not the child of the adult assisting the home childcare provider but ordinarily lives with the assisting adult has until 18 December 1999 to comply with sections 1, 3 and 8 of the Act respecting childcare centres and childcare services, as amended by sections 1 to 3 of this Act.

The first paragraph also applies to a natural person who on 18 June 1999 provides childcare for a consideration in a private residence to a child who is not the person's child but ordinarily lives with the person or to a child who is not the child of the adult assisting the person but ordinarily lives with the assisting adult.

11. In a home childcare operation, any place referred to in section 39 of the Act respecting childcare centres and childcare services that gives entitlement to a grant and which, on 18 June 1999, is occupied by a child who ordinarily lives with the person recognized by the holder of a childcare centre permit as

a home childcare provider or with the adult assisting such person but is not the child of either, may continue to be occupied by that child until 19 December 1999.

12. This Act comes into force on 19 June 1999.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 28
(1999, chapter 24)

Midwives Act

Introduced 11 May 1999
Passage in principle 2 June 1999
Passage 17 June 1999
Assented to 19 June 1999

Québec Official Publisher
1999

EXPLANATORY NOTES

This bill provides for the constitution of a professional order conferring on its members an exclusive right to engage in the practice of midwifery. The bill defines and regulates the field of practice of midwives, provides that the Order and its members will be governed by the Professional Code and specifies that, for the transitional period, an advisory council will advise the Bureau of the Order on matters concerning the regulations to be made by the Bureau.

The bill provides for the integration of midwives into the health and social services network.

Midwives will be authorized to practise under a service contract with an institution that operates a local community service centre. A council of midwives will be created in every institution in which at least five midwives are practising under a service contract and a coordinator of midwifery services will be appointed whenever two or more midwives are hired by the institution. The bill contains provisions to allow the making of agreements between the Minister of Health and Social Services and a body representing midwives, in particular as regards methods of remuneration.

Persons currently qualified to practise as midwives, within pilot projects pursuant to the Act respecting the practice of midwifery within the framework of pilot projects will become members of the new professional order in the manner set out in the bill.

Other provisions are introduced to enable the new professional order to establish its administrative structure as soon as possible in order to be able to adequately monitor the practice of midwifery once the Act respecting the practice of midwifery within the framework of pilot projects ceases to have effect.

Lastly, the bill contains transitional provisions which ensure continuity in the practice of midwifery, and makes consequential amendments to other Acts.

LEGISLATION AMENDED BY THIS BILL :

- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting prescription drug insurance (R.S.Q., chapter A-29.01);
- Professional Code (R.S.Q., chapter C-26);
- Medical Act (R.S.Q., chapter M-9);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting income security (R.S.Q., chapter S-3.1.1);
- Act respecting health services and social services (R.S.Q., chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5);
- Act respecting administrative justice (1996, chapter 54);
- Act respecting income support, employment assistance and social solidarity (1998, chapter 36).

Bill 28

MIDWIVES ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

ORDRE DES SAGES-FEMMES DU QUÉBEC

1. All the persons qualified to practise the profession of midwifery in Québec constitute a professional order called “Ordre professionnel des sages-femmes du Québec” or “Ordre des sages-femmes du Québec”.
2. Subject to this Act, the Order and its members shall be governed by the Professional Code (R.S.Q., chapter C-26).
3. The head office of the Order shall be within the territory of the Communauté urbaine de Montréal or at any other place in Québec determined by regulation of the Bureau pursuant to paragraph *f* of section 93 of the Professional Code.

DIVISION II

BUREAU

4. The Order shall be governed by a Bureau constituted as provided in the Professional Code.
5. In addition to the regulations and by-laws the Bureau is required to adopt in accordance with the Professional Code, the Bureau shall, by regulation,
 - (1) determine standards relating to the form and content of the verbal and written prescriptions made by a midwife;
 - (2) determine the standards of practice and the conditions for engaging in the practice of midwifery that must be complied with for conducting home deliveries;
 - (3) determine the cases presenting a risk for a woman or her child during pregnancy, labour, delivery and the first six weeks of the postnatal period that requires, as a consequence, a consultation by a physician or the transfer of clinical responsibility to a physician, and the conditions under which the consultation or transfer is to be effected.

Section 95.2 of the Professional Code applies to a regulation made pursuant to subparagraph 1 of the first paragraph.

DIVISION III

PRACTICE OF MIDWIFERY

6. Any act the purpose of which is to provide the professional care and services required by a woman during normal pregnancy, labour and delivery and to provide a woman and her child with the professional care and services required during the first six weeks of a normal postnatal period constitutes the practice of midwifery. The professional care and services concerned consist in

(1) monitoring and assessing a woman and her child during pregnancy, labour, delivery and the first six weeks of the postnatal period, and include the provision of preventive care and the detection of any abnormal conditions in the woman or child;

(2) conducting spontaneous deliveries;

(3) performing an amniotomy, performing and repairing an episiotomy and repairing a first or second degree perineal tear or laceration.

In addition, in an emergency, while awaiting the required medical intervention or in the absence of medical intervention, applying suction, conducting a breech delivery, performing manual placental extraction followed by digital exploration of the uterus or performing resuscitation procedures on the woman or newborn also constitutes the practice of midwifery.

7. The practice of midwifery by a midwife also includes the provision of

(1) counselling and information on parenting, family planning, contraception, preparation for delivery and breastfeeding, the usual care to be provided to a child up to the age of one year, in particular as regards diet, hygiene and accident prevention, and on the resources available in the community; and

(2) counselling and information to the public on perinatal health care.

8. For the purpose of providing the professional care and services referred to in section 6, a midwife may prescribe or administer a drug designated on the list established by a regulation made under the first paragraph of section 9, according to such conditions as may be fixed in the regulation.

For the same purpose, a midwife may prescribe, conduct or interpret any examination or analysis designated on the list established by a regulation made under the second paragraph of section 9, according to such conditions as may be fixed in the regulation.

9. The Office des professions du Québec shall, after consultation with the Conseil consultatif de pharmacologie, the Ordre des sages-femmes du Québec, the Collège des médecins du Québec and the Ordre des pharmaciens du Québec, establish, by regulation, a list of the drugs that may be prescribed or administered by a midwife pursuant to the first paragraph of section 8 and determine, if necessary, the conditions according to which the drugs may be prescribed or administered.

The Office shall also, after consultation with the Ordre des sages-femmes du Québec and the Collège des médecins du Québec, establish, by regulation, a list of the examinations and analyses that may be prescribed, conducted or interpreted by a midwife pursuant to the second paragraph of section 8 and determine, if necessary, the conditions according to which the examinations and analyses may be prescribed, conducted or interpreted.

10. Midwifery may not be practised under a name other than that of the practising midwife.

However, midwives may practise under a firm name which may be the name of one, several or all of the partners. The name of any partner who has ceased to practise may be included in the firm name for a period not exceeding three years from the date on which the partner ceased to practise, provided the name of the partner was included in the firm name at the time the partner ceased to practise.

11. Midwives shall not, in their professional practice, hold themselves out otherwise than as midwives.

DIVISION IV

ILLEGAL PRACTICE

12. Subject to the rights and privileges granted by law to other professionals, no person may perform an act described in section 6 unless the person is a midwife.

In particular, section 6 shall not be construed as prohibiting nurses from providing a woman and her child with the nursing care required during pregnancy, labour and delivery and the postnatal period.

The provisions of the first paragraph do not apply to an act performed by a person acting in accordance with

(1) a regulation made under paragraph *h* of section 94 of the Professional Code;

(2) an agreement between the Government and a Native nation represented by the band councils of all the communities forming the Native nation, a Native community represented by its band council or by its council in the case

of a Northern village, a group of communities so represented or any other Native group, allowing a Native person who is not a member of the Order to perform acts described in section 6 in the territory defined in the agreement, in accordance with the conditions fixed therein and to the extent that the terms of the agreement are observed.

13. Every person who contravenes section 12 is liable, for each offence, to the penalties prescribed in section 188 of the Professional Code.

DIVISION V

AMENDING PROVISIONS

HEALTH INSURANCE ACT

14. Section 3 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “or a dentist” in the sixth line of the third paragraph by “, a dentist or a midwife”.

ACT RESPECTING PRESCRIPTION DRUG INSURANCE

15. Section 8 of the Act respecting prescription drug insurance (R.S.Q., chapter A-29.01) is amended by replacing “or a dentist” in the fifth line of the first paragraph by “, a dentist or a midwife”.

PROFESSIONAL CODE

16. Section 31 of the Professional Code (R.S.Q., chapter C-26) is amended by replacing “21.2” in the second line by “21.3”.

17. Section 32 of the said Code is amended by replacing “or bailiff” in the fifth line by “, bailiff or midwife”.

18. Schedule I to the said Code is amended by inserting the following paragraph after paragraph 21.2:

“21.3 The Ordre professionnel des sages-femmes du Québec;”.

MEDICAL ACT

19. Section 19 of the Medical Act (R.S.Q., chapter M-9) is amended by striking out subparagraph *a* of the first paragraph.

20. Section 43 of the said Act is amended by striking out subparagraph *c* of the second paragraph.

ACT RESPECTING LABOUR STANDARDS

21. Section 81.3 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by striking out “pursuant to the Act respecting the practice of midwifery within the framework of pilot projects (chapter P-16.1)” in the third and fourth lines of the first paragraph.

22. Section 81.6 of the said Act is amended by adding the following sentence at the end of the first paragraph: “Where applicable, the medical certificate may be replaced by a written report signed by a midwife.”

ACT RESPECTING INCOME SECURITY

23. Section 14 of the Act respecting income security (R.S.Q., chapter S-3.1.1) is amended by striking out “taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (chapter P-16.1)” in the third and fourth lines of subparagraph 7 of the first paragraph.

24. Section 16 of the said Act is amended by striking out “taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (chapter P-16.1)” in the fourth and fifth lines of subparagraph 2 of the first paragraph.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

25. Section 34.1 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), enacted by section 6 of chapter 39 of the statutes of 1998, is amended by replacing “and the personnel members of an institution” in the first and second lines by “, the personnel members of an institution, and midwives practising under a service contract entered into with the institution pursuant to section 259.2”.

26. Section 41 of the said Act, amended by section 173 of chapter 39 of the statutes of 1998, is again amended by replacing “or pharmacist” in the second line of the second paragraph by “, pharmacist or midwife”.

27. Section 131 of the said Act, amended by section 46 of chapter 39 of the statutes of 1998, is again amended by replacing “shall be elected, one by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institution, one by and from among the nurses employed by the institution,” in the sixth, seventh, eighth and ninth lines of paragraph 2 by “or, where the institution has entered into a service contract under section 259.2 with not fewer than five midwives, five persons shall be elected, one by and from among the physicians, dentists and pharmacists practising in one of the centres operated by the institution, one by and from among the nurses employed by the institution, one, where applicable, by and from among the midwives who have entered into such a contract.”.

28. Section 151 of the said Act, amended by section 58 of chapter 39 of the statutes of 1998, is again amended by inserting “, or a person practising under a service contract entered into pursuant to section 259.2,” after “Régie” in the fourth line of the first paragraph.

29. Section 159 of the said Act is amended by replacing “or pharmacist” in the third line by “, pharmacist or midwife”.

30. Section 173 of the said Act, amended by section 63 of chapter 39 of the statutes of 1998, is again amended by inserting the following paragraph after paragraph 4:

“(4.1) enter into service contracts in accordance with section 259.2 whenever required;”.

31. The said Act is amended by inserting the following after section 208:

“§5.1. — *Midwifery services coordinator*

“208.1. Every institution that operates a local community service centre in which midwifery is practised shall appoint a midwifery services coordinator. The coordinator must be a midwife.

“208.2. Under the authority of the executive director, the midwifery services coordinator must

(1) supervise and assure the quality of the acts performed for the institution by midwives;

(2) define standards of care to be adhered to by midwives which take account of the necessity to provide appropriate and efficient services to the users and of the available resources of the institution;

(3) assume the functions provided for in the first paragraph of section 225.3, where applicable.

“208.3. Subject to the provisions of the regulation made under paragraph 13 of section 505 and under the authority of the executive director, the midwifery services coordinator must

(1) ensure appropriate distribution of the midwifery services dispensed for the institution;

(2) coordinate midwifery services in relation to the needs of the institution;

(3) assume the functions provided for in section 225.4, where applicable;

(4) assume any other function for which provision is made in the organization plan.”

32. The said Act is amended by inserting the following after section 225 :

“§8.1. — *Council of midwives*

“225.1. A council of midwives shall be established for every public institution which operates a local community service centre and has entered into a service contract pursuant to section 259.2 with not fewer than five midwives.

The council shall be composed of all the midwives who have entered into such a contract with the institution.

The board of directors formed in accordance with the second paragraph of section 126.1 may, however, determine that a single council of midwives is to be established for all the institutions under its administration.

“225.2. Notwithstanding section 225.1, an institution may, on the joint recommendation of the midwives practising under a service contract entered into with the institution and of the council of physicians, dentists and pharmacists of the institution, designate the council of physicians, dentists and pharmacists to exercise the functions of the council of midwives established under section 225.3. In such a case, the midwives practising under a service contract shall form part of the council of physicians, dentists and pharmacists, and shall appoint three of their number to sit on the executive committee of the council if such a committee is formed. They shall participate in the deliberations of the council and of the executive committee, if any, but have the right to vote only on matters relating to the functions of the council of midwives.

“225.3. In accordance with the regulations of the institution, the council of midwives is responsible to the board of directors for

(1) monitoring and assessing, generally, the quality and pertinence of the acts performed by midwives for the institution ;

(2) making recommendations on the standards of care to be adhered to by council members ;

(3) making recommendations on the appropriate distribution of the services provided by council members ;

(4) making recommendations on the qualifications and competence of a midwife who has submitted an application to the board of directors for the purpose of entering into a contract with the institution pursuant to section 259.2 ;

(5) making recommendations on the obligations to be attached to the practice of midwifery under a service contract made pursuant to section 259.2 ;

(6) assuming any other function assigned to it by the board of directors.

The council of midwives must report annually to the board of directors on the carrying out of its functions and its resulting opinions.

If there is no council of midwives and section 225.2 is not applied, the midwifery services coordinator shall carry out the functions described in the first paragraph.

“225.4. In accordance with the by-laws of the institution, the council of midwives or, where there is no such council, the midwifery services coordinator, is responsible for advising the executive director on the following matters :

- (1) the scientific and technical organization of the local community service centre ;
- (2) the means to be used to assess and maintain the professional standards of midwives ;
- (3) any other matter submitted by the executive director.

“225.5. The council of midwives may adopt by-laws concerning its internal management, the creation and operation of committees and the pursuit of its objects. The by-laws come into force after they are approved by the board of directors.

“225.6. The responsibilities of the council of midwives shall be exercised by an executive committee composed of not fewer than three midwives, designated by the council, and the executive director.

The executive committee shall exercise all the powers of the council of midwives.”

33. Section 226 of the said Act, amended by section 75 of chapter 39 of the statutes of 1998, is again amended by replacing “or pharmacist” in the third paragraph by “, pharmacist or midwife”.

34. Section 236 of the said Act is amended by replacing “or dentist” by “, dentist or midwife”.

35. The said Act is amended by inserting the following after section 259.1 :

“§11.1. — *Midwives*

“259.2. A midwife who wishes to practise midwifery for an institution that operates a local community service centre designated by the regional board under section 347 must submit an application to the board of directors of the institution for the purpose of entering into a service contract with the institution.

The board of directors must, in such a case, obtain the recommendations referred to in subparagraph 4 of the first paragraph of section 225.3.

“259.3. The board of directors shall accept or refuse the application of a midwife having regard to the organization plan of the institution and the resources available.

The board of directors may also refuse the application of a midwife on the basis of criteria relating to qualifications, competence or conduct.

“259.4. The board of directors must transmit a written decision to the midwife within 90 days after receiving the application. If an application is refused, the reasons therefor must be given in writing.

“259.5. A service contract entered into with a midwife pursuant to section 259.2 must specify the rights and obligations of the midwife that are attached to the practice of midwifery for the institution.

The contract shall be entered into for a term of not more than three years and is renewable upon its expiry. Mechanisms for the termination of the contract before its expiry and the circumstances allowing such termination must also be provided in the contract.

“259.6. The board of directors may, after consultation with the council of midwives, the council of physicians, dentists and pharmacists or the midwifery services coordinator, as the case may be, take disciplinary measures against a midwife. The disciplinary measures that may be taken include a reprimand, modification or withdrawal of one or more rights under the contract and cancellation of the contract.

Every decision to take a disciplinary measure against a midwife must specify the reasons therefor and be based solely on lack of qualifications, incompetence, negligence, misconduct, non-compliance with the regulations of the institution or non-performance of the obligations determined in the contract.

Disciplinary measures must be taken in accordance with the procedure prescribed by a regulation of the Government made under section 506.2.

The executive director must send a copy of the decision to the professional order.

“259.7. In urgent cases, the midwifery services coordinator, the chair of the council of midwives or, where section 225.2 applies, the chair of the council of physicians, dentists and pharmacists or, if such persons are absent or fail to act, the executive director may suspend a midwife’s right to practise under a service contract.

The person imposing the suspension must immediately inform the chair of the executive committee of the council of midwives or, where section 225.2 applies, the chair of the council of physicians, dentists and pharmacists, and send a report within 48 hours.

The suspension is valid until the board of directors has made a decision on the suspension, but may not exceed 10 days.

“259.8. A midwife who is not satisfied with a decision rendered on the basis of criteria relating to qualifications, competence or conduct or with a decision concerning disciplinary measures may, within 60 days of receiving notification thereof, contest the decision before the Administrative Tribunal of Québec.

The midwife may also apply to the Tribunal within 60 days of the expiry of the time fixed in section 259.4, as if the decision were unfavourable, if no decision on the midwife’s application concerning the making of a service contract has been received by the midwife within the time fixed in that section.

“259.9. Midwives practising under a service contract entered into pursuant to section 259.2 must hold, for themselves and their succession, a valid liability insurance policy, accepted by the board of directors, and they must, each year, furnish proof that the policy is in force.

However, midwives may satisfy the requirement of the first paragraph by furnishing each year to the board of directors proof of coverage under an equivalent liability insurance policy.

“259.10. An institution that operates a local community service centre designated by the regional board under section 347 and that has entered into a service contract with a midwife pursuant to section 259.2 may enter into an agreement under section 108 with an institution operating a general and specialized hospital centre to allow the midwife to conduct deliveries and perform all other acts that may be required in the circumstances.

The agreement must determine the rights and obligations of the two institutions as regards the use by midwives of the premises and equipment of the institution operating the hospital centre, provide for cooperative arrangements between midwives and the physicians and nursing personnel practising in the hospital centre, and specify the admission and discharge procedures to be observed by midwives with respect to the women and children under their responsibility and any other administrative procedure necessary for the proper functioning of the agreement. The agreement must also establish the rules governing the application of section 259.7 with respect to a midwife performing an act in the hospital centre.

Notwithstanding the provisions of section 109, the agreement must also provide that all the physicians to whom the cooperative arrangements referred to in the second paragraph apply are bound by the agreement.

“259.11. An institution that operates a local community service centre designated by the regional board under section 347 and that has entered into a service contract with a midwife pursuant to section 259.2 must enter into an agreement with an institution operating a general and specialized hospital centre to ensure that medical support is provided to the midwife when required and that the necessary measures are taken in order to provide the woman or child with the care and services required by their condition in the case of a medical consultation or transfer.”

36. Section 347 of the said Act, amended by section 102 of chapter 39 of the statutes of 1998, is again amended by inserting the following paragraph after the third paragraph :

“The plans must identify the institutions operating a local community service centre which are authorized to offer midwifery services and which may enter into a service contract to that effect with a midwife pursuant to section 259.2.”

37. Section 398.1 of the said Act, amended by section 125 of chapter 39 of the statutes of 1998, is again amended by inserting “and no person having made a service contract under section 259.2,” after “latter,” in the fifth line of the second paragraph.

38. The said Act is amended by adding the following sections after section 432 :

“432.1. The Minister may, with the approval of the Government, enter into an agreement for the purposes of sections 259.2 and following with any body representing midwives.

Such an agreement may in particular provide for different methods of remuneration and the payment, as compensation or reimbursement, of various amounts such as premiums, expenses or allowances.

Failing an agreement, the Government may fix the remuneration and methods of remuneration by a regulation which shall stand in lieu of an agreement.

Such an agreement is binding on the regional boards and on the institutions.

The provisions of the Labour Code (chapter C-27) and the Act respecting labour standards (chapter N-1.1) do not apply to a midwife governed by an agreement entered into under this section, who provides midwifery services for an institution under a service contract entered into pursuant to section 259.2.

“432.2. The provisions of an agreement entered into under section 432.1 shall continue to have effect after the expiry of the agreement; they shall remain effective until the coming into force of a new agreement, which may include provisions that have effect upon the expiry of the agreement it replaces.

“432.3. An agreement under section 432.1 is binding on all the midwives who are practising under a service contract entered into pursuant to section 259.2 whether or not they are members of the body with which the agreement was entered into.”

39. Section 505 of the said Act, amended by section 157 of chapter 39 of the statutes of 1998, is again amended by inserting “or that a midwife is required to hold under section 259.9” after “258” in the second line of paragraph 2.

40. The said Act is amended by inserting the following section after section 506.1:

“506.2. The Government may, by regulation, determine the procedure according to which disciplinary measures may be taken against a midwife by the board of directors.”

41. Section 530.24 of the said Act is amended by replacing “or pharmacists” in the first line of the second paragraph by “, pharmacists or midwives”.

42. Section 530.62 of the said Act, enacted by section 171 of chapter 39 of the statutes of 1998, is amended by replacing “elected by and from among the persons employed by the institution,” in the first and second lines of paragraph 3 by “or, where the institution has entered into a service contract pursuant to section 259.2 with not fewer than three midwives, four persons elected by and from among the persons employed by the institution or the midwives who have entered into such a contract,”.

43. The said Act is amended by inserting the following section after section 530.78:

“530.78.1. Where an institution enters into a service contract with a midwife pursuant to section 259.2, the agreement must include provisions concerning the particulars referred to in the second paragraph of section 259.10 insofar as they may be necessary to ensure the proper dispensing of midwifery services for the institution.”

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

44. The Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5) is amended by inserting the following sections after section 63:

“63.1. The regional council contemplated in this division may offer midwifery services and may to that effect enter into a service contract with a midwife.

Sections 259.2 to 259.9 of the Act respecting health services and social services (chapter S-4.2) apply, with the necessary modifications, to the making of such a contract, and the midwives concerned are subject to the provisions of the agreement referred to in sections 432.1 to 432.3 of that Act.

“63.2. Where the regional council avails itself of the provisions of section 63.1, the board of directors must, in its organization plan, provide for the setting up of the structures necessary to ensure the exercise of the functions provided for in sections 208.2, 208.3, 225.3 and 225.4 of the Act respecting health services and social services, or assign those functions to existing structures.

In addition, the regional council must provide for all the particulars that may be necessary to ensure the proper dispensing of midwifery services for the regional council, in particular cooperative arrangements between the midwives, the physicians and the nursing personnel.”

ACT RESPECTING ADMINISTRATIVE JUSTICE

45. Schedule I to the Act respecting administrative justice (1996, chapter 54), amended by section 871 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing “or” in the second line of paragraph 12 of section 3 by a comma;

(2) by adding “or by midwives under section 259.8 of that Act” at the end of paragraph 12 of section 3.

ACT RESPECTING INCOME SUPPORT, EMPLOYMENT ASSISTANCE AND SOCIAL SOLIDARITY

46. Section 24 of the Act respecting income support, employment assistance and social solidarity (1998, chapter 36) is amended by replacing “signed by a midwife taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1),” in the fourth, fifth and sixth lines of subparagraph 2 of the first paragraph by “, signed by a midwife and”.

47. Section 28 of the said Act is amended by striking out “taking part in a pilot project governed by the Act respecting the practice of midwifery within the framework of pilot projects” in the third, fourth and fifth lines of subparagraph 7 of the first paragraph.

DIVISION VI

TRANSITIONAL AND FINAL PROVISIONS

48. Notwithstanding section 4 of this Act, the first Bureau shall be composed of the following persons :

(1) six directors appointed by the Office des professions du Québec and chosen from among the persons who, on 30 June 1999, are certified to practise within the framework of pilot projects in accordance with the Act respecting the practice of midwifery within the framework of pilot projects (R.S.Q., chapter P-16.1); the directors are deemed to be elected directors;

(2) two directors appointed by the Office des professions du Québec in accordance with the first paragraph of section 78 of the Professional Code;

(3) a chair elected by the directors referred to in paragraph 1 from among their number by secret ballot; the chair is deemed to be elected in the manner provided in subparagraph *b* of the first paragraph of section 64 of the Professional Code.

49. For the purposes of section 75 of the Professional Code, the territory of Québec constitutes a single region until the date of the coming into force of a regulation made under section 65 of that Code.

50. The term of the directors of the first Bureau is four years, beginning on their appointment.

51. Any vacancy in the office of a director deemed elected shall be filled for the unexpired portion of the term by a new director appointed by the Office des professions du Québec from among the persons referred to in paragraph 1 of section 48, if the vacancy occurs before 24 September 1999, or from among the members of the Order, if the vacancy occurs after that date.

52. Every person who, on 30 June 1999, is the holder of a qualification certificate for the practice of midwifery within the framework of pilot projects issued by the committee on admission to the practice of midwifery, in accordance with the Act respecting the practice of midwifery within the framework of pilot projects, also becomes the holder of a permit for the practice of midwifery issued by the Bureau.

Every person who, on that date and in accordance with that Act, is deemed to be certified to practise within the framework of the perinatal care project under the responsibility of the Centre de santé Inuulitsivik also becomes the holder of a restricted permit issued by the Bureau. Under the permit, the person shall be allowed to practise midwifery only in a centre operated by the institution administering the project.

53. A candidate declared eligible by the committee on admission to the practice of midwifery but who has not, on 30 June 1999, satisfied all the conditions imposed by the committee to obtain a qualification certificate for the practice of midwifery within the framework of pilot projects, becomes the holder of a permit issued by the Bureau upon satisfying those conditions.

54. A person whose qualification certificate for the practice of midwifery within the framework of pilot projects has on 30 June 1999 been suspended by

the committee on admission to the practice of midwifery becomes the holder of a permit issued by the Bureau upon satisfying the conditions imposed by the committee for the lifting of the suspension.

55. The persons referred to in section 52 and the persons who obtain a permit upon satisfying the conditions referred to in section 53 or 54 shall be entered on the roll of the Order if they meet the requirements of section 63 of this Act and the other conditions for entry on the roll set out in section 46 of the Professional Code.

However, Divisions IV, VI, VII and VIII of Chapter IV and section 192 of the Professional Code do not apply before 24 September 1999.

56. Where a midwife holds a permit and is on the roll of the Order at the time the committee on admission to the practice of midwifery decides to suspend the midwife's qualification certificate, the midwife's name is struck from the roll by the Bureau and cannot be re-entered until the conditions imposed by the committee are satisfied.

The Bureau shall revoke a permit issued to a person whose qualification certificate for the practice of midwifery within the framework of pilot projects is revoked by the committee on admission to the practice of midwifery.

57. The provisions of the Regulation respecting the general standards of competence and training for midwives within the framework of pilot projects, made pursuant to the third paragraph of section 23 of the Act respecting the practice of midwifery within the framework of pilot projects and approved by Order in Council 1193-92 (1992, G.O. 2, p. 4343), apply until the coming into force of the regulation to be made by the Government pursuant to the first paragraph of section 184 of the Professional Code for the purpose of determining the diplomas which give access to the permit concerned.

58. The provisions of the Regulation respecting obstetrical and neonatal risks made pursuant to the third paragraph of section 23 of the Act respecting the practice of midwifery within the framework of pilot projects and approved by Order in Council 413-93 (1993, G.O. 2, p. 2009), apply until the coming into force of the regulation to be made by the Bureau pursuant to subparagraph 3 of the first paragraph of section 5 of this Act.

59. Until the coming into force of the regulations to be made by the Office des professions du Québec in accordance with section 9, midwives are authorized to prescribe or administer the same drugs and to prescribe, conduct or interpret the same examinations and analyses as in the case of pilot projects.

60. The provisions of the code of ethics for midwives, adopted by the Regroupement Les sages-femmes du Québec on 4 December 1997, apply until the coming into force of the regulation to be made by the Bureau pursuant to section 87 of the Professional Code.

61. Midwives may not conduct home deliveries before the coming into force of the regulation to be made by the Bureau pursuant to subparagraph 2 of the first paragraph of section 5.

62. Notwithstanding the provisions of the second paragraph of section 86 of the Professional Code, the resolution to be adopted by the Bureau for the purpose of fixing the first annual assessment need not be approved by a majority of the members of the Order in order to come into force.

63. Until the coming into force of the regulation to be made by the Bureau pursuant to paragraph *d* of section 93 of the Professional Code, the security to be furnished in accordance with paragraph 3 of section 46 of the Professional Code must be at least equivalent to the security required within the framework of pilot projects.

64. The records, registers and documents kept by the committee on admission to the practice of midwifery and relating to the persons who have applied for admission, in accordance with subparagraph 2 of the first paragraph of section 23 of the Act respecting the practice of midwifery within the framework of pilot projects, become the records, registers and documents of the Order.

65. The chair of the committee on discipline of the Collège des médecins du Québec shall act as chair of the committee on discipline of the Order until replaced or reappointed in accordance with section 117 of the Professional Code.

66. An institution which, pursuant to the Act respecting the practice of midwifery within the framework of pilot projects, is responsible for a pilot project on 24 September 1999 is deemed to be an institution designated by the regional board under the fourth paragraph of section 347 of the Act respecting health services and social services, as amended by section 36 of this Act.

67. The midwives employed under a contract by an institution responsible for a pilot project pursuant to section 9 of the Act respecting the practice of midwifery within the framework of pilot projects, and who hold a position on 24 September 1999 shall continue to practise under that contract until 31 March 2000 or any later date determined by the Government.

By the latter date, the midwives must have entered into a service contract in conformity with the provisions of sections 259.2 and 259.5 of the Act respecting health services and social services, enacted by section 35 of this Act, and have furnished proof of compliance with section 259.9 of that Act, enacted by section 35 of this Act.

68. Every public institution referred to in section 66 must ensure that the midwifery services coordinator and the council of midwives, if any, are able to exercise their functions on 31 March 2000 or any later date determined by the Government. Until that date, the multidisciplinary board established for

the institution under section 11 of the Act respecting the practice of midwifery within the framework of pilot projects shall exercise their functions.

On the date mentioned in the first paragraph, the records and other documents of the multidisciplinary board shall be transferred to the midwifery services coordinator, to the council of midwives or, where section 225.2 of the Act respecting health services and social services, enacted by section 32 of this Act, applies, to the council of physicians, dentists and pharmacists, according to their respective requirements.

69. The rules of care established by the multidisciplinary board under subparagraph 1 of the first paragraph of section 16 of the Act respecting the practice of midwifery within the framework of pilot projects shall continue to apply until new rules of care established under paragraph 2 of section 208.2 of the Act respecting health services and social services, enacted by section 31, come into force.

70. The board of directors of a public institution not governed by section 66 that wishes to enter into a service contract with a midwife pursuant to section 259.2 of the Act respecting health services and social services, enacted by section 35 of this Act, is not required to obtain the recommendations referred to in the second paragraph of that section 259.2 before the midwifery services coordinator is appointed by the institution in accordance with section 208.1 of the Act respecting health services and social services, enacted by section 31 of this Act.

71. An advisory council is hereby instituted within the Order for a term of four years, which may be renewed by the Government.

72. The mandate of the advisory council is to advise and make recommendations to the Bureau concerning the draft regulations of the Order, before their adoption by the Order, and concerning any other matter pertaining to the practice of midwifery which the Bureau considers expedient to submit to the advisory council.

The advisory council shall also, through the agency of the Bureau, advise and make recommendations to the Minister responsible for the administration of legislation respecting the professions or to the Office des professions du Québec concerning any matter they consider expedient to submit to the advisory council in relation to the practice of midwifery.

73. The advisory council shall be composed of the following six members appointed by the Government and chosen by reason of their knowledge of and experience with the professional system or their professional expertise in the fields related to the practice of midwifery :

(1) one midwife, after consultation with the Bureau ;

(2) two physicians, after consultation with the Collège des médecins du Québec ;

(3) one nurse, after consultation with the Ordre des infirmières et infirmiers du Québec ;

(4) one pharmacist, after consultation with the Ordre des pharmaciens du Québec ;

(5) one representative of the public, after consultation with interested groups.

The advisory council may consult any person whose particular expertise is required and any person representing a body concerned with the practice of midwifery and authorize them to participate in its meetings.

74. The advisory council may, by by-law, adopt rules governing the conduct of its affairs.

75. The advice and recommendations submitted by the advisory council must, if necessary, contain explanations on the particular position of each member.

The advice and recommendations are filed with the Bureau which shall transmit them to the Office des professions du Québec or, as the case may be, to the Minister responsible for the administration of legislation respecting the professions.

76. The secretary of the Order shall provide the required administrative support to the advisory council, see to the preparation and conservation of its minutes, advice and recommendations and convene its meetings when requested.

The Order shall defray the operating costs of the advisory council, including the travel and lodging expenses of its members and the flat-rate fees determined by resolution of the Bureau that are granted to them.

77. Not later than six months before the expiry of the term of the first Bureau and after consultation with the bodies concerned, the Office des professions du Québec shall report to the Minister responsible for the administration of legislation respecting the professions on the functioning of the Order, the efficiency of its human and financial resources and the advisability of renewing the term of the advisory council.

78. To enable the Order to fulfil all the obligations imposed on it by this Act and the Professional Code for the protection of the public during its first eight years of activity, a fund is hereby established consisting of the balance remaining on the amounts reserved for the financing of pilot projects.

The fund, to be managed by the Office des professions du Québec, shall transfer each year to the Order a sum calculated on a regressive averaging basis.

The costs incurred for the management of the fund shall be paid out of the interest it produces.

The annual report of the Order must contain a note to its financial statements detailing the use of the sum transferred pursuant to the second paragraph.

79. Not later than six months before the expiry of the eight years of financial assistance granted to the Order in accordance with section 78, the Office des professions du Québec shall report to the Minister responsible for the administration of legislation respecting the professions on the Order's ability to fulfil the duties imposed on it by this Act and the Professional Code.

80. The reports referred to in sections 77 and 79 shall be tabled in the National Assembly by the Minister responsible for the administration of legislation respecting the professions within 30 days after receiving them or, if the Assembly is not sitting, within 30 days after resumption.

81. Unless the context indicates a different meaning, the provisions of any regulation or other document referring to the practice of midwifery within the framework of pilot projects shall be interpreted to refer to the practice of the midwifery profession pursuant to this Act.

82. The provisions of sections 1 to 5, 16 to 20, 48 to 56, 62, 63, 71 to 76 and 78 of this Act come into force on 30 June 1999. The other provisions of this Act come into force on 24 September 1999.

Regulations and other acts

Gouvernement du Québec

O.C. 755-99, 23 June 1999

Civil Code of Québec
(1991, c. 64)

An Act respecting the implementation of the reform of the Civil Code
(1992, c. 57)

An Act respecting registry offices
(R.S.Q., c. B-9)

Register of personal and movable real rights — Amendments

Regulation to amend the Regulation respecting the register of personal and movable real rights

WHEREAS under article 2984 of the Civil Code of Québec (1991, c. 64), the Government may make regulations respecting the manner in which applications for registration may be signed;

WHEREAS under article 3012 of the Civil Code of Québec, the Government may make regulations determining the technological means by which applications for registration may be forwarded to the registry office;

WHEREAS under article 3024 of the Civil Code of Québec, the Government may make regulations respecting the matters mentioned in that article and, in particular, to take all the necessary steps for the implementation of the book on the publication of rights;

WHEREAS under section 165 of the Act respecting the implementation of the reform of the Civil Code (1992, c. 57), the Government may make regulations on the matters mentioned in that section and, in particular, take any measures required for the application of Division IX of Chapter II of Title I of that Act in respect of the publication of rights;

WHEREAS under section 5 of the Act respecting registry offices (R.S.Q., c. B-9), the Government may make regulations to determine certain aspects with respect to the form of documents requiring publication;

WHEREAS in accordance with those provisions, the Regulation respecting the register of personal and movable real rights was made by Order in Council 1594-93 dated 17 November 1993;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the register of personal and movable real rights was published in Part 2 of the *Gazette officielle du Québec* of 14 April 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments were submitted subsequent to that publication;

WHEREAS it is expedient to make, with minor amendments, the Regulation to amend the Regulation respecting the register of personal and movable real rights;

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

THAT the Regulation to amend the Regulation respecting the register of personal and movable real rights, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the register of personal and movable real rights

Civil Code of Québec
(1991, c. 64, ss. 2984, 3012 and 3024)

An Act respecting the implementation of the reform of the Civil Code
(1992, c. 57, s. 165)

An Act respecting registry offices
(R.S.Q., c. B-9, s. 5)

1. The Regulation respecting the register of personal and movable real rights¹ is amended by substituting, in

¹ The Regulation respecting the register of personal and movable real rights, made by Order in Council 1594-93 dated 17 November 1993 (1993, *G.O.* 2, 6215), was last amended by the Regulation made by Order in Council 444-98 dated 1 April 1998 (1998, *G.O.* 1513).

the chapter headings in the French version, the words “CHAPITRE I” for “CHAPITRE PREMIER”, and, in the chapter headings in the English version, the words “CHAPTER III” for “CHAPTER II”, “CHAPTER IV” for “CHAPTER III”, “CHAPTER V” for “CHAPTER IV”, “CHAPTER VI” for “CHAPTER V”, and “CHAPTER VIII” for “CHAPTER VII”.

2. The Regulation is amended by inserting the following after section 15:

**“CHAPTER II
MEASURES TO GUARANTEE THE
RELIABILITY OF DOCUMENTS
TRANSMITTED ELECTRONICALLY**

**DIVISION I
TECHNOLOGICAL STRUCTURE**

15.1 Where an application for registration and the accompanying request for service are transmitted electronically, the reliability and security standards prescribed in this Chapter shall apply.

The computer system that is installed and the standards with which it must comply, in particular with respect to security, shall protect the confidentiality of the documents during transmission, ensure their nonrepudiation by establishing the identity of the applicant or of the person who sends the documents over an open communications network, and guarantee their integrity and completeness at all times.

15.2 An asymmetric cryptographic system, combined with an auxiliary symmetric cryptographic system, shall be used to ensure the reliability of the data constituting the electronic documents transmitted to the registry office.

15.3 The technological structure used for the electronic transmission of documents to the registry office shall be established in accordance with international or internationally recognized recommendations and standards, and more specifically, at a minimum, with the following criteria or criteria that are at least equivalent:

(1) International Telecommunication Union (ITU) Recommendation X.500 (11/93), in general, adopted as an international standard by the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC) under the general designation of ISO/IEC 9594:1995, for the management of the directory containing the information relating to the certificates and public keys that form an integral part of key pairs;

(2) ITU Recommendation X.509 (11/93), in particular, adopted as an international standard by ISO and IEC under the designation ISO/IEC 9594-8:1995 Information Technology – Open systems interconnection (OSI) – The Directory: Authentication framework, for the issue and storage of key pairs and signature verification and encryption certificates;

(3) American National Standards Institute (ANSI) Standard X12 for data format and markup;

(4) The American federal government’s National Institute of Standards and Technology (NIST) Standard FIPS 140-1 for the DES, DSA and SHA-1 algorithms used in cryptography; and

(5) ISO/IEC 8859-1: 1988 graphic character sets (Latin alphabet No. 1) for the processing and storage of documents and their printing or conversion into hard copy.

Subsections 3 and 4 above refer to standards as they existed on 1 December 1997.

15.4 The asymmetric cryptographic system shall provide for the issue of a signing key pair by means of which the transmitted documents are signed and their source identified.

The system shall also provide for the issue of an encryption key pair to protect the confidentiality of the documents being transmitted. Confidentiality is ensured by encrypting the data by means of a randomly variable secret key generated by the symmetric cryptographic system. That key is itself encrypted with the public key that forms part of the encryption key pair of the intended recipient, namely, the registry office, which decrypts the transmitted data with its private key.

The system shall also include a hash function by means of which the registry office can verify the integrity and completeness of the documents it receives.

15.5 Each signing and encryption key pair shall consist of a unique and indissociable pair of keys, one public and the other private, that are linked mathematically. Each public key shall be referred to in a certificate which serves to bind the key to the key pair holder.

The identity of the holder is verified by means of his public key and his signature verification certificate.

15.6 The signature verification certificate and encryption certificate shall be in electronic form and shall include the following information:

(1) the distinguishing name of the key pair and certificate holder which consists of his name combined with a unique code;

(2) the signature verification public key or the encryption public key, as the case may be, together with the certificate serial number, version, issue date and expiry date; and

(3) the name of the issuer, the characteristics of the algorithm and the resulting hash code used in delivering the certificate.

15.7 The encryption certificates shall be entered in an electronic directory and kept up-to-date by the registrar of the registry office.

The directory shall include the serial numbers of the signature verification certificates and encryption certificates that have been suspended, revoked, withdrawn or deleted. The form generation software automatically verifies the validity of a certificate when documents are transmitted.

DIVISION II

ISSUE AND RENEWAL OF KEY PAIRS AND CERTIFICATES

15.8 The registrar is charged with the issue and storage of key pairs and certificates attesting to the identity of the key pair holders.

15.9 In order to send an application for registration to the registry office electronically, a person shall first obtain the appropriate key pairs and certificates. They will be issued after a notary accredited by the registrar has verified the person's identity. The person requiring that verification shall bear its cost.

15.10 The person whose identity is to be verified shall appear in person and provide accurate information and relevant supporting documents.

15.11 The notary verifying an identity shall record the information required by the registrar, including the verification code selected by the applicant that only he can use to identify himself to the registrar.

The notary shall draw up an act *en minute* in which he certifies that the identity of the person has been established, that the identity has been verified for the purpose of obtaining key pairs and certificates for the electronic transmission of documents to the registry office and, where applicable, that the person whose identity has been established intends to send applications on his own behalf or that he is authorized to send applications on behalf of another person who is named.

He shall convey the recorded information and the certified facts to the registrar electronically in a transmission signed and encrypted by means of key pairs that provide at least the same degree of security and reliability as those issued by the registrar.

15.12 Where a person who applies for key pairs and certificates has been a holder of key pairs and certificates in the preceding year, his identity verification code may be used to verify his identity providing he intends to send applications only on his own behalf.

15.13 The registrar shall send to the person whose identity has been verified, in separate deliveries, two parts of a token with which the person shall generate his signing key pair from his workstation or chip card.

The person shall also choose a password to be used primarily to initiate the process of signing, encrypting and transmitting electronic data.

The public key required to verify the holder's signature shall be sent to the registrar. The transmission is done electronically and is automatic.

15.14 After receipt of the public key forming part of the signing key pair, an encryption key pair, together with a signature verification certificate and an encryption certificate, shall be issued to the holder. Where the holder is authorized to transmit applications on behalf of another person, that information shall be linked electronically, or cross-referenced, to his signature verification certificate.

The holder shall, before transmitting documents electronically, notify the registrar of the receipt of his key pairs and certificates in order that the registrar may activate them.

15.15 A valid certificate may be renewed before its expiry date for the same term as that for which it was issued. The renewal shall be effected by means of a link-up between the holder's and the registrar's computer systems within the following time limits:

(1) within two months of the certificate's expiry date, where it was issued for one year;

(2) within four months of the certificate's expiry date, where it was issued for two years;

(3) within seven months of the certificate's expiry date, where it was issued for three years;

(4) within nine months of the certificate's expiry date, where it was issued for four years; or

(5) within twelve months of the certificate's expiry date, where it was issued for five years.

A renewal requires the generation of a new key pair. The new public key that is part of the key pair is automatically sent to the registrar who shall then issue to the holder the certificate relating to the key pair.

DIVISION III OBLIGATIONS OF KEY PAIR AND CERTIFICATE HOLDERS

15.16 The holder shall use his key pairs and certificates solely for the electronic transmission of documents to the registry office.

15.17 The holder shall guarantee the security and confidentiality of the private key of each of his key pairs and of his identity verification code.

He shall notify the registrar as quickly as possible where the security or the confidentiality of a private key has been compromised, particularly where there is a danger of unauthorized access to the key or of voluntary or accidental disclosure of the password that initiates the process of electronic signing, encryption and transmission of documents, or where he believes that he has lost a private key or has had it stolen.

15.18 The holder shall destroy his key pairs where, for whatever reason, he no longer uses them or may no longer use them because of the non-renewal of a certificate, or because of its withdrawal, its deletion or its revocation or because he is no longer authorized to transmit documents on others' behalf to the registry office.

SECTION IV VALIDITY OF KEY PAIRS AND CERTIFICATES

15.19 In the event of the loss of a password accessing a certificate related to an encryption key pair, or in the event of a breakdown, dysfunction or loss of the medium storing the certificate, the holder may request the registrar to retrieve the encryption certificate and reactivate it.

A new signing key pair shall be generated from a new token sent to the holder. The new public key that is part of the signing key pair shall be automatically transmitted to the registrar who shall then issue a new signature verification certificate to the holder and send him the key pair and encryption certificate that were recovered.

Before transmitting documents electronically, the holder shall notify the registrar of the receipt of his key

pairs and certificates in order that the registrar may activate them.

15.20 Where a holder no longer wishes to use his certificates, he shall notify the registrar of the date on which he intends to cease using them and request their withdrawal. The certificates shall be withdrawn following verification of the holder's identity.

The withdrawal shall become effective when the certificate serial numbers are entered on the list of withdrawn or revoked certificates, which shall be at the latest on the first working day following the date indicated by the holder in his request or on the first working day following the verification of his identity.

15.21 Where the holder has never used his certificates, he may ask the registrar to delete them from the directory. The certificates shall be deleted at the latest on the first working day following the verification of the holder's identity.

15.22 The registrar may on his own initiative suspend or revoke key pairs and related certificates where

- (1) more than six months have elapsed since the holder last used the certificates;
- (2) there is reason to believe that a certificate has been altered;
- (3) there is reason to believe that the security of the key pairs or certificates has been compromised;
- (4) the holder is no longer authorized to transmit documents electronically on others' behalf to the registry office, provided that the registrar has been notified; or
- (5) the holder fails to fulfil his obligations.

The registrar shall suspend the key pairs and certificates before revoking them and, except in the situation described in subparagraph 4 of the first paragraph, notify the holder, by any manner providing proof of delivery, that his certificate has been suspended and that he intends to revoke it. Any comments by the holder shall be submitted within 15 days from the date the notice was given.

Following the suspension, the certificates shall be either reactivated or revoked. The revocation shall take effect when the certificate serial numbers are entered on the list of withdrawn or revoked certificates, which shall be at the latest one working day following the revocation.

15.23 Where a holder is no longer authorized to transmit documents electronically to the registry office on behalf of another person, that person shall notify the registrar accordingly.

15.24 The registrar shall refuse to issue, for a period of two years from the revocation, new key pairs and certificates for the transmission of documents to the registry office to a person whose key pairs and certificates were revoked as a result of a failure to fulfil his obligations.

15.25 Where the holder of key pairs and certificates requests the retrieval or withdrawal of a certificate, the deletion of a certificate from a directory, or the correction of the unique code that forms part of his distinguishing name, his identity may be verified by means of his identity verification code.

15.26 The holder shall be notified of any correction, renewal or withdrawal of a certificate, reactivation of a certificate following its suspension or revocation, or deletion of a certificate from the directory. He shall also be notified of any refusal to issue a certificate and the grounds therefor.”.

3. The following is substituted for Divisions II and III of Chapter II:

“**DIVISION II** **MEDIUM AND TRANSMISSION**

22. An application for registration may be in paper form. It may also be submitted in electronic form insofar as it is generated by means of the form generation software provided to the applicant by the registry office.

It may be transmitted to the registry office’s electronic depository in accordance with the provisions of CHAPTER II relating to the electronic transmission of documents where it is generated and delivered by means of that software.

23. The application for registration in the form of a notice shall be prepared by using either the paper form provided by the registry office or the software referred to in section 22. The form to be completed shall be as prescribed in the Schedules to this Regulation and shall be appropriate to the type of application filed.

23.1 The form generation software shall be locked in by means of a hash code that will guarantee its integrity. The applicant shall not modify the software and he shall use one of the versions in use at the registry office.

23.2 An application form consists of texts and key words in addition to headings and spaces that shall be filled in according to the instructions relating to the type of application filed. The basic information making up the form may be arranged differently depending on whether the paper form or electronic form is used.

23.3 An application for registration in paper form shall be submitted on paper measuring 215 x 355 mm and weighing at least 75g/m² per ream; an application in the form of a notice shall be printed on only one side of the sheet.

23.4 An application for registration in paper form may not be a copy; it shall be typed, printed or written in block letters using good quality ink. The characters shall be clear, neat and legible, without deletions or alterations.

It shall bear the applicant’s handwritten signature and his name shall be typed, printed or written in block letters under the signature or in the space provided on the application form.

It may be filed in person at the registry office or sent by mail.

23.5 An application for registration in electronic form shall consist of the data constituting the application form and inserted information that appear as screen pages. The form and inserted information data are linked electronically or by reference.

23.6 An application for registration in electronic form shall be signed by means of the digital signature process by the holder of the key pair used to transmit data electronically to the registry office. Only one signature is required for the transmission of a set of documents consisting of several applications for registration and one request for service.

The holder shall make the transmission by file transfer to the registry office’s electronic depository where it will be received by the registrar. The holder shall attach his signature verification certificate to the transmitted data.

23.7 The data shall be considered received only where they have been transmitted in full and where the registrar is able to access and decrypt them.

23.8 Upon receipt of an application for registration in electronic form, the registrar shall make sure that the key pair holder’s signature verification certificate and digital signature are valid and that the transmitted data are intact.”.

4. The Regulation is amended by substituting the following for the heading of DIVISION IV of CHAPTER II:

**“DIVISION III
CONTENT OF APPLICATIONS”.**

5. The Regulation is amended by inserting the following after section 47:

“47.1 Where the registrar must provide a copy of a digitally signed electronic document, the document shall be converted into hard copy from the data that was received and decrypted and whose integrity has been verified. The information constituting the form shall be added to these data.

The name of the signatory resulting from the verification of his identify and, if applicable, the name of the person on whose behalf the application for registration was transmitted shall appear on the hard copy.”.

6. The following is substituted for CHAPTER VI of the Regulation:

**“CHAPTER VII
CONSERVATION, REPRODUCTION
AND TRANSFER**

49. An application for registration and any supporting document may, where they are in paper form, be reproduced on microfilm or on a non-rewritable optical medium.

49.1 The data constituting the applications for registration and documents transmitted in electronic form to the registry office shall be conserved as received.

They may however be transferred to a non-rewritable optical medium in order to protect the data received, in particular against accidental alterations.

49.2 A backup copy of the microfilm or optical disks shall be stored elsewhere than at the registry office.

50. Cancelled entries or entries cancelling other entries may be transferred to a magnetic or non-rewritable optical medium.”.

7. 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. 819-99, 7 July 1999

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

Amendment to Schedules I and II.1 of the Act

Amendments to Schedules I and II.1 of 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 designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

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

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

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments, determines, in accordance with paragraph 25 of section 134 of that Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Association des cadres du gouvernement du Québec, the Association des employés en service social de la province de Québec, the Fédération du personnel de soutien scolaire, the Grande Bibliothèque du Québec and the Syndicat de l'enseignement de la région des Moulins meet those conditions;

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 Amendments to Schedules I and II.1 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Amendments to Schedules I and II.1 of 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, 1st par.)

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 bodies in alphabetical order in paragraph 1:

(1) the Association des cadres du gouvernement du Québec;

^(*) 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 1997, by Orders in Council 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), 1652-97 dated 17 December 1997 (1997, *G.O.* 2, 6293), 296-98 dated 18 March 1998 (1998, *G.O.* 2, 1425), 297-98 dated 18 March 1998 (1998, *G.O.* 2, 1426), 334-98 dated 18 March 1998 (1998, *G.O.* 2, 1452), 730-98 dated 3 June 1998 (1998, *G.O.* 2, 2207), 764-98 dated 10 June 1998 (1998, *G.O.* 2, 2289), 1053-98 dated 21 August 1998 (1998, *G.O.* 2, 4801), 1155-98 dated 9 September 1998 (1998, *G.O.* 2, 3889), 1524-98 dated 16 December 1998 (1998, *G.O.* 2, 4801), 231-99 dated 24 March 1999 (1999, *G.O.* 2, 475), 467-99 dated 28 April 1999 (1999, *G.O.* 2, 1161) and 633-99 dated 9 June 1999 (1999, *G.O.* 2, 1633) 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, 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, 37 of Chapter 83 of the Statutes of 1997, 61 of Chapter 17 of the Statutes of 1998, 53 of Chapter 44 of the Statutes of 1998 and 48 of Chapter 42 of the Statutes of 1998.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 220, 1st par.) was amended, since the last updating of the Revised Statutes of Québec to 1 March 1997, by Orders in Council 1106-97 dated 28 August 1997 (1997, *G.O.* 2, 4561), 1525-98 dated 16 December 1998 (1998, *G.O.* 2, 4802), 467-99 dated 28 April 1999 (1999, *G.O.* 2, 1161) and 633-99 dated 9 June 1999 (1999, *G.O.* 2, 1633).

- (2) the Fédération du personnel de soutien scolaire;
(3) the Grande bibliothèque du Québec.

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

- (1) the Association des employés en service social de la province de Québec;
(2) the Syndicat de l'enseignement de la région des Moulins.

3. This Order in Council comes into force on the date it is made by the Government but takes effect on the dates indicated below:

Association des cadres du gouvernement du Québec	1 January 1999
Association des employés en service social de la province de Québec	8 July 1999
Fédération du personnel de soutien scolaire	27 August 1998
Grande bibliothèque du Québec	10 August 1998
Syndicat de l'enseignement de la région des Moulins	1 September 1998

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Gouvernement du Québec

O.C. 820-99, 7 July 1999

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

Conditions of contracts of government departments and public bodies — Amendments

Regulation to amend the General Regulation respecting the conditions of contracts of government 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 Regulation to amend the General Regulation respecting the condi-

tions of contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 April 1999 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 Conseil du trésor has made a recommendation concerning the Regulation to amend the General Regulation respecting conditions of contracts of government departments and public bodies and it is expedient to make it with amendments;

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 General Regulation respecting conditions of contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the General Regulation respecting the conditions of contracts of government departments and public bodies*

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

1. Section 7.1 of the General Regulation respecting the conditions of contracts of government departments and public bodies is amended

(1) by inserting the following after the second paragraph:

“No construction contract included in whole or in part in one of the specialties listed in Schedule 3 may, if the work included in that specialty is in an amount specified in the Schedule, be awarded to a supplier unless he holds a registration certificate, issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier

has a quality system for the work concerned complying with the ISO standard indicated in the Schedule.”;

(2) by substituting “to 3” for “and 2” in the last paragraph.

2. Schedule 1 is amended

(1) by substituting the words “Aluminium posts for road signs and aluminium overhead supporting structures for road signs” for the words “Aluminium single-tube posts” in the “Metal structures” category;

(2) by substituting the following for the “Civil engineering” category and the specialties included therein:

“Category — Civil engineering:

11120 — Building civil engineering ≥\$50 000 ISO 9001

— Civil engineering related to airports:

— Feasibility study ≥\$10 000 ISO 9001

— Plans and specifications ≥\$10 000 ISO 9001

— Supervision of work ≥\$10 000 ISO 9002

11130 — Complex dam engineering ≥\$10 000 ISO 9001

11124 — Maritime engineering ≥\$10 000 ISO 9001

11125 — Highway engineering ≥\$10 000 ISO 9001

11121 — Bridge engineering ≥\$10 000 ISO 9001

Category — Mechanical and electrical engineering:

11103 — Building mechanical and electrical engineering ≥\$50 000 ISO 9001”;

(3) by inserting the following in the “Environment” category after the “Characterization of potentially contaminated sites” specialty:

“11640 — Environmental impact study ≥\$10 000 ISO 9001”;

(4) by inserting the following after the “Restoration of contaminated sites” specialty:

“Category — Services related to building construction:

— Acoustics ≥\$50 000 ISO 9002

— Project management ≥\$50 000 ISO 9002

11492 — Preventive maintenance system ≥\$50 000 ISO 9002.”

* The General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993 (1993, *G.O.* 2, 4920) was last amended by Order in Council 520-98 dated 22 April 1998 (1998, *G.O.* 2, 1743). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

3. The following is added after Schedule 2:

“SCHEDULE 3

(s. 7.1)

LIST OF CONSTRUCTION SPECIALTIES FOR WHICH A SUPPLIER MUST HOLD AN ISO REGISTRATION CERTIFICATE

Specialty	Amount	Standard required
Building construction:		
For commercial, industrial and institutional sectors	≥\$500 000	ISO 9002
For the residential sector	≥\$1 000 000	ISO 9002
Construction related to road network safety:		
Construction of restraining devices (Note 1)	≥\$100 000	ISO 9002
Construction of walls (Note 2)	≥\$100 000	ISO 9002
Construction of bridges, culverts and walkways (Note 3)	≥\$100 000	ISO 9002
Construction of lighting systems (Note 4)	≥\$100 000	ISO 9002
Construction of road sign systems (Note 5)	≥\$100 000	ISO 9002
Construction of tunnels (Note 6)	≥\$100 000	ISO 9002
Road marking (Note 7)	≥\$100 000	ISO 9002

(1) **Construction of restraining devices:** construction work on guard rails, bumpers and end barriers, erected in the right-of-way, excluding the construction work of emergency lanes (run-away lane) and maintenance work.

(2) **Construction of walls:** construction work intended for retaining earth or protecting other structures, made of a vertical or inclined wall, that may be joined to different structural components to resist earth pressure, excluding the demolition and painting of infrastructures and maintenance work.

(3) **Construction of bridges, culverts and walkways:** construction of structures allowing a road or railroad to pass over a natural obstacle or a land or water traffic lane, including culverts (small-sized bridges over a stream and usually under embankment) and walkways

(bridges used as a pedestrian walkway and sometimes for piping), excluding the construction of culverts the opening of which is smaller than 4.5 metres, the demolition and painting of infrastructures and maintenance work.

(4) **Construction of lighting systems:** construction of highway lighting systems providing an adequate visual environment to prevent accidents, excluding construction work of lighting systems for walkways, pedestrian tunnels, government campgrounds and historical sites and maintenance work.

(5) **Construction of road sign systems:** construction of systems including elevated signs, road sign tabs, road lights, traffic lights, including overhead structures that can support, above the road, road signs or traffic lights, barrier work of structures that can support road signs or lights, whether those structures are anchored or not to a foundation or to a structure along the road and the construction of traffic devices such as: flashing lights, lane use lights, pedestrian crossing lights, cyclist crossing lights, work site lights, bus lane lights, bus turn lights, excluding the construction of traffic devices related to regulated parking lights and maintenance work.

(6) **Construction of tunnels:** construction of underground ways drilled in the ground or made up of caissons placed in an excavation, excluding the demolition and painting of infrastructures and maintenance work.

(7) **Road marking:** work consisting in making road marks that comply with the standardized drawings that facilitate the guiding of motorists, improve the flow of traffic and contribute to highway comfort and safety, excluding marking work for parking lots and air surveillance zones.”.

4. The procedures for awarding contracts that were undertaken before the coming into force of this Regulation shall continue in accordance with the provisions in force at the time the awarding procedures began.

5. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 1 and 3, which will come into force on 1 February 2000.

Gouvernement du Québec

O.C. 821-99, 7 July 1999

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

**Services contracts of government departments
and public bodies
— Amendments**

Regulation to amend the Regulation respecting services contracts of government 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 Regulation to amend the Regulation respecting services contracts of government departments and public bodies was published in Part 2 of the *Gazette officielle du Québec* of 28 April 1999 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 Conseil du trésor has made a recommendation concerning the Regulation to amend the Regulation respecting services contracts of government departments and public bodies and it is expedient to make it without amendment;

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 respecting service contracts of government departments and public bodies, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting services contracts of
government departments and public
bodies^(*)**

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

1. Section 121 of the Regulation respecting services contracts of government departments and public bodies is amended by adding the following at the end:

“In addition, to be registered in the maritime engineering and highway engineering at level 2 or 3 of the building civil engineering specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier has a quality system for the area concerned by the specialty in question and complying with the ISO 9001 standard.”.

2. Section 124 is amended by adding the following at the end:

“In addition, to be registered at level 2 or 3, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier has a quality system for the area concerned by the specialty and complying with the ISO 9001 standard.”.

3. Section 149 is amended by adding the following at the end:

“In addition, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier has a quality system for the area concerned by the specialty and complying with the ISO 9001 standard.”.

4. Section 150 is amended by adding the following at the end:

^(*) The Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 (1993, *G.O.* 2, 4951) was last amended by the Regulation made by Order in Council 523-98 dated 22 April 1998 (1998, *G.O.* 2, 1747). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

“In addition, to be registered at level 2 of the preventive maintenance system specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that the supplier has a quality system for the area concerned by the specialty in question and complying with the ISO 9002 standard.”.

5. The procedures for awarding contracts that were undertaken before the coming into force of this Regulation shall continue in accordance with the provisions in force at the time the awarding procedures were begun.

6. 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. 826-99, 7 July 1999

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1)

Reduced contributions — Amendments

Regulation to amend the Regulation respecting reduced contributions

WHEREAS under section 39 and subparagraphs 20 and 21 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. S-4.1) as amended by section 109 and paragraphs 13 and 14 of section 122 of Chapter 58 of the Statutes of 1997 and section 5 of Chapter 23 of the Statutes of 1999, the Government may, by regulation, fix the amount of the contribution for certain services determined in the regulation that shall apply according to the age class, determined in the regulation, of the children to whom the services are provided and shall be payable by the parent or any other person determined in the regulation to the childcare centre permit holder or the home childcare provider;

WHEREAS the Government may also, under the same provisions, determine the conditions subject to which a parent may pay the contribution or be exempted from payment of the contribution for all or some of the services it determines;

WHEREAS the Government made the Regulation respecting reduced contributions by Order in Council 1071-97 dated 20 August 1997;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting reduced contributions was published in Part 2 of the *Gazette officielle du Québec* of 19 May 1999 with a notice that it could be made by the Government upon the expiry of 20 days following that publication;

WHEREAS the 20-day period has expired;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Child and Family Welfare and the Minister for Child and Family Welfare:

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

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting reduced contributions*

An Act respecting childcare centres and childcare services
(R.S.Q., c. S-4.1, ss. 39 and 73, 1st par. subpars. 20, 21; 1997, c. 58, ss. 109 and 122, pars. 13 and 14; 1999, c. 23, s. 5)

1. The Regulation respecting reduced contributions is amended in section 1

(1) by substituting the words “under 5 years old” for the words “at least 3 years old” in the second paragraph; and

(2) by substituting “30 September” for “1 October” in the third paragraph.

* The Regulation respecting reduced contributions, made by Order in Council 1071-97 dated 20 August 1997 (1997, *G.O.* 2, 4392), was amended by Order in Council 1004-98 dated 5 August 1998 (1998, *G.O.* 2, 3645).

2. Section 2 is amended by striking out the words “who is at least 3 years old on 30 September of the year of reference and” after the word “child”.

3. Section 6 is amended by substituting the words “child under 5 years old on 30 September of the year of reference” for the words “3 or 4-year old child” in the first paragraph.

4. Section 6.1 is amended

(1) by substituting “30 September” for “1 October” in the first paragraph; and

(2) by substituting the words “, per year of reference, included in the school calendar” for the words “spread from 1 September to 30 June per year of reference” after “200 days” in subparagraph 1 of the first paragraph.

5. Section 11.1 is amended by substituting “30 September” for “1 October”.

6. Section 12 is amended

(1) by substituting “30 September” for “1 October” in subparagraph 4 of the second paragraph; and

(2) by substituting “30 September” for “1 October” in the third paragraph.

7. Section 13 is amended by substituting the words “specifying the birth date of the child” for the words “establishing the child’s age on 30 September of the year of reference” in the second paragraph.

8. The following is added after section 26:

“**26.1.** Insofar as they concern a child who is under 2 years old on 30 September of the year of reference, the provisions of this Regulation come into force on 1 September 2000.”.

9. This Regulation comes into force on 1 September 1999, except paragraph 2 of section 4, which comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 830-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Pursuit of activities as a representative

Regulation respecting the pursuit of activities as a representative

WHEREAS under sections 196, 202, 211 and 213 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may make regulations on the matters listed therein;

WHEREAS under those sections, the Bureau made the Regulation respecting the pursuit of activities as a representative;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999, with a notice that it could be submitted to the Government for approval upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the pursuit of activities as a representative, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the pursuit of activities as a representative

An Act respecting the distribution of financial products and services (1998, c. 37, ss. 196, 202, par. 1, subparagraphs (1) to (4), and ss. 211 and 213)

DIVISION I SCOPE OF APPLICATION

1. The provisions of this Regulation govern the pursuit of the activities of the representatives referred to in section 1 of the Act respecting the distribution of financial products and services (1998, c. 37), except for securities representatives, to whom only the provisions of Division VI apply.

DIVISION II INCOMPATIBLE OCCUPATIONS

2. The following activities and occupations are incompatible with the pursuit of activities as a representative:

- (1) performing the duties of a judge;
- (2) performing the duties of a police officer;
- (3) carrying on the profession of bankruptcy trustee;
- (4) the exercise of a health-care profession governed by the Professional Code (R.S.Q., c. C-26);
- (5) the exercise of the profession of lawyer or notary;
- (6) the exercise of the profession of chartered accountant, chartered management accountant, certified general accountant, or chartered administrator;
- (7) the exercise of the occupation of real estate broker or real estate agent, except in connection with brokerage activities relating to loans secured by immovable hypothec;
- (8) the management of a union, other than a union formed of representatives, or the management of a professional association, or employment by any such organisation.

Notwithstanding the first paragraph, the exercise of activities or professions referred to in subparagraphs (5) and (6) are not incompatible with the activities of a claims adjuster or financial planner.

3. The following occupations are incompatible with the pursuit of activities as a damage insurance agent or damage insurance broker or a claims adjuster:

- (1) vendor, lessor or repairer of road vehicles, off-road vehicles or boats;
- (2) vendor, lessor or repairer of equipment, movable property or household items;
- (3) contractor, as that term is defined in section 7 of the Building Act (R.S.Q., c. B-1.1);
- (4) supplier of services or goods which could be required at the time of an insurance loss.

DIVISION III CONDITIONS AND RESTRICTIONS GOVERNING THE PURSUIT OF ACTIVITIES

4. During the period of validity of his certificate, a representative must comply with the following conditions governing the pursuit of activities:

(1) he must devote his time primarily to activities as representative, to administrative activities in a firm or an independent partnership or to other activities relating to the field of financial services;

(2) he must forthwith deposit in a separate account held by him or by the firm or independent partnership on whose behalf he acts, as the case may be, all amounts collected or received on behalf of another person in the pursuit of his activities.

5. No representative may, in pursuing activities, take part directly or indirectly in a contest or a promotion providing non-pecuniary benefits, as an incentive to promote or sell a product that does not meet the specific needs of his clients, with the exception of benefits or property of low value.

Notwithstanding the first paragraph, a representative may be reimbursed by a legal person or a third party for the direct costs incurred by attending a conference or a convention, provided that the main purpose of the conference or convention is to provide training on activities governed by the Act respecting the distribution of financial products and services.

The first paragraph does not apply to a contest or promotion that was announced prior to October 1, 1999.

6. A representative in insurance of persons must, before completing an insurance proposal, analyse the insurance needs with the purchaser or the insured, the

existing policies or contracts held by such purchaser or the insured, the features thereof, the name of the issuing insurers, and all other necessary elements such as the income, financial situation, number of dependents, and personal and family obligations of the purchaser or the insured. The representative must record all such information in writing.

7. No damage insurance agent may pursue the activities of a damage insurance broker.

No damage insurance broker may pursue the activities of a damage insurance agent.

8. No financial planner may render financial planning services in such capacity unless he has first entered into a written agreement with the client which, as a minimum, specifies the following:

- (1) the nature and scope of the mandate;
- (2) an estimate of his remuneration and of the number of hours required to complete the mandate;
- (3) all the sectors or classes of sectors in which he is authorized to act and a description of the financial products and services that are likely to be offered by the financial planner;
- (4) the client's signature, attesting to the acceptance of the mandate.

No agreement entered into under the first paragraph may oblige the client to purchase a financial product or service offered by the financial planner.

9. The financial planner must prepare a written financial planning report and forward it to his client.

DIVISION IV REPRESENTATION AND CLIENT SOLICITATION

10. Upon first meeting a client, a representative must give the client a written document, such as a business card, which indicates the following:

- (1) the representative's name;
- (2) the representative's business addresses, business telephone numbers and facsimile number, if any;
- (3) the titles the representative is authorized to use;
- (4) the sectors or classes of sectors in which the representative is authorized to act as indicated in his certificate, unless the titles he uses are representative thereof;

(5) the name of the firm or independent partnership on whose behalf the representative pursues activities;

11. The document referred to in section 10 may also include the following:

- (1) the names of the representative's partners, if they pursue activities on behalf of an independent partnership;
- (2) the representative's residential address and telephone numbers, electronic mail and mailing addresses;
- (3) the representative's education and qualifications;
- (4) the representative's years of experience in each sector in which he pursues activities;
- (5) the description of the products and services offered by the representative.

12. Where a representative does not meet a client personally, he must verbally disclose the items set out in subparagraphs (1), and (3) to (5) of section 10.

Upon request by the client, the representative must give the client the document referred to in section 10 when he first sends other documents.

13. Where a representative uses statistics in his written representations, he must indicate the source thereof.

14. A representative must refrain from engaging in any client solicitation or representation that:

- (1) states the representative's income or financial performance;
- (2) appears to promise results that the representative is unable to obtain;
- (3) uses a visual image or phrase that is likely to cause confusion, such as a trade mark, slogan or symbol.

15. Except in representations directed exclusively at other damage insurance brokers, a damage insurance broker may not, in any manner whatsoever, make representations on behalf of an outside insurer or to the effect that the damage insurance broker can obtain the insurance damage product of an outside insurer.

DIVISION V PRODUCT INFORMATION

16. Where a representative in insurance of persons sells to a client an individual insurance of persons prod-

uct or an individual annuity, including an endowment contract, the representative must give to the client a document, printed in at least 10-point Bookman Old Style font or its equivalent, indicating the following:

(1) whether the insurance costs payable under the contract are guaranteed and, where applicable, for how long, and whether such amounts may fluctuate;

(2) whether the return on the amounts invested through the insurance product is guaranteed or not;

(3) whether the face amount of the insurance is guaranteed or may fluctuate;

(4) any specific exclusions contained in the contract;

(5) if a surrender fee or a penalty is payable if the contract is surrendered;

(6) if the purpose of the transaction is to terminate or replace another life insurance product.

DIVISION VI PROFESSIONAL LIABILITY INSURANCE

17. The insurance contract covering the professional liability of a representative acting on behalf of, but not employed by, a firm must provide for the following:

(1) a minimum coverage amount of \$500,000 per claim and \$1,000,000 per year;

(2) that any deductible amount stipulated in the contract may not exceed \$5,000;

(3) express stipulations to the effect that:

(a) coverage is provided for liability arising from the fault, errors, negligence, or omissions committed by the representative in pursuing activities as a representative, or arising from the fault, errors, negligence, or omissions committed by the representative's mandataries, employees or trainees in the performance of their duties, regardless of whether or not such persons are still so engaged on the date of the claim;

(b) the coverage provided in respect of the activities of the representative during the period for which the contract is in effect extends beyond the period of insurance provided for therein for a further term of 5 years from the date the representative ceases to pursue activities, irrespective of whether or not he is still alive;

(c) the insurer must advise the Bureau of its intention not to renew the contract or to terminate the contract 30 days prior to the date of non-renewal or termination;

(d) the insurer must notify the Bureau upon receiving from the representative notice of non-renewal or termination of an insurance contract;

(e) the insurer must notify the Bureau upon receiving any claim under the contract, regardless of whether the insurer decides to honour the claim.

DIVISION VII POLICY REPLACEMENTS

18. The provisions of this Division apply to all representatives in insurance of persons who replace individual life insurance contracts, including serious or critical-illness insurance contracts.

The provisions also apply to representatives in insurance of persons who secure the adhesion of a person to a group insurance contract, and where that adhesion is likely to result in the termination, cancellation or reduction of benefits of an individual insurance policy.

Notwithstanding the first paragraph, the provisions of this Division do not apply to a representative in insurance of persons who intends to replace an annuity of an insurer, including an endowment contract.

19. An amendment made to an existing contract shall not be regarded as a replacement contemplated in this Division.

20. A representative must endeavour to ensure that all insurance contracts are maintained in effect, unless the replacement of the contract is justified as being in the interest of the purchaser or the insured; the representative in insurance of persons who replaces the contract must demonstrate that the replacement is so justified.

21. No representative in insurance of persons may encourage an insured or a purchaser who is not the insured, to cancel, cause to lapse or abandon one insurance contract in favour of another insurance contract, unless he complies with the replacement procedure set out in section 22.

22. Where the purchase of an insurance contract is likely to result in termination, cancellation or reduction in benefits of another insurance contract, the representative must:

(1) undertake a complete analysis of the needs of the insured or the policyholder, in accordance with section 6;

(2) complete, at the same time as the insurance proposal, the form sold by the Bureau provided in Schedule I

or Schedule II if it is in the interests of the insured or the policyholder to replace one contract with another;

(3) give the form, once completed, to the insured or the policyholder and explain the form to such insured or policyholder by comparing the features of the current contracts with those of the proposed contract and by describing the advantages and disadvantages of the replacement;

(4) send the completed form to the head offices of the insurers who issued the contracts likely to be cancelled, by any means providing proof of the date of sending, within five working days of the signing of the insurance proposal;

(5) send a copy of the completed form, within the time limit prescribed in subparagraph (4), to the insurer with whom the representative in insurance of persons intends to place the new contract.

23. Where a replaced product is not the same type as that offered, the representative must send his client a product replacement notice answering the following questions:

(1) How does the current contract fail to meet the client's needs?

(2) How will the proposed product better meet the client's needs?

(3) What disadvantages will the replacement involve for the client?

24. No representative may prevent an insurer who issued a contract that is likely to be replaced from contacting the insured or the policyholder with a view to dissuading such insured or policyholder from replacing the contract or with a view to offering an equivalent contract.

25. The replacement procedure provided for in section 22 also applies, adapted as required, to the replacement of the following:

(1) a signed insurance proposal for which:

(a) the mode premium has been paid in full, in cash or by cheque;

(b) the signatory of the proposal has given either a bank authorization or written authorization for deduction from salary or a written authorization to transfer funds from one policy issued by an insurer to another policy issued by the same insurer;

(2) a signed insurance proposal providing for temporary coverage of not more than one year, for which the temporary insurance premium has been paid.

26. The replacement procedure provided for in section 22 does not apply to the replacement of an insurance proposal for which the premium has been fully paid but where the medical examination was not conducted within the period stipulated on the conditional receipt.

27. Where an insurer is prepared to issue a contract in accordance with the terms and conditions of the insurance proposal, but subject to payment of an additional premium, the representative must follow the replacement procedure before he obtains a similar contract without any additional or extra premium from another insurer.

DIVISION VIII

DAMAGE INSURANCE BROKER OR AGENT ACTING AS CLAIMS ADJUSTER

28. A damage insurance broker or agent is authorized to act as a claims adjuster pursuant to section 46 of the Act and must:

(1) comply with the rules governing the activities of a claims adjuster, adapted as required;

(2) disclose, in writing, to each person with whom he transacts business the type of remuneration he receives for services rendered as a claims adjuster.

29. This Regulation comes into force on October 1, 1999.

SCHEDULE I

(s. 22, par. 2)

**Prior
Notice****of replacement
of life insurance
policy****Important notice for the consumer**

This prior notice:

- * must be completed and signed in cases where, on the recommendation of your insurance representative, you intend to replace your current life insurance policy;
- * will be used to notify your current insurer of a possible policy cancellation;
- * must be signed on the same day as the new application for insurance (insurance proposal);
- * will not cancel your existing policy;
- * is not a contract.

You may withdraw your application for insurance at any time before the new policy is issued. In addition, most insurance companies allow an additional 10-day period, after the policy is issued, to allow you to examine it thoroughly. During this period, you may cancel the policy without incurring a penalty.

**AS YOU READ THROUGH THIS FORM, YOU
SHOULD ASK YOURSELF THE FOLLOWING QUESTIONS:****1**

Was a written analysis of my insurance needs completed before this insurance proposal was made? Do I have a copy of the analysis?

Insurance representatives in insurance of persons must take your current and future needs into account, along with your objectives and financial situation, before suggesting the replacement of your current policy.

2

Are the premiums for the new policy higher or lower than the old premiums? A new life insurance policy of the same type as your old policy could cost you more, since you are older.

3

Will I lose any tax benefits? For example, some tax benefits may be lost if you replace a life insurance policy acquired before December 2, 1982.

4

Have any steps been taken to maintain or amend my current life insurance policy? It is generally possible, and preferable, to opt for a change to an existing policy rather than to replace it.



Bureau des
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1.877.525.6273
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How to use the form "Prior notice of policy replacement"

This form consists of three separate booklets, which will be completed in three copies to be given to:

- copy 1 - the policyholder;**
- copy 2 - the current insurer;**
- copy 3 - the new insurer.**

An explanatory guide is included for the benefit of consumers.

Step 1 - Completing the form

Complete each booklet, writing on Copy 1 - Policyholder (green copy).

Write in capitals, using a ball-point pen.

Step 2 - Before signing the form

The Prior Notice of Replacement may be completed in advance by the representative in insurance of persons, who must then go over it point by point with the client, before the client signs. The client's signature does not constitute a request to terminate the current policy. **The prior notice must in all cases be signed on the same day as the application for life insurance.**

Step 3 - Copies

Detach Copy 2 - Current Insurer (yellow copy) from each section. Your insurance representative will make sure it reaches your current insurer within five days of being signed.

Proceed in the same manner for Copy 3 - New Insurer (blue copy).

The representative must make a photocopy of the Prior Notice of Replacement, duly completed, for his record.

The remaining parts of the form are the property of the policyholder.

This form was prepared by the Conseil des assurances de personnes and is used by the Bureau des services financiers. It is compulsory that the form be filled out whenever a policy is to be replaced.

The Bureau des services financiers was established by the Act respecting the distribution of financial products and services; its mission is to protect the public by overseeing the application of the Act and the regulations under it, which govern the activities of certificate holders, firms, independent representatives and independent partnerships.



Section 1

1- General Information

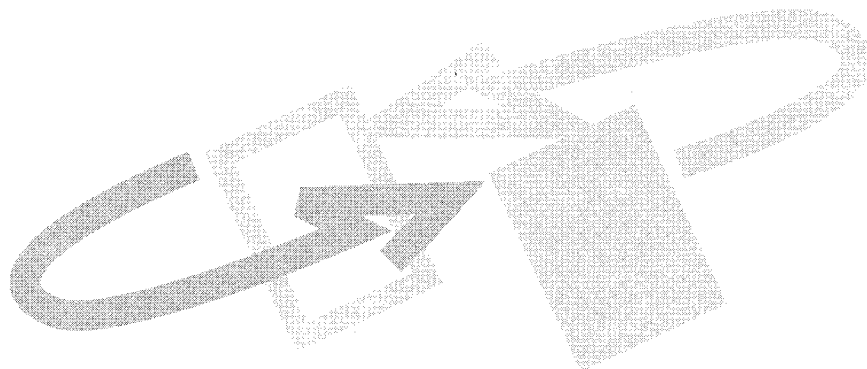
a- Guide

b- Table

2- Coverage provided











a- Guide

b- Table







Guide Section 1

1 - General Information

-  The life insurance **policyholder** is the person who makes all the decisions concerning the policy and who, in general, pays the premiums.
-  In most cases, the policyholder is also the **insured**, but in some cases the policyholder and the insured may be two separate persons.
-  The **other insureds** are the individuals covered by the same policy, such as family members or business partners.
-  The **terminated insureds** are the insured insureds who will no longer be covered under the new policy, and the **additional insureds** are the individuals who will be added to the new policy.
-  **Joint insurance** is a single policy that covers two individuals, where the death benefit is payable following the death of the first or the second individual, depending on the option chosen.
-  The main **policy types** are term life, whole life, universal life, and 100-year-term life.
-  The **effective date** is the date on which the policy takes effect once the proposal is accepted by the insurance company.
-  The **suicide clause**: if death results from suicide and occurs within two years of the effective date of the policy, the insurer will not, in general, pay the death benefit.
-  The **incontestability clause**: if death occurs within two years after the policy comes into effect, the insurer may refuse to pay the death benefit if incomplete or inaccurate information on the insured's health and lifestyle were given or if information was omitted. The insurer may, in all cases, refuse to pay the death benefit if it is proven that the insured committed intentional fraud.
-  A **registered policy**: if you cash in the amounts that accumulate under an insurance policy that is part of a registered retirement savings plan (RRSP), you will have to pay income tax.

2 - Coverage provided

-  The **total coverage** is the amount that will be paid to the beneficiary following the death of the insured.
-  The **coverage** may consist of a guaranteed base amount plus an additional amount or endorsement that may increase, decrease, remain stable or terminate at a specific time.
-  **Renewable term insurance** means a policy that may be renewed on the dates specified in the policy. See part 4f of this form for the premiums applicable for renewal.
-  **Convertible term insurance** means term insurance that may be converted into permanent insurance without having to prove insurability.

1 General information

a Name and given name of policyholder [?] _____ Name and given name of insured [?] _____ Date of birth of insured _____
 Month Day Year

b Other insureds (multiple coverage)

Name and given name of insured (1) [?]	n°. of prior notice	Name and given name of insured (2)	n°. of prior notice
_____	_____	_____	_____
Name and given name of insured (3)	n°. of prior notice	Name and given name of insured (4)	n°. of prior notice
_____	_____	_____	_____

Terminated insureds [?]			Additional insureds		
Family name and given name	Type of coverage	Amount of coverage \$	Family name and given name	Type of coverage	Amount of coverage \$

c Joint insurance [?] Name and given name of 2nd insured _____
 Payable on: 1st death 2nd death

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
Name of insurance company: _____	_____	_____
Type of policy: [?] _____	Policy N°: _____	Proposal N°: _____

e Is there more than one policy that may be replaced by the proposed policy? If so, indicate the prior-notice number used for each policy:

Prior notice n°: _____	Not applicable
Prior notice n°: _____	

f Effective date: [?] _____
 Month Day Year

g What is the expiry date of the suicide clause? [?] _____
 Month Day Year

h What is the expiry date of the incontestable clause? [?] _____
 Month Day Year

i Is the life-insurance policy part of a registered retirement as an RRSP? [?] Yes No

Not applicable _____ year(s) after the effective date of the contract.
 _____ year(s) after the effective date of the contract.
 Yes No

2 Coverage offered

a What is the total coverage [?] _____ \$

b The coverage includes:

- a guaranteed base amount of: [?] _____ \$
- an additional amount of: _____ \$

The additional amount may:

- remain stable
- increase
- decrease
- convertible renewable

c The term coverage, if any, is: [?] _____
 If so, until when? [?] _____
 Month Day Year

SECTION 1 Prior notice of replacement of life insurance policy

1 General information

a	Name and given name of policyholder ⁷	Name and given name of insured ⁸	Date of birth of insured		
			Month	Day	Year

b	Other insureds (multiple coverage)					
	Name and given name of insured (1) ⁹	n°. of prior notice	Name and given name of insured (2)	n°. of prior notice		
	Name and given name of insured (3)	n°. of prior notice	Name and given name of insured (4)	n°. of prior notice		

Terminated insureds ¹⁰

Additional insureds

Family name and given name	Type of coverage	Amount of coverage \$	Family name and given name	Type of coverage	Amount of coverage \$

c	Joint insurance ¹¹	Name and given name of 2 nd insured
	Payable on: 1 st death 2 nd death	

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
------------------	----------------	-----------------

d	Name of insurance company:		
	Type of policy: ⁶	Policy N°:	Proposal N°:

e	Is there more than one policy that may be replaced by the proposed policy? If so, indicate the prior-notice number used for each policy:	Prior notice n°:	Not applicable
		Prior notice n°:	

f	Effective date: ⁵	Month Day Year	Not applicable

g	What is the expiry date of the suicide clause? ⁸	Month Day Year	Not applicable
			year(s) after the effective date of the contract.

h	What is the expiry date of the incontestable clause? ⁹	Month Day Year	Not applicable
			year(s) after the effective date of the contract.

i	Is the life-insurance policy part of a registered retirement as an RRSP? ¹⁰	Yes No	Yes No

2 Coverage offered

a	What is the total coverage ¹¹	\$	\$
b	The coverage includes:		
	• a guaranteed base amount of: ¹²	\$	\$
c	• an additional amount of:		
	The additional amount may:	remain stable	remain stable
c	The term coverage, if any, is: ¹³	increase	increase
	If so, until when? ¹³	decrease	decrease
		convertible	convertible
		renewable	renewable
		Month Day Year	Month Day Year

Prior notice of replacement of life insurance policy

SECTION 1

1 General information

a Name and given name of policyholder ⁷ _____ Name and given name of insured ⁸ _____ Date of birth of insured _____
Month Day Year

b Other insureds (multiple coverage)

Name and given name of insured (1) ⁹ _____	n°. of prior notice _____	Name and given name of insured (2) _____	n°. of prior notice _____
Name and given name of insured (3) _____	n°. of prior notice _____	Name and given name of insured (4) _____	n°. of prior notice _____

Terminated insureds ¹⁰ Additional insureds

Family name and given name	Type of coverage	Amount of coverage \$	Family name and given name	Type of coverage	Amount of coverage \$

c Joint insurance ¹¹ Name and given name of 2nd insured _____
 Payable on: 1st death 2nd death

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
Name of insurance company: _____	_____	_____
Type of policy: ¹² _____	Policy N°: _____	Proposal N°: _____

e Is there more than one policy that may be replaced by the proposed policy? If so, indicate the prior-notice number used for each policy:
 Prior notice n°.: _____ Not applicable

f Effective date: ¹³ _____
Month Day Year Not applicable

g What is the expiry date of the suicide clause? ¹⁴ _____
Month Day Year _____ year(s) after the effective date of the contract.

h What is the expiry date of the incontestable clause? ¹⁵ _____
Month Day Year _____ year(s) after the effective date of the contract.

i Is the life-insurance policy part of a registered retirement as an RRSP? ¹⁶
 Yes No Yes No

2 Coverage offered

a What is the total coverage ¹⁷ _____ \$ _____ \$

b The coverage includes:
 • a guaranteed base amount of: ¹⁸ _____ \$
 • an additional amount of: _____ \$
 The additional amount may:
 remain stable increase decrease

c The term coverage, if any, is: ¹⁹
 If so, until when? _____
 convertible renewable convertible renewable

Month Day Year Month Day Year

SECTION 1 - Prior notice of replacement of life insurance policy



Section 2

2- Coverage provided (cont'd)

3- Premiums

a- Guide

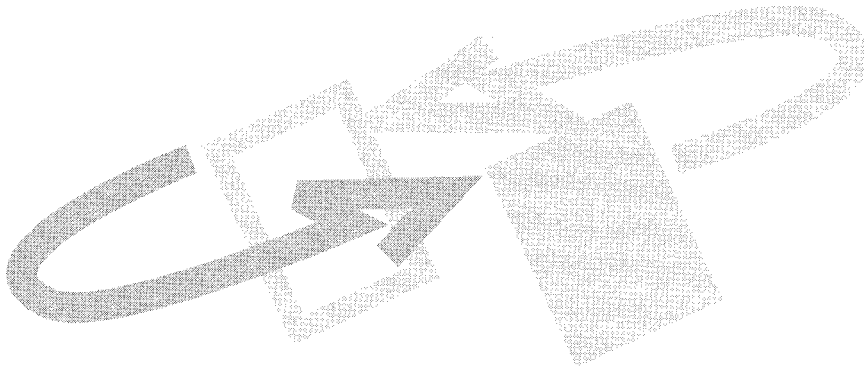
b- Table

4- Cash surrender values, participation and savings

4.1 Guaranteed Values




a- Guide

b- Table











Guide Section 2

2 - Coverage provided (cont'd)



- 
Paid-up life insurance: the accumulated cash surrender value of your policy eliminates the need to pay premiums, although you remain insured for a lesser amount until your death.
- 
Extended life insurance: the accumulated cash surrender values in of your policy may enable you to stop paying premiums and remain insured for the same amount but for a certain number of years only.
- 
Additional coverage is provided by the options you may or may not choose or not to add to your life insurance policy. Some of the most popular are: an insurability guarantee that allows the amount of life-insurance to be increased, according to the conditions of the policy, without providing proof of good health; premium exemption, which releases a policyholder (or an insured) who becomes disabled from the requirement to pay premiums; accidental death or dismemberment, which provides for the payment of an additional amount in the event of accidental death, or the payment of a lump-sum amount in the event of dismemberment.

3 - Premiums

- 
 The **total annual premium** is the amount you pay each year for your life insurance policy.
- 
 The **instalment period** may be monthly, quarterly or annual. **An annual premium that has already been paid is not generally refundable.**
- 
 An **additional premium** is an additional amount that is added to the normal rate because the risk is greater; it can be temporary or permanent.
- 
 An **exclusion** is a state or condition for which the insured is not covered; it can be temporary or permanent.
- 
 A **guaranteed premium** will remain the same, or will increase only at certain times specified in the policy.
- 
 The **guaranteed payment period** determines how many years the policy-holder will have to pay premiums.
- 
 The **minimum premium** consists of the cost of the insurance, taxes, and administration fees required for the payment of the life-insurance policy.
- 
 The difference between the **minimum premium** and the premium actually paid constitutes the savings element in universal life insurance.

4 - Cash surrender values, participation and savings

4.1 Guaranteed Values

- 
 The **cash surrender values** of a life insurance policy are the amount of savings guaranteed by the policy. **These values are not generally paid out in addition to the death benefit.** However, you may borrow against the cash surrender value by paying interest, or obtain the entire cash surrender value when the contract is cancelled.
- 
 The **net amount** is the total of the values that will be paid if the policy is terminated. The stated amount takes into account all the deductions that will be applied (reimbursement of loans, taxes, administration costs, etc.). This amount may be used for personal needs, to pay the premiums on a new policy, or as an investment. If the amount is invested, the rate used to calculate the estimated value must be realistic and market-based.

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
------------------	----------------	-----------------

② Coverage provided (cont'd)

d The life insurance contract may be: ¹⁷ ¹⁸

- on payment of:
- in the following number of years:
- for the following number of years:

fully paid-up	extended	fully paid-up	extended
\$ _____	\$ _____	\$ _____	\$ _____
yrs. _____	yrs. _____	yrs. _____	yrs. _____

e The life insurance policy includes supplementary coverage, as follows: ¹⁹

Insurability guarantee	Insurability guarantee
Exemption from premiums	Exemption from premiums
Accidental death or mutilation	Accidental death or mutilation
other _____	other _____

③ Premiums

a Total annual premium: ¹⁷ ¹⁸
 What is the payment frequency? ¹⁹

\$ _____	\$ _____
----------	----------

b Does the premium include an additional premium? ¹⁹
 • If so: - why? ²⁰
 - For how long?

Yes _____ No _____	
--------------------	--

c Does the premium take into account an exclusion? ²⁰
 • If so: - why? ²¹
 - for how long?

Yes _____ No _____	To be determined
--------------------	------------------

d Premium rate:
e Is the premium guaranteed? ²¹

Smoker	Non-Smoker	Smoker	Non-Smoker
Yes _____ No _____	Yes _____ No _____	Yes _____ No _____	Yes _____ No _____

f Amount of the premium: ²²
 - In 10 years: _____ \$
 - At age 55: _____ \$
 - At age 65: _____ \$

\$ _____	\$ _____
\$ _____	\$ _____
\$ _____	\$ _____

g Guaranteed term of premium payment: ²³
 _____ yrs. |

h If the policy is of a universal life insurance policy, what is the amount of the minimum premium? ²⁴
 Is this amount _____ \$

_____ yrs.	_____ yrs.
\$ _____	\$ _____

Which premium does the policy owner choose? ²⁵

guaranteed for _____ yrs.	guaranteed for _____ yrs.
non-guaranteed level _____ Incremental	non-guaranteed leveled out Incremental
\$ _____	\$ _____

④ Cash surrender values, participation and savings

4.1 Guaranteed values

a Does the life insurance policy have a cash surrender values? ²⁵
 Amount of the guaranteed: ²⁶
 cash surrender values: ²⁷
 - in 10 years: _____ \$
 - at age 55: _____ \$
 - at age 65: _____ \$

Yes _____ No _____	Yes _____ No _____	Yes _____ No _____	Yes _____ No _____
\$ _____	\$ _____	\$ _____	\$ _____
\$ _____	\$ _____	\$ _____	\$ _____

b What would the net amount paid out by the company be if the life insurance policy were cancelled today? ²⁸
 How would this amount be used? ²⁹

\$ _____	Not applicable
If funded, projection at _____ %	
Amount invested: _____ \$	
Estimated amount: _____ \$	
at _____ years	

Prior notice of replacement of life insurance policy SECTION 2

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
------------------	----------------	-----------------

② Coverage provided (cont'd)

d The life insurance contract may be: ¹⁴ ¹⁵

- on payment of:
- in the following number of years:
- for the following number of years:

fully paid-up	extended	fully paid-up	extended
\$	\$	\$	\$
_yrs.]		_yrs.]	
_yrs.]		_yrs.]	

e The life-insurance policy includes supplementary coverage, as follows: ¹⁶

Insurability guarantee	Insurability guarantee
Exemption from premiums	Exemption from premiums
Accidental death or mutilation	Accidental death or mutilation
other	other

③ Premiums

a Total annual premium: ¹⁷
 What is the payment frequency? ¹⁸

	\$
	\$

b Does the premium include an additional premium? ¹⁹

- If so: - why?
- For how long?

Yes	No	
-----	----	--

c Does the premium take into account an exclusion? ²⁰

- If so: - why?
- for how long?

Yes	No	To be determined
-----	----	-------------------------

d Premium rate:

	Smoker	Non-Smoker	
--	--------	------------	--

e Is the premium guaranteed? ²¹

	Yes	No	
--	-----	----	--

f Amount of the premium: ²²

- In 10 years: \$
- At age 55: \$
- At age 65: \$

	\$	\$	
	\$	\$	
	\$	\$	

g Guaranteed term of premium payment: ²³

	_yrs.]
	_yrs.]

h If the policy is of a universal life insurance policy, what is the amount of the minimum premium? ²⁴

	\$
	\$

Is this amount

	\$
	\$

Which premium does the policy owner choose? ²⁵

	\$
	\$

④ Cash surrender values, participation and savings

4.1 Guaranteed values

a Does the life insurance policy have a cash surrender values? ²⁵

Yes	No		
-----	----	--	--

Amount of the guaranteed: ²⁶

- in 10 years: \$
- at age 55: \$
- at age 65: \$

	\$		\$
	\$		\$
	\$		\$

b What would the net amount paid out by the company be if the life insurance policy were cancelled today?

Not applicable			
-----------------------	--	--	--

How would this amount be used? ²⁶

If funded, projection at		%	
Amount invested:			\$
Estimated amount:			\$
at	_years]		

Prior notice of replacement of life insurance policy

SECTION 2

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
------------------	----------------	-----------------

② Coverage provided (cont'd)

d The life insurance contract may be: ¹⁴ ¹⁵

- on payment of:
- in the following number of years: _____ yrs. |
- for the following number of years: _____ yrs. |

e The life-insurance policy includes supplementary coverage, as follows: ¹⁶

	fully paid-up	extended
	\$ _____	\$ _____
	_____ yrs.	_____ yrs.
Insurability guarantee Exemption from premiums Accidental death or mutilation other		Insurability guarantee Exemption from premiums Accidental death or mutilation other

③ Premiums

a Total annual premium: ¹⁷ ¹⁸
What is the payment frequency? ¹⁹

b Does the premium include an additional premium? ¹⁹

- If so: - why? _____
- For how long? _____

c Does the premium take into account an exclusion? ²⁰

- If so: - why? _____
- for how long? _____

d Premium rate:

e Is the premium guaranteed? ²¹

f Amount of the premium: _____

- In 10 years: _____ \$
- At age 55: _____ \$
- At age 65: _____ \$

g Guaranteed term of premium payment: _____ yrs. | ²²

h If the policy is of a universal life insurance policy, what is the amount of the minimum premium? ²³

Is this amount _____

Which premium does the policy owner choose? ²⁴

	\$ _____	\$ _____
Yes	No	
Yes	No	To be determined
Smoker	Non-Smoker	Smoker
Yes	No	Yes
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
	_____ yrs.	_____ yrs.
	\$ _____	\$ _____
guaranteed for	_____ yrs.	guaranteed for
non-guaranteed level	Incremental	non-guaranteed leveled out
	\$ _____	Incremental \$ _____

④ Cash surrender values, participation and savings

4.1 Guaranteed values

a Does the life insurance policy have a cash surrender values? ²⁵

Amount of the guaranteed: _____

- in 10 years: _____
- at age 55: _____
- at age 65: _____

b What would the net amount paid out by the company be if the life insurance policy were cancelled today? ²⁶

How would this amount be used? ²⁶

Yes	No	
	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____
		Not applicable
		If funded, projection at _____ %
		Amount invested: _____ \$
		Estimated amount: _____ \$
		at _____ years

Prior notice of replacement of life insurance policy SECTION 2



Section 3

4- Cash surrender values, participation and savings (cont'd)

4.2 Guaranteed Values

a- Guide

b- Table

5- Reasons for replacement

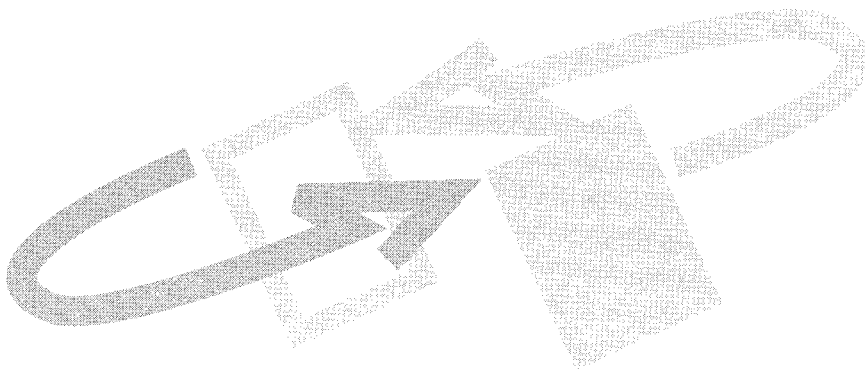
a- Guide

b- Table

6- Signature and dates

a- Guide


b- Table




Guide Section 3


4 - Cash surrender values, participation and savings


4.2 Non-Guaranteed amounts

 **Participation in profits:** a participating life insurance policy entitles the policyholder to part of the profits generated by the insurance company. The **participation is never guaranteed**. It can be used to reduce the premium or take out additional life insurance, or it can be cashed in or otherwise used.


 **Projections** are forecasts of future returns. **They are not guaranteed.**

 **Additional life insurance** is the amount of additional life insurance purchased using the participation.


 The **investment amount** is an estimate of the amount accumulated under the policy.


 The **total death benefit** is the total coverage as indicated in point 11, to which the amounts estimated in (c) and/or (d) are added, where applicable.

5- Reason for policy replacement

 Remember that it is generally possible, and preferable, to amend an existing policy rather than replace it.

6- Signatures and dates

 The policyholder must enter his reasons for replacing the life insurance policy. If the representative is a trainee, the prior notice of policy replacement must be authorized by the person supervising the trainee's activities, namely the training supervisor.

 The entire form belongs to the policyholder, with the exception of the copies for the insurers involved.

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
-------------------------	-----------------------	------------------------

④ Cash surrender values, participation and savings (cont'd)

4.2 Non-guaranteed amounts

a Will there be any participation in the company's profits? If so, how will the participation be used?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
b If the policy is a universal life insurance policy, is the accumulated savings fund payable in addition to the death benefit? What is the rate used for the illustration?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>

?	Additional life insurance:	Present		Proposed		Present		Proposed		Present		Proposed	
		at age 55				at age 65				at age 75			
		c	Savings fund available under the universal life insurance policy: ?	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
d	Savings fund available under the universal life insurance policy: ?	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
e	Total death benefits ?	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

⑤ Reasons for replacement?

In what way does the proposed contract meet the needs of the policy-holder better, and what are the advantages and disadvantages of the policy replacement?

a

Is there any other relevant information that should be given in connection with the policy replacement?

b

⑥ Signatures and dates

BEFORE SIGNING THIS FORM:

- Make sure that it was filled out entirely in your presence or has been explained to you point by point.
- Make sure you keep your current life insurance policy until the new policy is in force.
- Remember that it is your responsibility, as a consumer, to ask all the questions required to understand the product you are offered; it is the responsibility of the representative to disclose all the information needed to help you do so.

REPRESENTATIVE	family name	given name	Signature	Telephone n°	Certificate n°
TRAINING SUPERVISOR	family name	given name	Signature	Telephone n°	Certificate n°

POLICYHOLDER I, the undersigned _____, after reading this notice and understanding its terms, wish to proceed with the replacement of my current life insurance policy for the following reasons

Signature _____ Date _____ Telephone _____

Prior notice of replacement of life insurance policy

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
------------------	----------------	-----------------

④ Cash surrender values, participation and savings (cont'd)

4.2 Non-guaranteed amounts

a	Will there be any participation in the company's profits? ³⁷ If so, how will the participation be used?	Yes	No	Yes	No
b	If the policy is a universal life-insurance policy, is the accumulated savings fund payable in addition to the death benefit? What is the rate used for the illustration?	Yes	No %	Yes	No %

Projections	Additional life insurance:	Present		Proposed		Present		Proposed	
		at age 55		at age 65		at age 75			
c	Savings fund available under the universal life insurance policy: ³⁸	\$	\$	\$	\$	\$	\$	\$	\$
d	Savings fund available under the universal life insurance policy: ³⁹	\$	\$	\$	\$	\$	\$	\$	\$
e	Total death benefits ⁴⁰	\$	\$	\$	\$	\$	\$	\$	\$

⑤ Reasons for replacement?

- a** In what way does the proposed contract meet the needs of the policy-holder better, and what are the advantages and disadvantages of the policy replacement?
- b** Is there any other relevant information that should be given in connection with the policy replacement?

⑥ Signatures and dates

BEFORE SIGNING THIS FORM:

- 1 Make sure that it was filled out entirely in your presence or has been explained to you point by point.
- 2 Make sure you keep your current life insurance policy until the new policy is in force.
- 3 Remember that it is your responsibility, as a consumer, to ask all the questions required to understand the product you are offered; it is the responsibility of the representative to disclose all the information needed to help you do so.

REPRESENTATIVE	family name	given name	Signature	Telephone n°.	Certificate n°.
⁴¹ TRAINING SUPERVISOR	family name	given name	Signature	Telephone n°.	Certificate n°.

⁴² POLICYHOLDER I, the undersigned _____, after reading this notice and understanding its terms, wish to proceed with the replacement of my current life insurance policy for the following reasons:

Signature Date Telephone

Prior notice of replacement of life insurance policy SECTION

INSURANCE POLICY	CURRENT POLICY	PROPOSED POLICY
-------------------------	-----------------------	------------------------

④ Cash surrender values, participation and savings (cont'd)

4.2 Non-guaranteed amounts

<p>a Will there be any participation in the company's profits? ²⁷</p> <p>If so, how will the participation be used?</p> <p>b If the policy is a universal life insurance policy, is the accumulated savings fund payable in addition to the death benefit?</p> <p>What is the rate used for the illustration?</p>	<table border="0"> <tr> <td>Yes</td><td>No</td> </tr> <tr> <td> </td><td> </td> </tr> </table> <table border="0"> <tr> <td>Yes</td><td>No</td> </tr> <tr> <td> </td><td> </td> </tr> </table>	Yes	No			Yes	No			<table border="0"> <tr> <td>Yes</td><td>No</td> </tr> <tr> <td> </td><td> </td> </tr> <tr> <td> </td><td> </td> </tr> </table> <table border="0"> <tr> <td>Yes</td><td>No</td> </tr> <tr> <td> </td><td> </td> </tr> <tr> <td> </td><td> </td> </tr> </table>	Yes	No					Yes	No				
Yes	No																					
Yes	No																					
Yes	No																					
Yes	No																					

Projections	Additional life insurance:	Present		Proposed		Present		Proposed	
		at age 55		at age 65		at age 75		at age 75	
	c	Savings fund available under the universal life insurance policy: ²⁸	\$	\$	\$	\$	\$	\$	\$
d	Savings fund available under the universal life insurance policy: ²⁹	\$	\$	\$	\$	\$	\$	\$	\$
e	Total death benefits ³⁰	\$	\$	\$	\$	\$	\$	\$	\$

⑤ Reasons for replacement

a In what way does the proposed contract meet the needs of the policy-holder better, and what are the advantages and disadvantages of the policy replacement?

.....

.....

.....

b Is there any other relevant information that should be given in connection with the policy replacement?

.....

⑥ Signatures and dates

BEFORE SIGNING THIS FORM:

- Make sure that it was filled out entirely in your presence or has been explained to you point by point.
- Make sure you keep your current life insurance policy until the new policy is in force.
- Remember that it is your responsibility, as a consumer, to ask all the questions required to understand the product you are offered; it is the responsibility of the representative to disclose all the information needed to help you do so.

REPRESENTATIVE	family name	given name	Signature	Telephone n°.	Certificate n°.
<hr style="border: none; border-top: 1px solid black;"/>					
³³ TRAINING SUPERVISOR	family name	given name	Signature	Telephone n°.	Certificate n°.
<hr style="border: none; border-top: 1px solid black;"/>					
³⁴ POLICYHOLDER	I, the undersigned _____, after reading this notice and understanding its terms, wish to proceed with the replacement of my current life insurance policy for the following reasons:				
<hr style="border: none; border-top: 1px solid black;"/>					
			Signature	Date	Telephone

Prior notice of replacement of life insurance policy SECTION 3

SCHEDULE II

(s. 22, par. 2)

PRIOR NOTICE OF REPLACEMENT OF AN INDIVIDUAL DISABILITY INSURANCE CONTRACT
(please print)

Name of insured: _____

Address: _____

Date of birth of insured: _____/_____/_____
 Day Month Year

Telephone no.: _____

REPLACED CONTRACT

PROPOSED CONTRACT

Company: _____

Policy no.: _____

Waiting period: _____

Duration of coverage: _____

Amount of benefit: _____

\$

\$

Amount of premium: _____

\$

\$

REASON FOR REPLACEMENT

1. How does the current contract fail to meet the client's needs?

2. How will the proposed contract better meet the client's needs?

3. Will the replacement involve any disadvantages for the client? If so, list them below.

IMPORTANT NOTICE FOR CLIENT

It is of the utmost importance, before signing this form, that you read all the information appearing on the reverse side of the client's copy.

SIGNATURE:

I hereby acknowledge that I have received a copy of this notice, duly completed, and that a copy of the notice will be sent to the mentioned companies.

Date: _____

Signature (insured): _____

Name of representative (block letters): _____

Signature of representative: _____

Telephone: _____

1. White: copy of the policyholder
2. Yellow: copy of the current insurer
3. Pink: copy of the new insurer
4. Gold: copy of the representative

IMPORTANT NOTICE FOR THE INSURED

1. This notice is intended to inform and protect you as you consider the possibility of amending your disability insurance policy. The change you are considering may require the issue of a new disability insurance policy, or the cancellation of your current policy.

2. The contract to be replaced should not be terminated before the proposed contract is issued and in force in accordance with your instructions.

3. The following facts may influence your decision to replace or not to replace your current contract:

(a) the clause providing for the incontestability of the policy after two years is not generally transferred from one contract to another. The validity of the new policy may, in some cases, be challenged in a situation where the old contract would have been incontestable.

(b) if your insurability has changed, a new policy may cost more and include more restrictions. You should not amend or cancel your current insurance contract without verifying your insurability.

(c) the new contract may not cover certain health problems which you may have contracted before it was issued and which may be covered by the replaced contract.

Please take these factors into account when you examine the prior notice of replacement.

PROCEDURES TO BE FOLLOWED BY THE REPRESENTATIVE

This document contains information required by the Bureau des services financiers when a disability insurance contract is replaced. It must be used whenever a contract is replaced.

1. Once the form has been duly completed, using a ball-point pen only, and signed by the insured, you must, using registered or certified mail and within five days of the signature of the proposal:

- (a) send the yellow copy to the head office of the insurer that issued the replaced contract;
- (b) send the pink copy to the head office of the insurer issuing the new contract.

2. The white copy must be given to the insured, and the gold copy must be kept for your records.

COMPARATIVE CHART
(write in capital letters)

Data sheet prepared for: _____ insured by: _____ intermediary

Date: _____

	Replaced contract		Proposed contract	
Company				
Policy number				
Characteristics of contracts				
Amount of benefit		\$		\$
Compensation period				
In case of accident				
In case of sickness				
Elimination period				
Rehabilitation coverage	yes	no	yes	no
Occupation coverage	yes	no	yes	no
Period of occupation coverage				
Renewal	guarant.	not guarant.	guarant.	not guarant.
Rescindable	yes	no	yes	no
Exclusion of pre-existing sickness	yes	no	yes	no
Premiums	variable guarant.	level not guarant.	variable guarant.	level not guarant.
At present		\$		\$
In 5 years		\$		\$
In 10 years		\$		\$
Waiver of premiums	yes	no	yes	no
Exclusion riders	yes If yes, list them in the comments section below	no	yes If yes, list them in the comments section below	no
INTEGRATION OF BENEFIT PROVISION	yes	no	yes	no
With government plans				
With other contracts	yes	no	yes	no
ADJUSTMENT OF BENEFITS	yes	no	yes	no
Rate	___ min.	___ max.	___ lev.	___ min. ___ max. ___ lev.

	Replaced contract		Proposed contract	
Partial disability	yes	no	yes	no
Maximum period of compensation				
PARTIAL LOSS OF EARNINGS	yes	no	yes	no
Maximum period of compensation				
INCREASE OF BENEFIT				
Option to increase benefit without evidence of insurability	yes	no	yes	no
Amount		\$		\$
Date of options				
Possibility to exercise options during disability	yes	no	yes	no
Accidental death and dismemberment	yes	no	yes	no
Amount		\$	Amount	\$

COMMENTS: Write in this section any other item comparing or contrasting the replaced contract(s) with the proposed contract.

2981

Gouvernement du Québec

O.C. 831-99, 7 July 1999

An Act respecting the distribution of financial products and services (1998, c. 37)

Fonds d'indemnisation des services financiers — Eligibility of a claim submitted

Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers

WHEREAS under subparagraph 4 of the first paragraph of section 228 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers shall, by regulation, determine the conditions governing the eligibility of a claim presented to the Fonds d'indemnisation des services financiers and the maximum amount of compensation that may be paid;

WHEREAS under that section, the Bureau made the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999, with a notice that it could be submitted to the Government for approval upon the expiry of a 45-day period following that publication;

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

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

THAT the Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the eligibility of a claim submitted to the Fonds d'indemnisation des services financiers

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 228 par. 1, subparagraph (4))

1. A claim submitted to the Fonds d'indemnisation des services financiers must:

- (1) be in writing;
- (2) set out the facts upon which it is based;
- (3) indicate the name of the firm, the independent representative or independent partnership concerned, or the representative involved, as the case may be;
- (4) indicate the amount claimed;
- (5) be sworn and filed with the Secretary of the Board of Directors of the Fonds.

2. A claim must be filed within one year of the date on which the claimant becomes aware of the fraud, fraudulent tactics or embezzlement, as the case may be, referred to in section 274 of the Act respecting the distribution of financial products and services (1998, c. 37).

3. The Board of Directors of the Fonds may extend the time limit provided for in section 2 if the claimant shows that, for reasons beyond his control, he was unable to file his claim within the required time limit.

4. A decision handed down by a discipline committee referred to in section 352 of the Act and which recommends compensation constitutes a claim within the meaning of section 1, provided that the complaint lodged under section 336 of the Act was filed within the time limit provided for in section 2.

5. The following persons may not submit a claim to the Fonds, unless they are or would have been clients, had they not been the victims of the fraud, fraudulent tactics or embezzlement:

- (1) an insurer;
- (2) a deposit institution;
- (3) a trust company;
- (4) any other financial institution;
- (5) a securities dealer or securities adviser governed by the Securities Act, (R.S.Q., c., V-1.1);
- (6) a mutual fund;
- (7) a firm, an independent representative or an independent partnership;
- (8) a representative.

6. Upon request by the Secretary of the Fonds or of one of its directors, the claimant, the firm, the independent representative, or the independent partnership concerned must provide all details and documents relating to the claim, and produce all relevant evidence.

7. A claim is not admissible if the Fonds had previously determined the eligibility thereof and, as the case may be, had set an amount of compensation.

8. The maximum compensation payable by the Fonds is \$200,000 per claim.

9. This Regulation comes into force on October 1, 1999.

2983

Gouvernement du Québec

O.C. 832-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Firms, independent representatives and independent partnership

Regulation respecting firms, independent representatives and independent partnerships

WHEREAS under section 196, subparagraphs 6 to 10 of the first paragraph of section 223 and section 224 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may make regulations on the matters listed therein;

WHEREAS under those sections, the Bureau made the Regulation respecting firms, independent representatives and independent partnerships;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999, with a notice that it could be submitted to the Government for approval upon the expiry of a 45-day period following that publication;

WHEREAS it is expedient to approve that Regulation with amendments;

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

THAT the Regulation respecting firms, independent representatives and independent partnerships, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting firm, independent representative and independent partnership

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 196, s. 223, par.1, subparagraphs (6) to (10) and s. 224)

DIVISION I

ADVERTISING, REPRESENTATIONS AND CLIENT SOLICITATION

1. A firm, independent representative or independent partnership must, in all its advertising, representations or client solicitation pertaining to its activities, use its name or, where applicable, the other names it uses in Québec in the pursuit of its activities and may not use a trademark, slogan, symbol or any other thing that is likely to cause confusion.

Such firm, independent representative or independent partnership must also indicate the title under which it pursues activities.

2. No firm, independent representative or independent partnership may, by reason of its registration with the Bureau des services financiers, purport in its advertising, representations or client solicitations that the ac-

tions performed by it in the pursuit of its activities are approved or recognized by the Bureau des services financiers.

3. No firm, independent representative or independent partnership may, falsely, by any means whatsoever, in its advertising, representations or client solicitations:

(1) claim that a particular service or product is recognized by a particular organization;

(2) appear to promise results that it is unable to provide.

4. The financial products sold and the financial services rendered by a firm, independent representative or independent partnership must comply with its representations and advertising.

5. No firm, independent representative or independent partnership may, by any means whatsoever, make false, misleading, or deceptive representations or engage in false, misleading or deceptive advertising.

6. Where a firm, an independent representative or an independent partnership uses statistics in its advertising or written representations, the source of the statistics must be clearly identified.

7. Sections 238 to 240, 244 and 247 of the Regulation applying the Act respecting insurance (R.R.Q., 1981, c. A-32, r.1) apply, *mutatis mutandis*, to advertising and the representations made by firms, independent representatives and independent partnerships in respect of the financial products they sell.

8. In all its written representations, a firm, independent representative or independent partnership must, in respect of its financial products or services, describe the service or product without emphasizing its advantages to the detriment of its disadvantages.

9. In its advertising, a firm, independent representative or independent partnership may not directly or indirectly criticize the financial products, services or methods of its competitors.

10. The advertisement of a financial product by a firm, an independent representative or an independent partnership requires authorization from the mutual fund or the organization offering units in scholarship plans, from the issuer of a security or from the marketer including the insurer, in the case of insurance products or the manager, in the case of unincorporated mutual funds.

11. Where, in respect of an activity not governed by the Act respecting the distribution of financial products and services (1998, c. 37), a firm or independent partnership, through a representative, engages in advertizing or client solicitation for the purpose of selling a financial product or providing a financial service governed by the Act, the firm, independent representative or independent partnership must state the title that it is authorized to use according to the relevant Bureau des services financiers regulation pursuant to subparagraph (13) of the first paragraph of section 223 of the Act, or the fact that it is a distributor of financial products and services.

DIVISION II RECORDS AND REGISTERS

§1. General provisions

12. A firm, independent representative and independent partnership must keep client records in respect of each of its clients.

13. A firm, independent representative or independent partnership that uses computers or any other data-processing method, must take the necessary measures to prevent loss, destruction or falsification of entries. The firm, independent representative or independent partnership must also ensure that the information contained in each client file can be provided within a reasonable time and in a precise form that is comprehensible to any person authorized under the Act to audit the records.

14. To the extent permitted by the Act, a firm, independent representative or independent partnership may consolidate its client records in a single document, provided that all required information is recorded in such document and that the information can be separated.

15. A firm or independent partnership may keep the information in the client records in various locations provided that the information is recorded with the firm or the independent partnership and provided that every client record can be provided within a reasonable time and in a precise form that is comprehensible to any person authorized under the Act to audit such records.

16. Sections 13 to 15 apply, *mutatis mutandis*, to the commissions register prescribed in Subdivision 3 and to the complaints register prescribed in Subdivision 5.

§2. Client records

17. The client records that must be kept by firms, independent representatives and independent partnerships in respect of each client in connection with the

pursuit of their activities, save those relating to the sectors of damage insurance or real estate brokerage, must include the following information, where necessary:

- (1) the client's name;
- (2) the client's address, telephone and facsimile numbers, and electronic mail address, if any;
- (3) where the client is a natural person, his date of birth where such information is obtained by the representative;
- (4) the amount, object and nature of the product sold or service rendered, as the case may be;
- (5) the policy number, contract issue dates and the date of the signature of the proposal or request for services, as the case may be;
- (6) the name of the representative involved in the transaction and the method of remuneration for each product sold or service rendered to the client;
- (7) the method and date of payment of the products sold or services rendered;
- (8) a copy, in any medium, of the needs analysis prescribed in section 6 of the Regulation respecting the pursuit of activities as a representative, approved by Order-in-Council No. 830-99 of July 7, 1999;
- (9) a copy of the form completed at the time of replacement of an insurance policy, where applicable, as prescribed in Division VII of the said *Regulation*.

All other information or documents concerning products sold or services rendered to the client and obtained from him must also be inscribed on or filed in the client's record by the firm, the independent representative or the independent partnership.

18. In addition to the information prescribed in section 17, the client records that must be kept by firms registered in the securities sector in respect of each client in the pursuit of their activities must contain the following information, where necessary:

- (1) the client's occupation, the name, address and telephone number of his employer, if applicable, and the employer's sector of activity;
- (2) how contact was first established, such as, through advertising, a personal meeting, a referral, a telephone call or an office visit;

- (3) the type of account;
- (4) the client's investment objectives and level of investment knowledge;
- (5) the client's annual income and net worth;
- (6) the account number of the bank, trust company or savings and credit union of any person authorized to give orders in the account;
- (7) the name and signature of any person authorized to give orders in the account;
- (8) any power of attorney whereby the client has conferred on another person the power to give instructions on his behalf and the address of such person;
- (9) in the case of a joint account or an account opened in the name of a legal person or a partnership, the name and address of the person authorized to give instructions and the document conferring this power;
- (10) the form used to open the account and updates.

19. Upon receipt of \$10,000 or more, the firm registered in a securities sector must insert in the client's file a duly completed "Declaration of Funds" form which must contain the following information:

- (1) the name and occupation of the person from whom the money was received;
- (2) that legal status and place of residence of the person;
- (3) the name and address of the person's place of business;
- (4) the date and nature of the transaction;
- (5) the account numbers to which the transaction pertains;
- (6) the amount of money received in cash and the type of currency;
- (7) information regarding the amount of money received in cash on behalf of a third person.

20. In addition to the information prescribed in section 17, the client records that must be kept by firms, independent representatives or independent partnerships registered in the sector of group insurance of persons in respect of each client in the pursuit of its activities must include the following information, where necessary:

- (1) the name of the holder of the group insurance policy;
- (2) the name of the person designated as the policyholder's contact person;
- (3) the calls for tenders and the proposals submitted.

21. The client records that must be kept by firms, independent representatives or independent partnerships registered in the sector of damage insurance in respect of each client in the pursuit of their activities must include the following information, where necessary:

- (1) the client's name;
- (2) the amount, object and nature of the insurance coverage;
- (3) the policy or contract number and the contract issue dates and proposal signature dates, where applicable;
- (4) the method and date of payment of the insurance contact;
- (5) any list evaluating the insured's property transmitted by the insured, where applicable.

Any other information or document pertaining to the products sold or services rendered gathered from the client must also be filed or inscribed in the register.

§3. Commissions register

22. The commissions register that must be kept by firms, independent representatives and independent partnerships in the pursuit of their activities must contain the following information for each commission:

- (1) the contract number or client name, as the case may be;
- (2) the name of the client, the insurer or any other person who has paid a commission to the firm, independent representative or independent partnership;
- (3) the statement pertaining to each commission or other remuneration received by the firm, the independent representative or the independent partnership.

However, in the event that the statement provided for in subparagraph (3) of the first paragraph includes the information prescribed in subparagraphs (1) and (2) of said paragraph, the filing of the statement in the register of commissions is regarded as sufficient.

Where a firm is an insurer, the commissions register must contain, in addition to the name of the person who received payment of the commission, the information prescribed in subparagraph (1) of the first paragraph.

23. The commissions register that must be kept by firms, independent representatives and independent partnerships must contain the following information in respect of shared commissions:

(1) the name and business address of each person sharing the commission and the sectors, if applicable, for which they are registered with the Bureau;

(2) the names of the parties to the transaction and the object and date of the transaction;

(3) the percentage of the commission or the fixed amount resulting therefrom and the manner in which the commission is allocated between the persons sharing it.

§4. Sharing of commissions and entry in the commissions register

24. Payment of the commission to those sharing it shall not be made in cash.

25. Any sharing of commission must be promptly entered in the commissions register.

§5. Complaints register

26. The complaints register that must be kept by firms, independent representatives or independent partnerships must indicate the following information for each complaint received:

(1) the date it is received;

(2) the name, address, telephone and facsimile numbers of the person who lodged the complaint and his electronic mail address, if any;

(3) the nature of the complaint in accordance with the classification set out in Schedule 1 hereto and, in the case of a firm registered in the securities sector, a description of the securities to which the complaint pertains;

(4) the name of the representative, partner, director, officer, trainee, mandatary, or employee in respect of whom the complaint was made, as the case may be;

(5) the date and manner in which the complaint was settled and the reasons which led the firm, independent representative or independent partnership to settle it in that manner;

(6) whether notice was given to the insurer covering the liability of the person in respect of whom the complaint was lodged.

§6. Dealing with complaints

27. An independent representative, and in the case of a firm or an independent partnership, the officer responsible for the principal establishment of the firm or the partnership in Québec are responsible for the complaints register and the processing of complaints.

28. In dealing with any written complaint, a firm, an independent representative or an independent partnership must:

(1) acknowledge receipt in writing to the person who lodged the complaint within ten (10) business days of receiving the complaint; the acknowledgment must indicate the name of the person designated to respond to the complaint or his designated assistant, where applicable, who will deal with the complaint, and his telephone number, the complainant's right to lodge his complaint directly with Bureau, and the Bureau's mailing and electronic mail addresses, telephone and facsimile numbers;

(2) promptly enter the complaint in the complaints register;

(3) where a representative has been the subject of more than five complaints in a calendar year, give notice in writing to the Bureau within 20 days after receiving the fifth complaint;

(4) deal with the complaint promptly and, in all cases provide a final answer within 3 months of the date the complaint was received;

(5) take all necessary measures to ascertain the relevant facts necessary for a full understanding of the complaint;

(6) when the complaint has been settled, advise the client thereof in writing, indicating the manner in which the complaint was settled, the scope and nature of the internal verifications and the reasons justifying the manner in which the complaint was settled.

**DIVISION III
PROFESSIONAL LIABILITY INSURANCE**

29. Except regarding the category of claims adjuster employed by an insurer, the insurance contract covering the liability of an independent representative, firm or independent partnership must satisfy the following conditions:

(1) The minimum insurance coverage is \$500,000 per claim and, for a 12-month period, is \$1,000,000 for an independent representative and \$5,000,000 for a firm or an independent partnership;

(2) The insurance contract may stipulate a deductible not exceeding \$5,000. The deductible may exceed \$5,000 provided that the insured at all times maintains net liquid capital at least equal to the amount of the stipulated maximum deductible;

(3) The insurance contract must also contain provisions to the following effect:

a) in the case of a firm, that the coverage shall extend to the liability arising from the fault, errors, negligence, or omissions committed in the pursuit of the firm's activities and from those committed by its mandataries, its employees or the trainees of its representatives, in the performance of their duties, regardless of whether or not such persons are still so engaged on the date of the claim;

b) in the case of an independent representative, that the coverage shall extend to the liability arising from the fault, errors, negligence, or omissions committed in the performance of his duties and those committed by his mandataries, his employees or his trainees in the performance of their duties, regardless of whether or not such persons are still so engaged on the date of the claim;

c) in the case of an independent partnership, that the coverage shall extend to the liability arising from the fault, errors, negligence, or omissions committed in the pursuit of activities of his partners and the representatives in his employ and from those committed by their mandataries, their employees or the trainees of the partners and representatives in his employ, currently or in the past, in the performance of their duties, regardless of whether or not such persons are still so engaged on the date of the claim;

d) that the coverage provided in respect of the activities of a firm, an independent representative or the partners or representatives employed by an independent partnership for the period during which the contract is in effect will continue to apply beyond the insurance period provided for in the contract in respect of the activities contemplated by such coverage for a further term of five years from the time the firm, independent representative or independent partnership was struck off or suspended from the Bureau's roll;

e) that the time within which an insurer must notify the Bureau of its intention not to renew or its intention to cancel the contract is 30 days prior to the date of non-renewal or cancellation;

f) that the insurer must notify the Bureau upon receiving notice of cancellation of an insurance contract from a firm, an independent representative or an independent partnership;

g) that the insurer must give notice to the Bureau of the receipt of any claim, irrespective of whether or not the insurer decides to honour the claim.

For the purposes of subparagraph (2) of the first paragraph, "liquid assets" means cash and securities immediately convertible into cash.

DIVISION IV FRANCHISES

30. A firm that wishes to act as franchiser must:

(1) send the Bureau a list containing the names and registration numbers of the firms to which it intends to give a franchise;

(2) advise the Bureau of the trademarks, graphic symbols, logos and names that it will allow its franchisees to use.

The franchiser must also send the Bureau an amended list if it grants another franchise or if a firm ceases to operate as a franchise.

31. A franchisee must clearly identify itself as such in the pursuit of its activities, particularly as regards its letterhead, business cards, advertising and signs.

32. Where the franchiser or the franchisee provides insurance coverage in accordance with Division IV, the insurance contract must indicate that it pursues its activities either as franchiser or franchisee.

33. This Regulation comes into force on October 1, 1999.

SCHEDULE 1

CLASS 1: Representations

Sub-classes

(a) general advertising

(b) false or misleading representation

(c) comprehension of the policyholder or securities holder

(d) replacement of contract in the insurance of persons

- (e) conduct of the representative
- (f) tied sales
- (g) privacy and confidentiality
- (h) all other types of complaint relating to representation or sales

CLASS 2: Settlements

Sub-classes

- (a) delays
- (b) unsatisfactory settlements
- (c) refusal of an application for settlement
- (d) suspension in benefit payments
- (e) all other types of complaint relating to settlement

CLASS 3: Client Services

Sub-classes

- (a) invoicing
- (b) delays
- (c) administrative problems
- (d) all other types of complaint relating to customer services
- (e) execution of the mandate

CLASS 4: Products

Sub-classes

- (a) low initial surrender values
- (b) rate of return
- (c) pre-existing conditions, exclusions
- (d) all other types of complaint relating to products

2982

Gouvernement du Québec

O.C. 833-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Special brokerage in damage insurance

Regulation respecting special brokerage in damage insurance

WHEREAS under paragraphs 1 and 2 of section 212 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may make regulations respecting the matters mentioned therein;

WHEREAS under that section, the Bureau made the Regulation respecting special brokerage in damage insurance;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting special brokerage in damage insurance, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting special brokerage in damage insurance

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 212, subparagraphs (1) and (2))

1. A damage insurance broker is authorized to act as a special broker provided that the firm in which he is employed or on whose behalf he acts applies in writing

to the Bureau des services financiers and provides, with the application, the following documents and information:

(1) the name, residential address and certificate number of the damage insurance broker who intends to act as a special broker;

(2) the names and addresses of at least three damage insurers holding insurance licences in Québec and whose services the firm is authorized to offer and whose products the firm is authorized to sell;

(3) a copy of the firm's financial statements for its most recent fiscal year, signed by two of the firm's directors;

(4) a copy of the security prescribed in section 2.

2. The firm on whose behalf the special broker acts must provide the Bureau with a security guaranteeing the obligation of the outside insurers whose products the special broker sells for a blanket amount of \$100,000, regardless of the number of insurance contracts placed through a special broker.

3. Each month, the damage insurance broker authorized by the Bureau to act as a special broker, must forward to the Bureau the following documents and reports:

(1) a copy of all statements signed by clients in accordance with Schedule 1 to this Regulation;

(2) a list indicating the names of the insurers that refused to grant insurance for a given risk and a description of the contemplated risk and the name of the person who requested such insurance;

(3) the name and principal establishment of all outside insurers, as that term is defined in section 41 of the Act respecting the distribution of financial products and services (1998, c. 37), who agreed to insure the contemplated risk.

4. Every six months, a broker in damage insurance authorized by the Bureau to act as a special broker shall forward a report to the Bureau containing the following information:

(1) for each risk placed with an outside insurer, the number of insurers holding a licence issued under the Act respecting insurance (R.S.Q., c. A-32) who were offered the coverage of the risk, the name of the outside insurers with whom the risk was placed by the special broker, and a brief description of the risk placed;

(2) the percentage and number of risks entrusted to him by natural persons, partnerships or legal persons having their domiciles, principal establishments or head offices in Québec, both in terms of the number of risks and the value of the premiums placed with an outside insurer.

5. This Regulation shall come into force on the fifteenth day following publication thereof in the *Gazette officielle du Québec*.

SCHEDULE 1

(section 3, subparagraph 1)

STATEMENT BY THE CLIENT TO A SPECIAL BROKER ACTING FOR AN INSURER NOT HOLDING A LICENCE IN QUÉBEC

I, the undersigned _____

Identification of the client

Name: _____

Address: _____

Telephone no.: _____

hereby declare that, in respect of the following property or other interests to be insured:

Designation and location of risks to be insured

(a) Description of the risk: _____

(b) Exact address of the risk: _____

the following insurers, holding licences in Québec

Identity of insurers that refused to grant the insurance coverage requested

(a) _____

(b) _____

(c) _____

have refused to grant me damage insurance applied for in the amount of

Amount of insurance applied for \$

IMPORTANT

Furthermore, I hereby state that I was notified by the broker that:

(a) the insurer with which the risk is to be placed does not hold a licence in Québec;

(b) said insurer does not have an establishment in Québec;

(c) said insurer is not subject to supervision by the Inspector General of Financial Institutions and does not file the statements and reports prescribed under the Act respecting insurance (R.S.Q., c. A-32);

(d) said insurer is not required to maintain sufficient reserves to guarantee its obligations toward its insurers in Québec.

IN WITNESS WHEREOF, I have signed this statement,

in: _____ on:

 (Client's signature)
 (In the case of a corporation,
 the signature of its duly authorized representative)

 (Witness)

2984

Gouvernement du Québec

O.C. 834-99, 7 July 1999

An Act respecting the distribution of financial products and services
 (1998, c. 37)

Brokerage activities in connection with loans secured by immovable hypothec

Regulation respecting brokerage activities in connection with loans secured by immovable hypothec

WHEREAS under section 206 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may, by regulation, determine the conditions to be met by an insurance representative or securities representative before engaging in brokerage operations in connection with loans secured by immovable hypothec;

WHEREAS under that section, the Bureau made the Regulation respecting brokerage activities in connection with loans secured by immovable hypothec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting brokerage activities in connection with loans secured by immovable hypothec, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting brokerage activities in connection with loans secured by immovable hypothec

An Act respecting the distribution of financial products and services
 (1998, c. 37, s. 206)

1. In order to pursue with loans secured by immovable hypothec, an insurance representative or securities representative must be the holder of a certificate confirming that he is authorized to pursue such activities.

2. Said confirmation is added to the representative's certificate provided that he has satisfied the following conditions:

(1) his application therefor must be made in writing to the Bureau des services financiers and must be accompanied with a document certifying that he took and passed, in a college-level educational institution referred to in the agreement entered in to for that purpose by the Bureau and the particular institution, courses pertaining to the following subjects and for the minimum duration indicated below:

- | | |
|---|-----------|
| a) Hypothecary credit: | 45 hours; |
| b) Hypothecary brokerage and the Real Estate Brokerage Act (R.S.Q., c. C-73.1), and the regulations enacted thereunder: | 45 hours; |

(2) his application must be accompanied with the fees prescribed in sections 6 and 8 of the Regulation respecting annual fees and certain other fees payable, enacted by Order-in-Council No. 836-99 of July 7, 1999.

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

2985

Gouvernement du Québec

O.C. 835-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Titles similar to the title of financial planner

Regulation respecting titles similar to the title of financial planner

WHEREAS under section 215 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may, by regulation, determine the titles similar to the title of financial planner or claims adjuster, and the abbreviations, that may not be used;

WHEREAS under that section, the Bureau made the Regulation respecting titles similar to the title of financial planner;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting titles similar to the title of financial planner, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting titles similar to the title of financial planner

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 215)

1. The following titles are similar to the title of financial planner and may not be used by anyone:

- (1) chartered financial planner (CFP);
- (2) registered financial planner (RFP);
- (3) chartered financial adviser (CFA);
- (4) financial consultant;
- (5) financial co-ordinator;
- (6) financial adviser;
- (7) personal finance consultant;
- (8) personal finance co-ordinator;
- (9) personal finance planner;
- (10) any title including one of the following five expressions, in which the words composing:
 - (a) financial planner;
 - (b) financial planning;
 - (c) financial adviser;
 - (d) financial consultant;
 - (e) financial co-ordinator.

2. This Regulation comes into force on October 1, 1999.

2978

Gouvernement du Québec

O.C. 836-99, 7 July 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Annual fees and other fees payable

Regulation respecting annual fees and other fees payable

WHEREAS under subparagraph 2 of the first paragraph of section 203 and sections 225 and 226 of the Act respecting the distribution of financial products and services (1998, c. 37), the Bureau des services financiers may make regulations respecting the matters mentioned therein;

WHEREAS under those sections, the Bureau made the Regulation respecting annual fees and other fees payable;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation was published in the *Gazette officielle du Québec* of 12 May 1999 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting annual fees and other fees payable, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting annual fees and other fees payable

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 203, par. 1, subpar. 2, ss. 225 and 226)

DIVISION 1
ANNUAL FEES

1. The fees payable for the issuance and renewal of a representative's certificate are \$63 for each sector or sector class in which a representative is authorized to act.

2. The fees payable to register as a firm or an independent partnership with the Bureau des services financiers and to maintain such registration annually are \$63 per sector for each representative through which the firm or independent partnership pursues or intends to pursue activities.

3. The fees payable to register as an independent representative with the Bureau and to maintain such registration annually are \$63 per sector or sector class in which the representative is authorized to act.

DIVISION 2
OTHER FEES PAYABLE

4. The fees payable by a candidate to open a file in his name are \$35.

5. The fees payable to open a file in the name of an applicant for registration with the Bureau are \$40.

6. The fees payable for any other file examination of a candidate or a representative are \$25.

However, the fees payable for the examination of the file of a candidate seeking formal recognition of his experience are \$150.

7. The fees for any other file examination that are payable by a firm, an independent representative or an independent partnership are \$35.

8. The fees payable for the reprinting of a certificate are \$30.

The fees payable for an official attestation of the issuance of a certificate or of registration are \$60.

10. The fees for examinations prescribed by the Bureau are:

- (1) \$100 per examination sitting;
- (2) \$30 per request to review an examination.

11. The fees for issuance of a training attestation are \$20.

12. The cost of the training manual suggested and sold by the Bureau for the purpose of taking examinations in the sector of insurance of persons is \$120.

13. The cost of the training manual suggested and sold by the Bureau for the purpose of taking examinations in the sector of group insurance of persons is \$120.

14. The cost of the training manual suggested and sold by the Bureau for the purpose of taking examinations in the sector of damage insurance is \$60 per volume.

15. The fee charged for an “NSF” cheque is \$25.

16. The fees payable for an inspection of an insurer not registered as a firm with the Bureau are \$120 per hour per inspector.

17. The fees for transcription of stenographic notes are \$2.50 per page.

18. The cost of forms prescribed by the Bureau for the replacement of a policy is \$1 per form.

19. The cost of notices and forms prescribed pursuant to section 209 of the Act respecting the distribution of financial products and services (1998, c. 37), is \$10 per batch of 100.

20. The cost of other forms supplied by the Bureau is \$10 per batch of 100.

21. The fees payable for retracing a life insurance policy are \$25.

22. The annual subscription fees for a printed version of the Bureau’s Bulletin are \$120.

DIVISION 3 **INDEXATION**

23. Annual fees and other fees payable are adjusted annually on January 1st of each year in accordance with the rate of increase of the general consumer price index for Canada for the period ending on September 30th of the preceding year, as determined by Statistics Canada. They are rounded down to the nearest dollar if they

include a fraction of a dollar lower than \$0.50 and rounded up to the nearest dollar if they include a fraction of a dollar that is equal to or greater than \$0.50.

The result of the annual indexation is published yearly in Part I of the *Gazette officielle du Québec* and in the Bulletin referred to in section 193 of the Act.

DIVISION 4 **FINAL AND TRANSITIONAL PROVISIONS**

24. Notwithstanding section 1, for the years 1999 to 2004, the fees payable for the issuance and annual renewal of a certificate are \$68 for each securities sector in which the representative is authorized to act and \$31 for each sector or sector class of damage insurance and claims adjustment.

25. Notwithstanding section 2, for the years 1999 to 2004, the fees payable to register as a firm or independent partnership in each securities sector with the Bureau and to maintain that registration annually are \$68 for each representative through whom the firm or independent partnership pursues activities or intends to pursue activities.

26. Notwithstanding section 1, until July 19, 2002, the fees payable for the issuance and annual renewal of the certificate of the natural person referred to in the second paragraph of section 534 of the Act are \$63 for the two sectors of insurance of persons and group insurance of persons.

27. Notwithstanding section 2, until July 19, 2002, the fees payable for registration with the Bureau of a firm or a independent partnership that intends to pursue activities through the person referred to in section 26, and the fees to maintain such registration annually, are \$63 per representative for the two sectors of insurance of persons and group insurance of persons.

28. Notwithstanding section 3, until July 19, 2002, the fees payable for registration with the Bureau as the independent representative of the natural person referred to in the second paragraph of section 534 of the Act, and the fees to maintain such registration annually, are \$63 for the two sectors of insurance of persons and group insurance of persons.

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

2979

Gouvernement du Québec

O.C. 842-99, 7 July 1999

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

Taking of effect of the Act respecting the civil aspects of international and interprovincial child abduction with regard to South Africa

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 649-98 dated 13 May 1998, the Government designated South Africa as a State to 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, with regard to South Africa, 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 with regard to that State;

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 May 1999 with regard to South Africa.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

2977

Gouvernement du Québec

O.C. 847-99, 7 July 1999

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63)

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

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

**Agreement on Social Security and Administrative Arrangement
— Gouvernement du Québec and Government
of the Republic of Chile**

Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and Administrative Arrangement for the application of that Agreement

WHEREAS an Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and an Administrative Arrangement for the application of that Agreement were signed on 21 February 1997 in accordance with Order in Council 1382-96 dated 6 November 1996;

WHEREAS under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63), the Minister of Social Solidarity, in the exercise of his functions, may, in particular, enter into agreements in accordance with the law, with a government other than the Government of Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 of that Act extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government may make regulations to give effect to international fiscal agreements entered into under section 9 of that Act;

WHEREAS under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which that Act shall apply to any case affected by an agreement entered into with another country;

WHEREAS under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under sections 19 and 20 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1), the above-mentioned Agreement and Administrative Arrangement are international agreements that must be approved by the Government;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Revenue, the Minister of International Relations and the Minister of Social Solidarity:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and the Administrative Arrangement for the application of that Agreement, entered into on 21 February 1997, the texts of which are attached to the implementing regulation mentioned below, be approved;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and the Administrative Arrangement for the application of that Agreement, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile and the Administrative Arrangement for the application of that Agreement

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (1997, c. 63, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, ss. 9 and 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

1. The Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the regulations thereunder apply to any person defined in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile entered into on 21 February 1997 and appearing in Schedule I.

2. That Act and the regulations thereunder apply in the manner provided for in the Agreement and the Administrative Arrangement for its implementation, which appears in Schedule II.

3. This Regulation comes into force on 1 November 1999.

SCHEDULE I

UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUÉBEC AND CHILE

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE REPUBLIC OF CHILE,

RESOLVED to guarantee to their respective nationals the advantages of the co-ordination of their social security legislation;

HAVE AGREED AS FOLLOWS:

PART I GENERAL PROVISIONS

Article 1

Definitions

1. In the Understanding, unless a different meaning is indicated by the context, the following definitions shall apply:

(a) “competent authority”: for Québec, the Minister responsible for the application of the legislation referred to in Article 2; and, for Chile, the Minister of Labour and Social Welfare (*el Ministro del Trabajo y Previsión*);

(b) “competent institution”: for Québec, the department or agency of Québec responsible for the application of the legislation referred to in Article 2; and, for Chile, the institution or agency responsible, as the case may be, for the application of the legislation referred to in Article 2;

(c) “legislation”: laws, regulations and legal provisions concerning the branches and social security plans referred to in Article 2;

(d) “period of insurance”: for Québec, any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; and, for Chile, any period of contribution or its equivalent necessary to acquire entitlement to benefits under the legislation of Chile;

(e) “benefit”: any benefit in cash provided under the legislation of each Party, including any extension, supplement or increase thereto;

(f) “national”: for Québec, a person of Canadian citizenship who is or has been subject to the legislation referred to in Article 2 (1) (a); and, for Chile, a person the political Constitution declares of Chilean nationality.

2. Any term not defined in the Understanding shall be understood as having the meaning given to it in the applicable legislation.

Article 2

Material Scope

1. The Understanding shall apply:

(a) to the legislation of Québec concerning the Québec Pension Plan;

(b) to the legislation of Chile concerning:

i. the New Old Age, Disability and Survivors Benefits Plan Based on Individual Capitalization (*Nuevo Sistema de Pensiones de vejez, invalidez y sobrevivencia basada en la capitalización individual*);

ii. to old age, disability and survivors benefits administered by the Institute of Welfare Standardization (*Instituto de Normalización Previsional*);

iii. health benefit plans, for the sole purposes stipulated in Article 15.

2. The Understanding shall apply also to any legislative or regulatory provision which modifies, adds to, or replaces the legislation referred to in paragraph 1.

3. The Understanding shall apply also to legislative or regulatory provisions of one Party which extend the existing plans to new categories of beneficiaries or new benefits; however, this Party may, within three months of the date of the official publication of such provisions notify the other Party that the Understanding shall not apply.

4. The Understanding shall not apply to legislative or regulatory provisions which cover a new branch of social security, unless the Understanding is amended to that effect.

Article 3

Personal Scope

Unless otherwise provided, the Understanding shall apply to every person who is or has been subject to the legislation of one of the Parties or who has been subject to this legislation and has acquired rights pursuant thereto, as well as to persons sharing the derived rights of that person.

Article 4

Equality of Treatment

Unless otherwise provided in the Understanding, persons designated in Article 3 shall, in the application of the legislation of one Party, receive the same treatment as the nationals of that Party.

Article 5

Export of Benefits

1. Unless otherwise provided in the Understanding, any benefit acquired under the legislation of one Party, as well as benefits acquired under the Understanding,

may not be subject to reduction, modification, suspension or suppression solely because the beneficiary resides permanently or temporarily in the territory of the other Party, and such benefit shall be payable in the territory of the other Party.

2. Any benefit which, under the Understanding, is payable by one Party in the territory of the other Party shall also be payable outside the territory of both Parties under the same conditions the first Party applies to its nationals under its internal legislation.

PART II

PROVISIONS ON THE APPLICABLE LEGISLATION

Article 6

General Rule

Unless otherwise provided in the Understanding and subject to Articles 7, 8, 9, 10 and 11, persons shall be subject only to the legislation of the Party in whose territory they are working.

Article 7

Self-employed Persons

Persons residing in the territory of one Party and working as self-employed persons in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the legislation of their place of residence.

Article 8

Seconded Persons

1. Persons subject to the legislation of one Party and temporarily seconded by their employer, for a period not exceeding sixty months, to the territory of the other Party shall, with respect to such work, be subject only to the legislation of the first Party during the term of their secondment.

2. However, if the time required to complete the work comes to exceed the initially provided sixty months, the legislation of the first Party may continue to apply provided that the competent institution of Québec and the competent authority of Chile give their approval.

Article 9

Travelling Personnel Employed in International Maritime or Air Transport

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, transports

passengers or goods, by air or by sea, and which has its registered office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of this Party.

2. However, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of one Party other than the Party in whose territory it has its registered office, they shall, with respect to such work, be subject only to the legislation of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding the provisions in paragraphs 1 and 2, if those persons are employed mainly in the territory of the Party where they are resident, they shall be subject, with respect to such work, to the legislation of that Party, even if the undertaking which employs them has neither its registered office nor a branch or permanent agency in that territory.

Article 10

Persons in Government Service

1. Persons in government service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the legislation of the first Party for all matters with respect to that post.

2. Persons residing in the territory of one Party and being in that territory in government service for the other Party shall, with respect to that service, be subject only to the legislation which applies in that territory. However, if those persons are nationals of the Party by which they are employed, they may, within six months from the beginning of their employment or from the coming into force of the Understanding, choose to be subject only to the legislation of that Party.

3. No provision of the Understanding may be interpreted as being contrary to the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or to the provisions of the Vienna Convention on Consular Relations of April 24, 1963, with respect to the legislation referred to in Article 2.

Article 11

Derogation from the Provisions on Coverage

The competent authorities of both Parties may, at the request of a worker or an employer, derogate by common agreement from the provisions of Articles 6, 7, 8, 9 and 10 with respect to any persons or categories of persons.

PART III PROVISIONS ON BENEFITS

Article 12

Totalization of Periods

1. When the legislation of one Party requires the completion of certain periods of insurance for entitlement to, maintenance of or recovery of the right to benefits, the periods completed under the legislation of the other Party shall be totalized if necessary with the periods completed under the legislation of the first Party, provided they do not overlap.

2. For the application of paragraph 1, the competent institution of Québec shall proceed as follows:

(a) it shall recognize a year for which contributions have been made when the competent institution of Chile certifies that those persons have been credited with a period of insurance of at least three months in a calendar year under the legislation of Chile, provided the year has been included in the contributory period as defined in the legislation of Québec;

(b) it shall totalize the years recognized under subparagraph (a) with periods of insurance completed under the legislation of Québec.

3. For the application of paragraph 1, the competent institution of Chile shall proceed as follows:

(a) it shall recognize fifty-two weeks for which contributions have been paid under the legislation of Chile for each period of insurance certified by the competent institution of Québec;

(b) if persons are not entitled to benefits despite the application of subparagraph (a), it shall recognize a week of contribution under the legislation of Chile when the week is considered a week of residence under the terms of the Old Age Security Act which applies in the territory of Québec, provided that week is not part of a period of insurance completed under the legislation of Québec;

(c) it shall totalize the weeks recognized under subparagraphs (a) and (b) with periods of insurance completed under the legislation of Chile.

Article 13

Benefits under the Legislation of Québec

1. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or for their dependants, survi-

vors or other rightful claimants, under the legislation of Québec without having recourse to the totalization referred to in Article 12, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the legislation it applies.

2. When the totalization prescribed in Article 12 entitles persons to benefits, the competent institution of Québec shall determine the amount payable as follows:

(a) that part of the benefit which is related to earnings is calculated according to the provisions of the legislation of Québec;

(b) the amount of the flat-rate portion of the benefit payable under the provisions of this Understanding shall be determined by multiplying:

the amount of the flat-rate portion of the benefit determined under the provisions of the Québec Pension Plan

by

the fraction which represents the ratio of the periods of contribution to the Québec Pension Plan in relation to the contributory period as defined in legislation concerning the Plan.

Article 14

Benefits under the Legislation of Chile

1. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to benefits, for themselves or persons sharing rights derived from their rights, under the legislation of Chile without having recourse to the totalization referred to in Article 12, the competent institution of Chile shall determine the amount of benefits in accordance with the provisions of the legislation it applies.

2. Members of a pension management corporation (*Administradora de Fondos de Pensiones*) shall finance their pensions in Chile with the balance accumulated in their individual capitalization accounts. When the balance is insufficient to finance benefits at least equal to those of the minimum pension guaranteed by the State, members shall be entitled to the totalization of the periods taken into account under Article 12 for entitlement to the minimum old age pension or disability pension. The beneficiaries of survivors pensions shall have the same right.

3. To determine whether the conditions required by Chilean legal provisions concerning early retirement in the New Pension Plan are met, members who have ob-

tained a pension under the legislation of Québec shall be considered pensionable for the social welfare plans referred to in paragraph 5.

4. Members of the New Pension Plan of Chile (*Nuevo Sistema de Pensiones*) may contribute voluntarily to this plan as independent workers during their period of residence in Québec, providing they also comply with the legislation of this Party with respect to the obligation to contribute. Persons choosing to exercise this right shall be exempt from the obligation of paying the contribution intended to finance Chilean health benefits.

5. When persons referred to in paragraph 1 are covered by a pension plan administered by the Institute of Welfare Standardization (INP) and they do not warrant a period of insurance sufficient to entitlement to benefits payable by this plan, the competent institution shall apply the totalization of periods in accordance with Article 12.

6. For the application of paragraphs 2 and 5:

(a) the competent institution shall determine the amount of benefits as if all periods of insurance had been completed under its own legislation and, for the purposes of payment of benefits, it shall calculate the amount it pays on the basis of the ratio between periods of insurance completed exclusively in Chile and total periods completed under the legislation of the two Parties;

(b) when the sum of the periods of insurance under the respective legislations of both Parties exceeds the period established in Chilean legislation to be entitled to a full pension, the excess periods shall not be considered for the purposes of this calculation;

(c) when entitlement to benefits is acquired with the totalization solely of periods of insurance recognized under Article 12 (3) (a), the creditable period under the Old Age Security Act which applies in the territory of Québec shall not be taken into account for the calculation of the benefit payable.

7. For eligibility for benefits provided by the legislation concerning pension plans administered by the Institute of Welfare Standardization (INP), persons who contribute to the Québec Pension Plan or whose entitlement to a pension is recognized under the legislation of Québec shall be considered current contributors to the Chilean pension plan applicable to them.

Article 15

Health Benefits for Pension Beneficiaries

Persons who benefit from a pension under the legislation of Québec and who reside in Chile shall be entitled to contribute to Chilean health benefit plans under the same conditions as Chilean retirees.

PART IV

MISCELLANEOUS PROVISIONS

Article 16

Administrative Arrangement

1. The competent authorities of the two Parties shall set out the terms and conditions for the application of the Understanding in an Administrative Arrangement.

2. The liaison agencies of each Party shall be designated in the Administrative Arrangement.

Article 17

Claim for Benefits

1. To be entitled to a benefit under this Understanding, a person shall file a claim in accordance with the terms and conditions provided for in the Administrative Arrangement.

2. A claim for a benefit filed under the legislation of one Party after the date of the coming into force of this Understanding shall be deemed to be a claim for a corresponding benefit under the legislation of the other Party, provided the claimant so indicates or indicates that he has completed the periods of insurance under the legislation of the other Party.

The date of receipt of such a claim shall be deemed to be the date on which that claim was received by the other Party. However, this shall not apply if the claimant expressly requests that the allocation of the benefit provided for by the legislation of the other Party be deferred.

Article 18

Payment of Benefits

1. Benefits shall be payable directly to the person to whom they are owing, in the currency of the Party making the payment or in the common currency of the place of residence of this person, without any deduction for administrative charges or for any other expenses incurred in paying the benefits.

2. For the application of paragraph 1, when it is necessary to convert currency, the conversion rate shall be the rate of exchange in effect on the day payment is made.

Article 19

Time Limit for Filing

1. A request, a declaration, an appeal or a claim which, under the legislation of one Party, must be filed within a prescribed time with the authority or institution of that Party shall be accepted if filed within the same time limit with the corresponding authority or institution of the other Party. In such a case, the authority or institution of the second Party shall forward the request, declaration, appeal or claim immediately to the authority or institution of the first Party.

2. The date on which the request, declaration, appeal or claim is filed with the authority or institution of one Party shall be considered the date of filing with the authority or institution of the other Party.

Article 20

Medical Reports

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements for providing medical reports required for persons residing temporarily or permanently in the territory of the latter Party.

2. The medical reports referred to in paragraph 1 shall not be considered invalid solely because they have been prepared in the territory of the other Party.

3. When medical reports are required by the competent institution of Chile, their cost shall be financed according to provisions in the legislation of Chile.

With respect to members of the New Pension System of Chile, the part of the cost to be borne by the worker shall be deducted from the balance of the individual capitalization account by the competent institution.

4. When new medical reports are required to appeal a decision on disability by Chile, the cost of these medical reports shall be borne in the manner provided for in paragraph 3.

Article 21

Exemption from Fees and Certification

1. Any exemption from or reduction of fees provided for in the legislation of one Party with respect to the issuing of a certificate or document required for the

application of that legislation shall be extended to the certificates and documents required for the application of the legislation of the other Party.

2. Any document required for the application of the Understanding shall be exempt from certification by diplomatic or consular authorities or from any similar formality.

Article 22

Protection of Personal Information

1. In this Article, the word “information” shall mean any indication from which the identity of an individual or legal entity can be easily established.

2. Unless disclosure is required under the legislation of a Party, any information communicated by an institution of one Party to an institution of the other Party shall be confidential and shall be used exclusively for the application of the Understanding.

3. Access to a file containing information shall be subject to the legislation of the Party on whose territory the file is located.

Article 23

Mutual Assistance

The competent authorities and institutions shall:

(a) communicate to each other any information required for the application of the Understanding;

(b) assist each other free of charge in any matter concerning the application of the Understanding, subject to the provisions of Article 20;

(c) forward to each other any information on measures adopted for the application of the Understanding or on amendments to their legislation to the extent that such amendments affect the application of the Understanding;

(d) notify each other of any difficulties encountered in the interpretation or the application of the Understanding.

Article 24

Reimbursement between Institutions

1. The competent institution of one Party shall reimburse to the competent institution of the other Party the costs pertaining to each medical report produced in accordance with Article 20. However, the transmission of medical or other information already in the possession

of the competent institutions shall constitute an integral part of administrative assistance and shall be performed without charge.

2. The Administrative Arrangement shall provide for the terms and conditions of the reimbursement of costs referred to in paragraph 1.

Article 25

Communication

1. The competent authorities and institutions and the liaison agencies of both Parties may communicate with one another in their official language.

2. A decision of a tribunal or of an institution may be communicated directly to a person residing in the territory of the other Party.

Article 26

Settlement of Disputes

1. Any dispute between the two Parties concerning the interpretation or the application of the Understanding shall, as far as possible, be settled by the competent authorities.

2. Questions not resolved by the application of paragraph 1 shall be the subject of consultation between the Parties, immediately, at the request of one Party.

3. If a dispute between the Parties concerning the interpretation of the Understanding cannot be resolved or settled by the consultation prescribed in paragraphs 1 or 2, it shall be referred, at the request of one Party, to an arbitration board.

4. Unless the Parties decide otherwise by common agreement, the arbitration board shall be comprised of three arbitrators, each Party appointing one of them and the latter, having been appointed, appointing a third arbitrator who shall act as chairman. If the two arbitrators cannot agree, the head of the International Court of Justice shall be invited to appoint the chairman.

5. The arbitration board shall determine its own procedures.

6. The decision of the arbitration board shall be final and binding on both Parties.

PART V

TRANSITIONAL AND FINAL PROVISIONS

Article 27

Transitional Provisions

1. The Understanding shall not confer any right to the payment of benefits for a period before the date of its coming into force.

2. For the application of Part III and subject to the provisions of paragraph 1 of this Article:

(a) a period of insurance completed prior to the date of the coming into force of the Understanding shall be taken into consideration for the purposes of determining entitlement to benefits under the Understanding;

(b) benefits, other than death benefits, shall be owing under the Understanding even if related to an event prior to the date of its coming into force;

(c) when benefits are payable in application of Article 12 and when the claim for such benefits is filed within two years from the date of the coming into force of the Understanding, rights arising from the Understanding shall be acquired:

i. from the date of the coming into force of the Understanding if the event creating entitlement to benefits occurs before the date of the coming into force; or

ii. from the date of the said event if it occurred after the date of the coming into force of this Understanding;

and this, notwithstanding the provisions of the legislation of both Parties concerning the forfeiture of rights;

(d) benefits granted before the date of the coming into force of the Understanding shall be revised, at the request of the person concerned. They may also be revised automatically. If the revision leads to benefits lower than those paid before the coming into force of the Understanding, the amount of the benefits previously paid shall be maintained;

(e) if a claim referred to in sub-paragraph (d) is filed within two years of the date of the coming into force of the Understanding, rights arising from the Understanding shall be acquired from that date, notwithstanding the provisions of the legislation of both Parties concerning the forfeiture of rights;

(f) if a claim referred to in sub-paragraph (d) is filed after the time limit of two years from the coming into force of the Understanding, rights which are not for-

feited shall be acquired from the date of the claim, unless there are more favorable provisions in the applicable legislation.

3. For the application of Article 8, a person already seconded on the date of the coming into force of the Understanding shall be deemed to have become seconded on that date.

Article 28

Coming into Force

The Understanding shall come into force on the first day of the fourth month after each Party has notified the other Party that all internal legal procedures required for the coming into force of the Understanding have been completed.

Article 29

Duration of the Understanding and Denunciation

1. The Understanding shall be entered into for an indefinite duration. It may be denounced at any time by either Party by twelve months prior notice in writing to the other Party, in which case the Understanding shall expire on the last day of that period.

2. If the Understanding is terminated by denunciation, all rights acquired by a person under the provisions of the Understanding shall remain in effect, and the competent authorities of the Parties shall conclude a protocol to ensure that all rights being acquired under the Understanding are respected.

Done at Montréal on February 21, 1997, in duplicate, in French and in Spanish, both texts being equally authentic.

For the Gouvernement
du Québec

For the Government of the
Republic of Chile

SYLVAIN SIMARD,
Minister

RODRIGO DIAZ,
Ambassador

SCHEDULE II

ADMINISTRATIVE ARRANGEMENT FOR THE APPLICATION OF THE UNDERSTANDING ON SOCIAL SECURITY BETWEEN QUÉBEC AND CHILE

CONSIDERING Article 16 of the Understanding on Society Security between the Gouvernement du Québec and the Government of the Republic of Chile;

Desirous of giving application to the Understanding,

The competent authorities of Québec and of Chile:

For Québec,

the Minister responsible for the application of the legislation referred to in Article 2 of the Understanding;

For the Republic of Chile,

the Minister of Labour and Social Welfare;

HAVE AGREED AS FOLLOWS:

Article 1

In this Administrative Arrangement,

(a) the term “Understanding” shall mean the Understanding on Social Security between the Gouvernement du Québec and the Government of the Republic of Chile signed on February 21, 1997;

(b) all other terms shall have the meaning given to them in Article 1 of the Understanding.

Article 2

Liaison Agencies

1. In accordance with the provisions of paragraph 2 of Article 16 of the Understanding, the liaison agencies designated by each of the Parties shall be:

(a) For Québec, the Direction des équivalences et de l’administration des ententes de sécurité sociale of the Ministère des Relations avec les citoyens et de l’Immigration or any other agency that the competent authority of Québec may subsequently designate;

(b) For Chile,

i. the Superintendency of Pension Management Corporations (*Superintendencia de Administradoras de Fondos de Pensiones*), for persons who are members of the New Pension Plan;

ii. the Superintendency of Social Security (*Superintendencia de Seguridad Social*), for persons who are members of plans administered by the Institute of Welfare Standardization (*Instituto de Normalización Previsional*).

2. The liaison agencies may communicate directly with one another and with the person concerned or his representatives and shall provide mutual assistance for the application of the Understanding.

Article 3

Competent Institutions

The competent institutions responsible for the application of the Understanding and of this Administrative Arrangement are:

A. For Québec,

(a) the Régie des rentes du Québec;

(b) for the application of Part II of the Understanding, the Ministère du Revenu.

B. For Chile,

(a) for pensions,

i. the pension management corporations for members of the New Pension System;

ii. the Institute of Welfare Standardization, for members of the old welfare systems;

(b) for the determination of disability,

i. the competent Medical Commission of the Surintendency of Pension Management Corporations, for members of the New Pension System;

ii. the Preventive Medicine and Disability Commission of the competent health service, for members of the Institute of Welfare Standardization;

iii. the Preventive Medicine and Disability Commission of the central health service, for members of the old welfare plan who do not reside in Chile and for those who are not members of a social welfare plan in that country;

(c) for the payment of health contributions referred to in Article 15 of the Understanding,

i. the health welfare institutions (*Instituciones de Salud Previsional*), or

ii. the National Health Fund (*Fondo Nacional de Salud*).

Article 4

Certificates

1. For the application of Articles 7 to 11 of the Understanding, when a person remains subject to the legislation of one Party while working in the territory of the other Party, the liaison agency shall issue to him, at his

request or that of his employer, a certificate attesting that he remains subject to the legislation of the first Party.

The certificates shall be issued

(a) by the liaison agency of Québec, when the person remains subject to the legislation of Québec;

(b) by the liaison agency of Chile that corresponds to the membership of the person who is working.

2. The liaison agency that issues the certificate shall send a copy thereof to the other liaison agency referred to in paragraph 1, to the person concerned and, as the case may be, to his employer.

Article 5

Benefits

1. For the application of Part III of the Understanding, a claim for benefits under the Understanding may be filed with the liaison agency of either Party, or with the competent institution whose legislation applies.

2. When a claim for benefits referred to in paragraph 1 is filed with a liaison agency, that agency shall send the claim immediately to the competent institution of the party whose legislation is applicable, together with the required supporting documents.

3. The competent institution of a Party that receives a claim for benefits referred to in paragraph 2 of Article 17 of the Understanding shall send it to the liaison agency of the same party. The liaison agency shall send the claim to the competent institution of the other Party, together with the required supporting documents.

4. Any information concerning civil status entered on a claim form shall be certified by the liaison agency sending the claim, which shall then be exempt from forwarding the supporting documents.

5. Any original document or copy thereof shall be kept by the liaison agency with which it was initially filed and a copy shall, upon request, be made available to the competent institution of the other Party.

6. The claim shall be accompanied by a liaison form on which the date of the official receipt of the claim shall be indicated.

7. When the competent institution or the liaison agency of one Party so requires, the liaison agency or the competent institution of the other Party shall indicate on the liaison form the periods of insurance recognized under the legislation it applies.

8. As soon as decisions have been made pursuant to the legislation it applies, a competent institution shall so notify claimants and inform them about appeals and time limits for such appeals prescribed by that legislation; the institution shall also inform the liaison agency of the other Party about the decisions by means of the liaison form.

9. Persons who do not reside in the territory of either Party may file their claims

(a) for benefits of Québec, with the competent institution of Québec or the liaison agency of Chile;

(b) for benefits of Chile, with one of the liaison agencies of Québec or of Chile.

Article 6

Reimbursement between Institutions

1. For the application of Article 24 of the Understanding, at the end of each calendar year, when the competent institution of one Party has procured medical reports at the expense of the competent institution of the other Party, the liaison agency of the first Party shall send to the liaison agency of the other Party a fee statement for the medical reports procured during the year in question, indicating the amount owing. The statement shall be accompanied by supporting documents.

2. The liaison agency of Québec shall send a fee statement to the liaison agency concerned of Chile, according to whether it involves members of the New Pension System or members of plans administered by the INP.

Article 7

Forms

Any forms or other documents required to implement the procedures prescribed by the Administrative Arrangement shall be determined by common agreement by the competent institutions and the liaison agencies responsible for the application of the Understanding for each of the Parties.

Article 8

Health Benefits for Pensioners

1. For the application of Article 15 of the Understanding, the status of pensioner of the Québec Pension Plan shall be certified by submitting to any liaison agency of Chile a certificate issued by the competent institution of Québec on which is indicated the date the pension began and its current amount.

2. The liaison agency of Chile to which the certificate referred to in paragraph 1 is submitted shall convert the amount of the pension into Chilean currency and shall enter this information on a special form for this purpose and with which the person concerned will be able to make contributions for health insurance to the corresponding agency.

Article 9

Statistics

The liaison agencies of both Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to beneficiaries pursuant to the Understanding for each calendar year. Such data shall include the number of beneficiaries and the total amount of benefits, by benefit category.

Article 10

Coming into Force and Denunciation

The Administrative Arrangement shall come into force on the same date as the Understanding and shall be of the same duration. The denunciation of the Understanding carries the denunciation of the Administrative Arrangement.

Done at Montréal, on February 21, 1997, in duplicate, in French and in Spanish, both texts being equally authentic.

For the competent
authority of the
Gouvernement du Québec

For the competent
authority of the
Government of the
Republic of Chile

SYLVAIN SIMARD

RODRIGO DIAZ

2976

M.O., 1999

Order of the Minister of Municipal Affairs and Greater Montréal dated 2 July 1999 concerning the Regulation to amend the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums

An Act respecting elections and referendums
in municipalities
(R.S.Q., c. E-2.2)

THE MINISTER OF MUNICIPAL AFFAIRS AND GREATER
MONTRÉAL,

CONSIDERING the first paragraph of section 582 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), which enables the Minister of Municipal Affairs and Greater Montréal to prescribe, by regulation, the form or minimum content of or a model for any document prescribed by that Act except a document prescribed by Chapter XIII of Title I, or the information that any such document must contain;

CONSIDERING that the Minister of Municipal Affairs made the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums by Minister's Order dated 9 June 1988;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING section 92 of the Act to amend the Act respecting elections and referendums and municipalities and other legislative provisions (1999, c. 25), which provides that the first regulation amending the regulation made under the first paragraph of section 582 of the Act respecting elections and referendums in municipalities is not subject to the publication requirements of section 11 of the Regulations Act (R.S.Q., c. R-18.1);

ORDERS:

THAT the Regulation to amend the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums, attached hereto, be made.

Québec, 2 July 1999

LOUISE HAREL,
*Minister of Municipal Affairs
and Greater Montréal*

Regulation to amend the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums *

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2, s. 582)

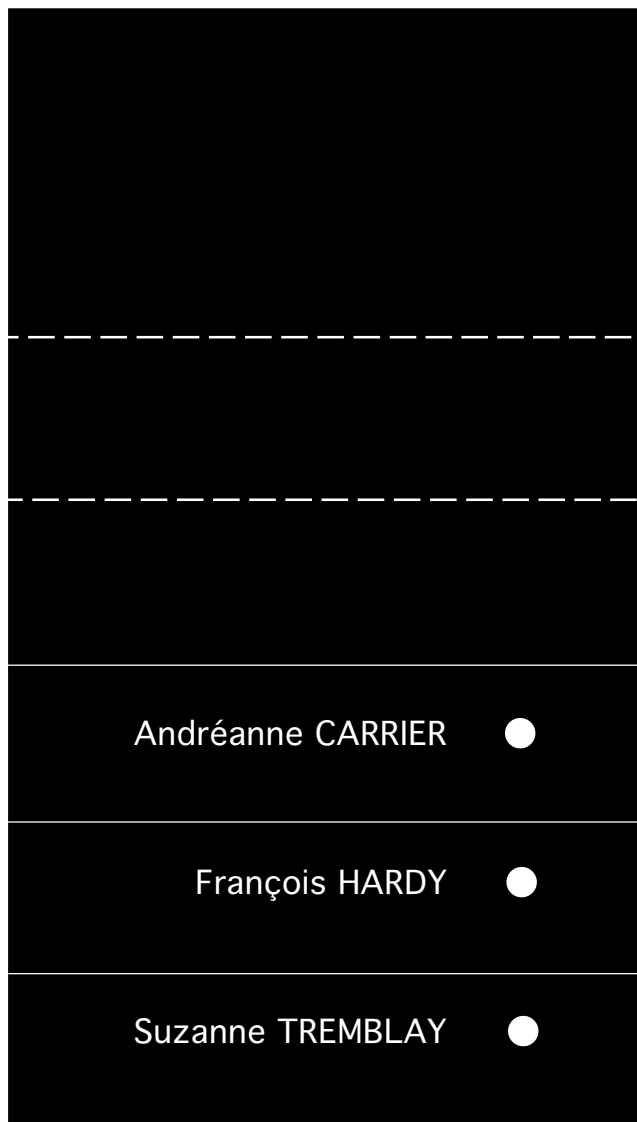
1. Schedules I to XIII of the Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums are replaced by the following schedules:

* The Regulation respecting models of ballot papers and the form of the template for municipal elections and referendums (M.O. dated 9 June 1988) has not been amended since it was enacted.

“SCHEDULE I

(s. 1)

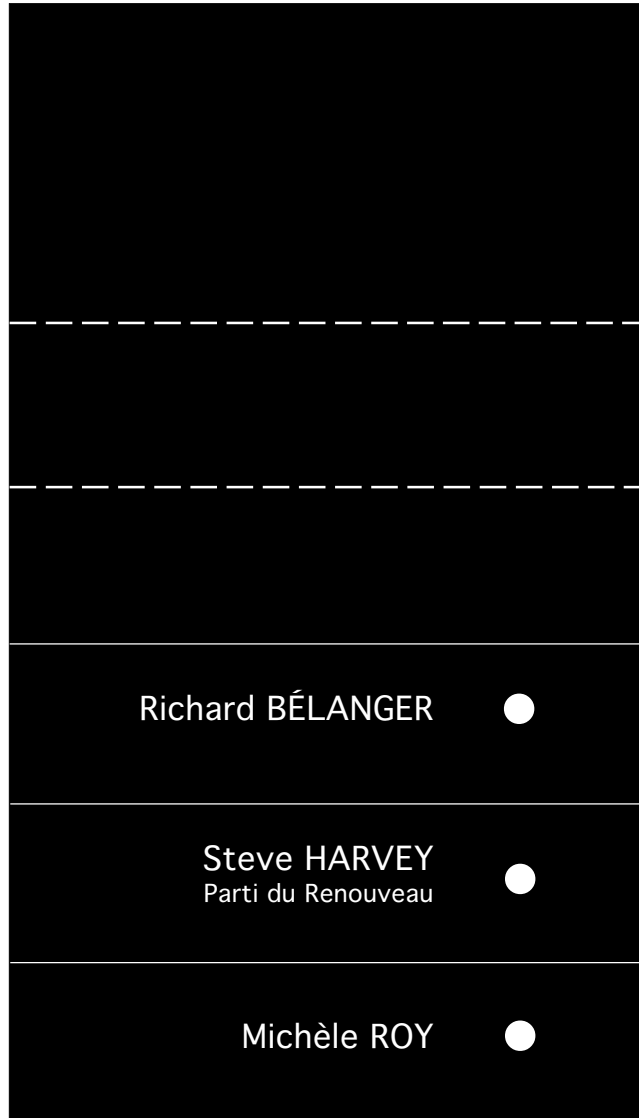
MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR AN ELECTION WHERE THE CANDIDATES
DO NOT BELONG TO ANY AUTHORIZED PARTY OR TO ANY RECOGNIZED TICKET



SCHEDULE II

(s. 1)

MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR AN ELECTION WHERE A CANDIDATE IS THAT OF AN AUTHORIZED PARTY OR OF A RECOGNIZED TICKET



SCHEDULE III

(s. 1)

MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR AN ELECTION WHERE INDEPENDENT CANDIDATES FOR THE SAME OFFICE HAVE THE SAME NAME

The image shows a model of the obverse of a ballot paper. It is a vertical rectangle with a black background. At the top, there are two horizontal dashed lines. Below these lines, there are three rows of text, each representing a candidate. Each row contains the candidate's name and address on the left, and a white circular mark on the right. The candidates are:

Michel VALLÉ 648, rue de Verchères	●
Michel VALLÉ 830, avenue du Nord	●
Laura WELCHINSKI 1120, avenue du Parc Équipe Lavallée	●

SCHEDULE IV

(s. 2)

MODEL OF THE REVERSE OF THE BALLOT PAPER FOR AN ELECTION TO THE OFFICE OF MAYOR

001	

001	

Initials of the deputy returning officer	<input type="text"/>
Village de L'Isle-Blanche	
Election to the office of mayor	
7 November 1999	
Maxime Tremblay, printer 122, rue Notre-Dame Est Montréal	

SCHEDULE V

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT PAPER FOR AN ELECTION TO THE OFFICE
OF COUNCILLOR OF AN ELECTORAL DISTRICT**

002	
002	
Initials of the deputy returning officer	<input type="text"/>
Paroisse de Val-Paradis	
Election to the office of councillor of the electoral district of Champigny	
7 November 1999	
<small>Suzanne Roy, printer 122, rue Notre-Dame Est Montréal</small>	

SCHEDULE VI

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT PAPER FOR AN ELECTION TO THE OFFICE
OF COUNCILLOR OF A WARD**

003	
003	
Initials of the deputy returning officer	<input type="text"/>
Ville de Montreuil	
Election to the office of councillor of ward # 3	
7 November 1999	
<small>Jacques Hardy, printer 122, rue Notre-Dame Est Montréal</small>	

SCHEDULE VII

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT PAPER FOR AN ELECTION TO A NUMBERED OFFICE
OF COUNCILLOR OF A WARD**

004	
004	
Initials of the deputy returning officer	<input type="text"/>
Ville de Milton	
Election to the office of councillor # 1 of ward # 3	
7 November 1999	
<small>Lilianne Tremblay, printer 122, rue Notre-Dame Est Montréal</small>	

SCHEDULE VIII

(s. 2)

**MODEL OF THE REVERSE OF THE BALLOT PAPER FOR AN ELECTION TO A NUMBERED OFFICE
OF COUNCILLOR**

005	
005	
Initials of the deputy returning officer	<input type="text"/>
Cantons-Unis de Wapetec	
Election to the office of councillor # 6	
7 November 1999	
<small>François Gagnon, printer 122, rue Notre-Dame Est Montréal</small>	

SCHEDULE IX

(s. 3)

MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR A CONSULTATIVE REFERENDUM

Are you of the opinion
that the municipality
must regulate on the
display of erotic
objects and printed
matter ?

YES ●

NO ●

SCHEDULE X

(s. 3)

MODEL OF THE OBVERSE OF THE BALLOT PAPER FOR A REFERENDUM OTHER THAN
A CONSULTATIVE REFERENDUM

YES ●

Do you approve By-law
No. 99-01 entitled
“By-law ordering works
and a \$500,000 loan” ?

NO ●

SCHEDULE XI

(s. 4)

MODEL OF THE REVERSE OF THE BALLOT PAPER FOR A REFERENDUM

001
001
Initials of the deputy returning officer <input type="text"/>
Municipalité de Val-Amour
Referendum
12 September 1999
Maxime Tremblay, printer 122, rue Notre-Dame Est Montréal

SCHEDULE XII

(s. 5)

FORM OF THE TEMPLATE FOR AN ELECTION

***An Act respecting elections and referendums
in municipalities, section 227***

The template, containing a maximum number of 10 candidates, allows visually handicapped electors to mark their ballot paper without assistance.

**GENERAL DIRECTIVES TO THE DEPUTY
RETURNING OFFICER**

Visually handicapped electors are not obliged to take the oath of an elector unable to vote without assistance where they use the template.

**PROCEDURES FOR THE HANDLING OF THE
BALLOT PAPER**

- Detach the ballot paper from the pad and fold it in the appropriate manner.
- Unfold it and place it in the template so that the first circle on the ballot paper is exactly under the first circle of the template.
- Indicate to the elector the order in which the candidates appear on the ballot paper and the particulars entered under their names, where such is the case.
- Offer assistance to the elector in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.
- Where an elector prefers to act alone, ask him to fold his ballot paper again, after having marked it, by folding it in the same way you did when you folded it.

SCHEDULE XIII

(s. 6)

FORM OF THE TEMPLATE FOR A REFERENDUM***An Act respecting elections and referendums
in municipalities, sections 227 and 567***

The template allows qualified voters that are visually handicapped to mark their ballot paper without assistance.

**GENERAL DIRECTIVES TO THE DEPUTY
RETURNING OFFICER**

Qualified voters that are visually handicapped are not obliged to take the oath of a person unable to vote without assistance where they use the template.

**PROCEDURES FOR THE HANDLING OF THE
BALLOT PAPER**

- Detach the ballot paper from the pad and fold it in the appropriate manner.
- Unfold it and place it in the template so that the first circle on the ballot paper is exactly under the first circle of the template.
- Indicate to the qualified voter that a mark in the first circle constitutes an affirmative vote and a mark in the second, a negative vote.
- Offer assistance to the qualified voter in walking to and back from the polling booth, in folding the marked ballot paper, in detaching the stub and in placing the ballot paper in the ballot box.
- Where a qualified voter prefers to act alone, ask him to fold his ballot paper again, after having marked it, by folding it in the same way you did when you folded it.

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

2961

Draft Regulations

Draft Regulation

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

Barreau du Québec — Code of ethics of advocates — Amendments

In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), notice is hereby given that the “Regulation amending the Code of Ethics of Advocates”, which Regulation was adopted by the General Council of the Barreau du Québec, will be submitted to the Government which may approve it, with or without any amendments, upon the expiry of 45 days from this publication.

In the opinion of the Barreau du Québec, this Regulation is intended to clarify the advocate duty to inform his client of the judicial fees he may collect upon the performance of a mandate.

This regulation seeks in fact to follow principles established by the council of arbitration of accounts of advocates and provides that the advocate should conclude an agreement setting forth the manner in which judicial fees will be taken into account in the determination of the cost of the services.

Additional information may be obtained by contacting M^e Annie Chapados, advocate with the Service de recherche et de législation of the Barreau du Québec, at the Maison du Barreau, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8, telephone number: (514) 954-3469; telecopier number: (514) 954-3463; Email: achapados@barreau.qc.ca.

All persons wishing to provide comments are requested to send such comments, prior to the expiry of the 45-day deadline, to the Chairman of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order which adopted the regulation as well as to interested persons, departments or agencies.

JEAN-K. SAMSON,
*Chairman of the Office des
professions du Québec*

Regulation amending the Code of ethics of advocates*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of Ethics of Advocates is amended by deleting the words “and extrajudicial” in paragraph *h* of section 3.08.02.

2. Section 3.08.04 of the Code is replaced by the following:

“**3.08.04** The advocate must inform his client of the approximate and foreseeable cost of his services; moreover, if applicable, he must inform his client of the judicial fees he may collect upon the performance of a mandate and conclude an agreement setting forth the manner in which such fees will be taken into account in determining the cost of his services.”

3. Section 3.08.08 of the Code is amended by deleting the second paragraph thereof.

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

2980

* The Code of Ethics of Advocates (R.R.Q., 1981, c. B-1, r. 1) was last amended by the Regulation made by Order in Council 358-97 dated 19 March 1997 (1997, *G.O.* 2, 1419). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

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

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Agreement on Social Security and Administrative Arrangement — Gouvernement du Québec and Government of the Republic of Chile (An Act respecting the Ministère du Revenu, R.S.Q., c. M-31)	2104	N
Agreement on Social Security and Administrative Arrangement — Gouvernement du Québec and Government of the Republic of Chile (An Act respecting the Québec Pension Plan, R.S.Q., c. R-9)	2104	N
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