

Gazette officielle du Québec

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Summary

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Coming into force of Acts

Gouvernement du Québec

O.C. 985-99, 1 September 1999

An Act respecting the Société nationale du cheval de course (1999, c. 26)

— Coming into force

COMING INTO FORCE of the Act respecting the Société nationale du cheval de course

WHEREAS the Act respecting the Société nationale du cheval de course (1999, c. 26) was assented to on 19 June 1999;

WHEREAS section 21 of the Act provides that it will come into force on the date fixed by the Government;

WHEREAS it is expedient to fix the date of coming into force of the Act at 1 September 1999;

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

That the Act respecting the Société nationale du cheval de course (1999, c. 26) come into force on 1 September 1999.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3086

Gouvernement du Québec

O.C. 994-99, 1 septembre 1999

An Act respecting the distribution of financial products and services (1998, c. 37)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the distribution of financial products and services

WHEREAS the Act respecting the distribution of financial products and services (1998, c. 37) was assented to on 20 June 1998;

WHEREAS under section 583 of that Act, its provisions come into force on the date or dates to be fixed by the Government;

WHEREAS under Order in Council 1108-98 dated 26 August 1998, sections 158 to 184, 194, 229, 231, 244 to 248, 251 to 255, the first and second paragraphs of section 256, sections 257, 284 to 287, the first paragraph of section 288, the second paragraph of sections 296 and 297, sections 299, 302 to 311, the first paragraph of section 312, sections 323 to 326, 504 to 506, 510, 568, 572, 577, 579 and 581 came into force on 26 August 1998;

WHEREAS under Order in Council 152-99 dated 24 February 1999, sections 1 to 11, the second paragraph of section 13, sections 58, 59, 61 to 65, 70, 72, 185, 189, 190, 193, 195, 196, 200 to 217, 223 to 228, 232, the first paragraph of section 233, sections 258 to 273, the third paragraph of section 274, sections 279 to 283, the second paragraph of section 312, sections 313 and 314, the second paragraph of section 315, sections 316, 319, 321, 322, 327, 328, 331 to 333, 351, 352, 355 to 358, 364, 365, 366, 370, the second paragraph of section 408, sections 411 to 414, 416, 423, 424, 426, 440, 443, 503, 543 and the second paragraph of section 573 came into force on 24 February 1999;

WHEREAS under Order in Council 693-99 dated 16 June 1999, sections 45, 57, 66, 67, 73 to 79, the first paragraph of section 82, the first paragraph of section 104, sections 128, 130 to 134, the first paragraph of section 144, sections 146 to 157, 197, 218 to 222, 234 to 239, 249, 250, subparagraph 1 of the second paragraph of section 274, sections 395 to 407, 418, 427, 428, 445, 447, 449, 450, the first paragraph of section 451, sections 452, 458, 459, 484, 485, 487, 502, 517 to 521, 534 to 542, 544 to 546, the first paragraph of section 549, sections 550 to 553, 566, 569, 570, 571, 574 and 576 came into force on 19 July 1999;

WHEREAS under Order in Council 693-99 dated 16 June 1999, section 12, the first paragraph of section 13, sections 14 to 16, 18 to 25, 27, 29, 30, 33 to 39, sections 41 to 44, 46 to 56, 60, 68, 69, 71, 80, 81, the second paragraph of section 82, sections 83 to 103, the second and third paragraphs of section 104, sections 105 to 127, 129, 135 to 143, the second and third paragraphs of section 144, sections 145, 186 to 188, 191, 192, 198, 199, 230, the second paragraph of section 233, sections 240 to 243, the third paragraph of section 256, the first

paragraph and subparagraph 2 of the second paragraph of section 274, sections 275 to 278, the second paragraph of section 288, sections 289 to 295, the first paragraph of section 296, the first paragraph of section 297, sections 298, 300 and 301, the first paragraph of section 315, sections 317, 318, 320, 329, 330, 334 to 350, 353, 354, 359 to 363, 367 to 369, 371 to 394, the first paragraph of section 408, sections 409, 410, 415, 417, 419 to 422, 425, 429 to 439, 441, 442, 444, 446, 448, the second paragraph of section 451, sections 453 to 457, 460 to 483, 486, 488 to 501, 507 to 509, 511 to 516, 522 to 533, 547 and 548, the second and third paragraphs of section 549, sections 554, 557 to 565 and 567, the first paragraph of section 573, sections 575, 578, 580 and 582 come into force on 1 October 1999;

WHEREAS it is expedient to fix 1 October 1999 as the date of coming into force of sections 555 and 556 of that Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT 1 October 1999 be fixed as the date of coming into force of sections 555 and 556 of the Act respecting the distribution of financial products and services (1998, c. 37).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3098

Gouvernement du Québec

O.C. 1001-99, 1 September 1999

An Act respecting the Institut national de santé publique (1998, c. 42)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting the Institut national de santé publique du Québec

WHEREAS the Act respecting the Institut national de santé publique du Québec (1998, c. 42) was assented on 20 June 1998;

WHEREAS under section 49 of that Act, its provisions will come into force on the date or dates to be fixed by the Government;

WHEREAS by Order in Council 1267-98 dated 30 September 1998, 8 October 1998 was fixed as the

date of coming into force of all the provisions of the Act, except for subparagraphs 1 to 4 of the first paragraph of section 4;

WHEREAS it is expedient to fix the date of coming into force of subparagraphs 2, 3 and 4 of the first paragraph of section 4 at 12 September 1999;

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

THAT 12 September 1999 be fixed as the date of coming into force of subparagraphs 2, 3 and 4 of the first paragraph of section 4 of the Act respecting the Institut national de santé publique du Québec (1998, c. 42).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3096

Gouvernement du Québec

O.C. 1002-99, 1 September 1999

An Act to amend the Act respecting prescription drug insurance (1999, c. 37)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting prescription drug insurance

WHEREAS the Act to amend the Act respecting prescription drug insurance (1999, c. 37) was assented to on 19 June 1999;

WHEREAS under section 10 of that Act, its provisions come into force on the date or dates to be fixed by the Government, except the provisions of sections 2, 3 and 9, which come into force on 1 October 1999;

WHEREAS it is expedient to fix the date of coming into force of section 1 and sections 4 to 8 of that Act;

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

THAT 1 September 1999 be fixed as the date of coming into force of section 1 and sections 4 to 8 of the Act to amend the Act respecting prescription drug insurance (1999, c. 37).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3095

Gouvernement du Québec

O.C. 1010-99, 1 September 1999

An Act respecting income support, employment assistance and social solidarity (1998, c. 36) — Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act respecting income support, employment assistance and social solidarity

WHEREAS the Act respecting income support, employment assistance and social solidarity (1998, c. 36) was assented to on 20 June 1998;

WHEREAS under the first paragraph of section 230 of the Act, its provisions come into force on the date or dates to be fixed by the Government, except sections 176, 177, 205, paragraph 4 of section 207, sections 214, 215, 218 and 227 which came into force on 20 June 1998, subparagraph 2 of paragraph 5 of section 207 and paragraph 7 of section 208 which came into force on 1 July 1998, but have effect from 1 June 1998 and the other provisions of sections 207 and 208 which came into force on 1 August 1998;

WHEREAS 5 August 1998 was fixed as the date of coming into force of section 203 of the Act by Order in Council 1005-98 dated 5 August 1998;

WHEREAS it is expedient to fix 1 October 1999 as the date of coming into force of sections 1 to 19, the first paragraph of section 20, sections 21 to 26, the first and second paragraphs of section 27, sections 28 to 31, 33 to 55, 58, 67, 68 except what follows the word “work” in subparagraph 4 of the second paragraph, sections 69 to 74, section 75 except what follows the words “Insurance Act” in subparagraph 4 of the second paragraph, sections 76 to 78, section 79 except the last sentence of the first paragraph, sections 80 to 95, the first and third paragraphs of section 96, sections 97 to 155, paragraphs 1 to 6, 8 to 23 and 25 to 30 of section 156, subparagraphs 1 to 13 of the first paragraph and the second paragraph of section 158, sections 159 to 175, 178 to 186, 189 to 202, 204, 206, 209 to 212, 216, 217, 219 to 226, 228 except for the provisions of the first paragraph concerning the report on the implementation of the provisions pertaining to the payment of part of the benefit relating to lodging to the lessor, and section 229 of that Act;

WHEREAS it is expedient to fix 1 January 2000 as the date of coming into force, in subparagraph 4 of the second paragraph of section 68, of what follows the

word “work” and, in subparagraph 4 of the second paragraph of section 75, of what follows the words “Insurance Act”, of the last sentence of the first paragraph of section 79, of the second paragraph of section 96 and of subparagraph 14 of the first paragraph of section 158 of that Act;

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

THAT 1 October 1999 be fixed as the date of coming into force of sections 1 to 19, the first paragraph of section 20, sections 21 to 26, the first and second paragraphs of section 27, sections 28 to 31, 33 to 55, 58, 67, 68 except what follows the word “work” in subparagraph 4 of the second paragraph, sections 69 to 74, section 75 except what follows the words “Insurance Act” in subparagraph 4 of the second paragraph, sections 76 to 78, section 79 except the last sentence of the first paragraph, sections 80 to 95, the first and third paragraphs of section 96, sections 97 to 155, paragraphs 1 to 6, 8 to 23 and 25 to 30 of section 156, subparagraphs 1 to 13 of the first paragraph and the second paragraph of section 158, sections 159 to 175, 178 to 186, 189 to 202, 204, 206, 209 to 212, 216, 217, 219 to 226, 228 except for the provisions of the first paragraph concerning the report on the implementation of the provisions pertaining to the payment of part of the benefit relating to lodging to the lessor, and section 229 of the Act respecting income support, employment assistance and social solidarity (1998, c. 36);

THAT 1 January 2000 be fixed as the date of coming into force of subparagraph 4 of the second paragraph of section 68, of what follows the word “work” and, in subparagraph 4 of the second paragraph of section 75, of what follows the words “Insurance Act”, of the last sentence of the first paragraph of section 79, of the second paragraph of section 96 and of subparagraph 14 of the first paragraph of section 158 of that Act.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3094

Gouvernement du Québec

O.C. 1012-99, 1 September 1999

**An Act respecting off-highway vehicles (1996, c. 60)
— Coming into force of the second paragraph of
section 18**

COMING INTO FORCE of the second paragraph of section 18 of the Act respecting off-highway vehicles

WHEREAS the Act respecting off-highway vehicles (1996, c. 60) was assented to on 23 December 1996;

WHEREAS under section 88 of the Act, its provisions will come into force on the date or dates fixed by the Government;

WHEREAS under Order in Council 1155-97 dated 3 September 1997, the Act came into force on 2 October 1997 except for subparagraph 3 of the second paragraph of section 11, the second paragraph of section 18 and sections 27 and 83;

WHEREAS under Order in Council 109-98 dated 28 January 1998, subparagraph 3 of the second paragraph of section 11 and section 27 of the Act came into force on 2 February 1998;

WHEREAS it is expedient to fix 1 September 1999 as the date of coming into force of the second paragraph of section 18 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Transport:

THAT 1 September 1999 be fixed as the date of coming into force of the second paragraph of section 18 of the Act respecting off-highway vehicles (1996, c. 60).

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

3093

Regulations and other acts

Gouvernement du Québec

O.C. 987-99, 1 September 1999

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

Order in Council 245-92 dated 26 February 1992 — Amendments

Amendments to the Order in Council respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may establish, notwithstanding any inconsistent provision of the plan, except the provisions of Chapter VII.1 of the Act, special provisions with respect to classes of employees it designates;

WHEREAS the Government made Order in Council 245-92 dated 26 February 1992 respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend that Order in Council;

WHEREAS under the second paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, an order under the first paragraph may have effect 12 months or less before it is made;

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

THAT the Amendments to the Order in Council concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made;

THAT this Order in Council have effect from 1 January 1999.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Amendments to Order in Council 245-92 dated 26 February 1992 respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 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. 10.1)

1. The heading of Chapter III of Order in Council 245-92 dated 26 February 1992, respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, is amended by deleting the words “AND TRANSITIONAL”.

2. The following is substituted for the fourth paragraph of section 14.1:

“Any amount paid to the Commission pursuant to the second or third paragraph shall be paid into the consolidated revenue fund.”.

3. The following Chapter is inserted after section 25:

“CHAPTER IV FINANCIAL PROVISIONS

25.1 The Commission shall pay into the consolidated revenue fund, with respect to employees covered by this Order in Council, the funds, contributions or contribu-

* Order in Council 245-92 dated 26 February 1992 (1992, G.O. 2, 1051) respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan was last amended by Order in Council 146-99 dated 24 February 1999 (1999, G.O. 2, 219). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

tory amounts referred to in subparagraphs 1 to 4 of the first paragraph of section 127 of the Act, except for contributions or funds paid or transferred to purchase pension credits.

25.2 The sums necessary for the payments referred to in the first paragraph of section 130 of the Act and made with respect to a beneficiary or an employee covered by this Order in Council, except payments relating to pension credits, shall be taken out of the consolidated revenue fund.

25.3 Where an employee becomes covered by this Order in Council, the Commission shall transfer to the consolidated revenue fund the sums paid into the employees' contribution fund at the Caisse de dépôt et placement du Québec with respect to that employee, in accordance with subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act, except for contributions or funds paid or transferred to purchase pension credits.

The sums transferred under the first paragraph shall include the interest accrued until the date of the transfer.”.

4. The following Chapter is inserted after section 27:

**“CHAPTER V
TRANSITIONAL AND FINAL PROVISIONS**

27.1 The balance remaining in the employees' contribution fund at the Caisse de dépôt et placement du Québec in accordance with subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act on 31 December 1998 with respect to employees covered by this Order in Council on that date or before, except for contributions or funds paid or transferred to purchase pension credits, shall be transferred to the consolidated revenue fund.

The sums transferred under the first paragraph shall include the interest accrued until the date of the transfer.”.

5. The Amendments in this Order in Council come into force on 1 January 1999.

3099

Gouvernement du Québec

O.C. 995-99, 1 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Independent representatives and representatives

— **Claims adjustment**

— **Minimum experience required**

Regulation respecting the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment

WHEREAS under subparagraphs 2 and 3 of the first paragraph of section 223 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 mentioned therein;

WHEREAS under that section, the Bureau made the Regulation respecting the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in the *Gazette officielle du Québec* of 2 June 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 the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment

An Act respecting the distribution of financial products and services (1998, c. 37, s. 223, par. 1, subpars. 2 and 3)

1. To register as an independent representative in the sector of claims adjustment referred to in the second paragraph of section 13 of the Act respecting the distribution of financial products and services (1998, c. 37), a representative must have been in the employ of a firm or independent partnership in the sector of claims adjustment at least five of the seven years preceding his application to register.

2. To become a partner in an independent partnership certified in the sector of claims adjustment, a representative must have been in the employ of a firm or an independent partnership in the sector of claims adjustment at least five of the seven years preceding the date on which he was made partner.

A representative who is the partner of a representative who has at least five years of experience in the sector of claims adjustment is exempted from the requirements set forth in the above paragraph.

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

3097

Gouvernement du Québec

O.C. 1011-99, 1 September 1999

An Act respecting income support, employment assistance and social solidarity (1998, c. 36)

Income support

Regulation respecting income support

WHEREAS under sections 154, 155, 156, 158, 159 and 160 of the Act respecting income support, employment assistance and social solidarity (1998, c. 36), the Government may make regulations on the matters referred to therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting income support was published on page 1319 of Part 2 of the *Gazette officielle du Québec* of 26 May 1999, with a notice that it could be made by the Government upon expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting income support, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting income support

An Act respecting income support, employment assistance and social solidarity (1998, c. 36, ss. 154, 155, 156, subpars. 1 to 6, 8 to 23, 25, 26, 28 to 30, 158, 159, subpars. 4 to 8, 160 and 224)

CHAPTER I GENERAL PROVISIONS

1. For the purposes of this Regulation, any reference to an employment-assistance measure or program or a wage subsidy refers to a measure or a program provided for in Title I of the Act respecting income support, employment assistance and social solidarity (1998, c. 36), and any reference to an employment-assistance allowance refers to such allowance granted under this title.

An adult is deemed to be admitted to shelter as soon as a contribution is exigible for that person under section 512 of the Act respecting health services and social services (R.S.Q., c. S-4.2), under section 159 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), or as a beneficiary or a user sheltered in a facility maintained by an institution referred to in either one of those statutes.

An adult is deemed to be admitted to shelter for the time he is in held custody for observation under section 672.11 of the Criminal Code (R.S.C., 1985, c. C-46).

The expressions “child and youth protection centre”, “rehabilitation centre”, “hospital centre”, “residential and long-term care centre” and the word “institution”, when used in conjunction with any of those expressions, have the meaning assigned to them by the Act respecting health services and social services. The foregoing also applies to the expressions “foster home” and “foster family”.

Those expressions and that word also include and mean, respectively, within the meaning of the Act respecting health services and social services for Cree Native persons, a “social service centre”, a “reception centre of the class of rehabilitation centres”, a “hospital centre of the class of short-term care hospital centres”, a “reception centre of the class of residential centres” or a “hospital centre of the class of residential and long-term care centres”, an “institution”, a “foster family for adults” and a “foster family for children”.

CHAPTER II

EMPLOYMENT-ASSISTANCE MEASURES, PROGRAMS AND SERVICES

2. The amount granted as an employment-assistance allowance to a recipient of the Employment-Assistance Program under the third paragraph of section 5 of the Act respecting income support, employment assistance and social solidarity may not be less than \$30 per week of participation in an employment-assistance measure or program.

3. The provisions of the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to a work activity carried out under an employment-assistance measure or program, where such activity is not governed by the Code or the statute in question, or where the activity is part of a measure or program focused on training or acquiring skills.

In addition, the Code or the statute in question does not apply to a work activity under the measures “Jeunes volontaires” or “Insertion sociale”, implemented under 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), or activities as a volunteer recognized by the Minister pursuant to section 6 of the Act respecting income support, employment and social solidarity (1998, c. 36).

CHAPTER III

EMPLOYMENT-ASSISTANCE PROGRAM

DIVISION I

ELIGIBILITY

4. An adult not residing in Québec is eligible for the Employment-Assistance Program where

(1) he receives treatment required by his physical or mental condition, on the written recommendation of a physician entered on the roll of the Ordre des médecins du Québec and for the duration indicated by that physician;

(2) he must accompany, for a period of not more than six months, the person who provides him with the constant care required by his physical or mental condition;

(3) he participates, under an Individualized Plan and for the specified duration, in an employment-assistance measure or program; or

(4) he must carry out remunerated employment, for its duration, where he is a member of a family residing in Québec.

The adult accompanying the person referred to in subparagraph 1 of the first paragraph and to whom applies the temporarily limited capacity for employment allowance provided for in subparagraph 5 of the first paragraph of section 24 of the Act or under the second paragraph of section 30 due to the presence of such person is also eligible for the program.

Likewise, an adult who, owing to a superior force, is withheld outside Québec for a period of not more than six months is eligible for the program.

5. An adult who is not legally authorized to live in Canada is also eligible for the program, where

(1) he is claiming the status of refugee within the meaning of the Immigration Act (R.S.C., 1985, c. I-2);

(2) he was claiming the status of refugee but such status has not been recognized and his presence on the territory is authorized; or

(3) he is the subject of an application for permanent residence based on humanitarian grounds or for reasons of public interest which is in compliance with the Act, he holds a selection certificate under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and his spouse is a Canadian citizen, a permanent resident or a refugee recognized in Canada in accordance with the Immigration Act.

6. For the purpose of subparagraph 3 of the first paragraph of section 15 of the Act respecting income support, employment assistance and social solidarity, attending an educational institution means, for an adult:

(1) attending an institution at the secondary level in a vocational program on a full-time basis;

(2) attending an institution at the college or university level

(a) on a full-time basis;

(b) for more than 2 courses or for courses giving entitlement to more than 6 credits or units per term; or

(c) for one course giving entitlement to credits or units corresponding to a total of more than 6 periods or hours of instruction per week, including laboratories and supervised practical work; or

(3) being registered for his master's thesis or doctoral dissertation at the graduate level of university for more than 6 credits per term.

7. The spouse of a student who is ineligible under subparagraph 3 of the first paragraph of section 15 of the Act is eligible for the program provided that the latter

(1) is eligible for financial assistance under the Act respecting financial assistance for students (R.S.Q., c. A-13.3);

(2) is ineligible for such assistance by reason of his parents' contribution; or

(3) is ineligible for such assistance for a reason other than that provided for in subparagraph 2 and until the decision of the Minister of Education referred to in section 44 of the Act respecting financial assistance for students is rendered.

For that purpose, the spouse is deemed to cease to be part of the family from the month in which the student becomes ineligible for the program, except for the application of sections 56, 71, 81 to 83, 102, and 104 to 126.

8. An independent adult required to live in an establishment with a view to his reintegration into society shall be eligible for the program from the month in which he begins to live there

(1) if he is released on supervised probation under section 5 of the Act respecting correctional services (R.S.Q., c. S-4.01);

(2) if he is authorized to be absent temporarily from a house of detention under section 22.2 of that Act, where a certificate from the Director General within the meaning of paragraph *b* of section 1 of that Act attests that his absence will likely be renewed; or

(3) if he is released on parole under section 21 of the Act to promote the parole of inmates (R.S.Q., c. L-1.1).

For the purposes of this section, an "establishment" means a community residential centre, a community shelter or a foster home bound by a services contract entered into with the Minister of Public Security to facilitate the reintegration into society of the persons required to live therein.

9. An independent adult or a family who possessed, on the date of application, liquid assets in excess of the amounts established as follows, is ineligible for the program:

Adult(s)	Dependent child(ren)	Amount
1	0	\$726
1	1	\$1 051
1	2	\$1 251
2	0	\$1 079
2	1	\$1 296
2	2	\$1 496

Each amount shall be increased by \$200 for the third dependent child and for each subsequent child.

However, the liquid assets of a family including an adult member referred to in section 7 may not exceed \$330, which shall be increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each dependent child who receives an allowance for a handicapped child under the Act respecting family benefits (1997, c. 57).

In the case of an independent adult who is sheltered, the adult referred to in section 8, or the family referred to in section 20, the liquid assets possessed on the date of the application may not exceed \$149.

10. Notwithstanding section 9, an independent adult or a family referred to in section 12 who files an application in the period provided for therein or during the following month, where the liquid assets possessed exceed, as of the date of the application, the amount as established hereunder, is ineligible for the program:

Adult(s)	Dependent child(ren)	Amount
1	0	\$2 500
1	1	\$5 325
1	2	\$5 525
2	0	\$5 000
2	1	\$5 217
2	2	\$5 417

Each amount shall be increased by \$200 for the third dependent child and for each subsequent child.

However, the liquid assets of the family of the adult referred to in section 7 may not exceed \$2 500, which shall be increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

In the case of an independent adult who is sheltered, the adult referred to in section 8, or the family referred to in section 20, the liquid assets possessed on the date of the application may not exceed \$2 500.

11. For the purposes of sections 9 and 10, the following is excluded:

(1) the increases in the liquid assets provided for in sections 106, 107 and 109;

(2) liquid assets referred to in sections 110 to 113; and

(3) the amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating or other form of energy, provided that they are cashable in the month of the application.

12. An independent adult or a family who no longer qualifies for the program may continue to receive the dental and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29) in the cases and conditions as set out hereunder:

(1) for not more than 6 consecutive months, where non-qualification is attributable to the work income earned as part of the independent adult's participation, or that of an adult member of the family, in a wage subsidy measure or program;

(2) for not more than 6 consecutive months where a family including only one adult ceases to be eligible due to the work income earned;

(3) for not more than 3 consecutive months for any nine-month period, where non-qualification is attributable to the work income earned by the independent adult or by an adult member of the family from seasonal work;

(4) for the entire period for which an employment-assistance allowance is granted, where non-qualification is attributable to the payment of such allowance for the participation of the independent adult or an adult member of the family in an employment-assistance measure or program; and

(5) for more than 48 consecutive months, in the case of an independent adult or a family including only one adult whose capacity is severely limited and who no longer qualifies due to his work income, if his gross monthly income does not exceed \$1 500.

This section applies to an adult who continues, without interruption, to meet the eligibility requirements prescribed in subparagraphs 1 to 5 of the first paragraph and whose financial resources and those of his family, where applicable, are below the amount required to meet their needs in accordance with the calculation prescribed in section 27 of the Act respecting income support, employment assistance and social solidarity, without taking into account the income that disqualified the adult. Furthermore, subparagraph 5 of the first paragraph ceases to apply if, after the first month of non-qualification and for more than 3 consecutive months, the adult's gross monthly work income or benefits under the Employment Insurance Act (R.S.C. (1996), c. 23) exceed \$1 500.

13. For the purposes of calculating the consecutive months of eligibility required by this Regulation, the independent adult or the family is, during the period described in section 12, a recipient of the program.

The special benefits provided for in sections 52 and 53, in paragraphs 1, 2 and 4 of section 54, in paragraphs 2 to 6 of section 55, and in sections 62 to 66, except those provided for the installation or repair of a heating system, are also granted to the independent adult or the family described in subparagraph 5 of the first paragraph of section 12.

DIVISION II INTERPRETATION

14. A child who is the dependant of a brother, a sister, an uncle, an aunt, a grandparent or an adult where the adult has custody of the child under a court order, except in the case of a foster family, is the dependant of an adult other than his father or mother.

15. A child whose income from work or from a public income security plan would reduce his family's benefits below the amount to which it would be entitled if he were not part of the family is not the dependant of a person if that person so applies to the Minister.

16. A child who does not reside in Québec is not the dependant of a person, unless he must be absent for one of the reasons and for the duration provided for in subparagraphs 1 and 2 of the first paragraph as well as the third paragraph of section 4, or to pursue full-time studies for those durations.

17. A dependent child who becomes a member of the family is deemed to be a dependent child from the preceding month.

18. A dependent child sheltered in an institution operating a rehabilitation centre or placed in a foster family ceases to be a member of a family from the third month following the month he is placed, unless the child's return to or gradual reintegration into his family begins during that period under an intervention plan set up by the institution operating a child and youth protection centre.

Accordingly, that child is deemed to become a member of the family in the month preceding such return or reintegration.

19. An adult ceases to be a member of the family from the third month following the month of his admission to shelter.

However, an adult who has been hospitalized for at least 45 days in a facility maintained by an institution operating a hospital centre at the time of his admission to shelter by that institution is considered admitted to shelter from the 45th day preceding the day of the admission.

20. A minor adult is deemed to form a family with a dependent child if they are sheltered in the same facility maintained by an institution operating a rehabilitation centre or a hospital centre.

21. An adult incarcerated in a penitentiary, in a house of detention or in any other prison or who is required to reside in a halfway house for the purpose of his reintegration into society ceases to be part of a family from the third month following that of incarceration or detention.

22. An adult or a dependent child who dies ceases to be part of a family from the third month following that of the death.

DIVISION III ESTABLISHMENT OF BENEFITS

§1. *Basic benefits, allowances and increases*

23. Except in the cases provided for in sections 25 to 28, the basic benefit of an independent adult and of a family including only one adult is \$481. That of a family composed of 2 adults is \$745.

24. The basic benefit stipulated in section 23 shall be increased to account for the advance Québec sales tax credit referred to in Division II.16 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (R.S.Q., c. I-3). The increase is established as follows:

(1) for an independent adult or a family including only one adult: \$13;

(2) for a family including two adults: \$26.

The amount prescribed in subparagraph 1 above shall be increased by \$8 if the adult does not share a dwelling unit within the meaning of section 123.

25. The basic benefit of an adult referred to in section 7 is \$132. That benefit is increased by \$13 to account for the advance Québec sales tax credit referred to in Division II.16 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act. It is also increased by \$101 when the temporarily limited capacity allowance applies, or \$224 when the severely limited capacity allowance applies.

26. The basic benefit of an independent adult referred to in section 8 is \$149.

27. The basic benefit of an independent sheltered adult is \$149.

28. The basic benefit for a family referred to in section 20 is \$149.

29. The basic benefit provided for in sections 26 to 28 shall be increased on 1 January of each year according to the adjustment rate provided for in the first paragraph of section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), to the nearest dollar.

30. The temporarily limited capacity for employment allowance applies

(1) for the purposes of subparagraph 3 of the first paragraph of section 24 of the Act respecting income support, employment assistance and social solidarity, to an adult member of a family having the care of a child

under 5 years of age on the last 30 September or 5 years old on that date, where no full-time kindergarten class is available for the child;

(2) to an independent adult or an adult member of the family who must provide constant care to a person whose autonomy is significantly reduced within the meaning of subparagraph 5 of section 24 of the Act.

31. The temporarily limited capacity for employment allowance does not apply to an adult referred to in section 5.

32. The basic benefit provided for in section 23 shall be increased by the following amounts where the temporarily or severely limited capacity for employment allowance or the mixed allowance applies:

Adult(s)	Mixed allowance	Temporarily limited capacity for employment	Severely limited capacity for employment
1 adult		\$101	\$224
1 capable adult and 1 adult with a temporarily limited capacity		\$101	
1 capable adult and 1 adult with a severely limited capacity			\$308
1 adult with a temporarily limited capacity and 1 adult with a severely limited capacity	\$308		
2 adults with a temporarily limited capacity	\$176		
2 adults with a severely limited capacity	\$308		

33. The amount of a mixed allowance shall be \$101 where the spouse of an adult whose capacity for employment is temporarily limited cannot apply for the temporarily limited capacity for employment allowance applicable under the first paragraph of section 26 of that Act or section 31.

34. In the case of a family composed of only one adult and at least one dependent child, the basic benefit provided for in section 23 shall be increased by \$108.33.

35. The basic benefit provided for in section 23 shall be increased by \$66.25 for each minor dependent child in the family.

36. The basic benefit provided for in section 23 shall also be increased by the following amounts for each minor dependent child: \$65.41 for the first child; \$48.75 for the second; and \$42.50 for each subsequent child.

37. The basic benefit provided for in section 23 shall be increased by \$8.58 for each dependent minor child aged 12 or over, if that child is the first or second child in the family.

That increase does not apply if the dependent child is placed in a foster family or sheltered in an institution operating a rehabilitation centre.

38. The basic benefit provided for in section 23, in the case of a family composed of at least one dependent child of full age who attends an educational institution at the secondary level in vocational education, or at the college or university level, shall be increased by the following amounts:

(1) if the family is composed of one independent adult: \$136.67 for the first child and \$121 for the second;

(2) if the family is composed of 2 adults who are not severely limited: \$121 for the first child and \$96 for the second;

(3) if the family is composed of 2 adults, at least one of whom is severely limited: \$130 for the first child and \$102 for the second.

39. The basic benefit provided for in section 23 shall be increased by the following amounts for any dependent child of full age who attends an educational institution at the secondary level in general education: \$225.67 for the first child; and \$209 for the second and each subsequent child.

Those amounts shall be increased by \$119.22 where the child is handicapped within the meaning of the Act respecting family benefits.

40. The basic benefit provided for in section 23 shall be increased by \$100 for each dependent child who resides with the family while attending an educational institution at the secondary level in vocational education, or at the college or university level.

41. In the case of a family composed of only one adult and at least 3 dependent children, where the third child and any subsequent child are of full age and attend an educational institution at the secondary level in vocational education, or at the college or university level, the basic benefit provided for in section 23 shall be increased by \$8.33 for the first child and \$22.83 for the second.

42. For the purposes of sections 35 to 39 and 41, the youngest dependent child is deemed to be the first child.

43. The increases provided for in section 35 to 41 do not apply to a family including only one adult or 2 adults as referred to in paragraphs 1 and 2 of section 5. In such a case, the basic benefit provided for in section 23 shall be increased as follows:

(1) if the family is composed of only one adult: \$136.67 for the first dependent child and \$121 for the second;

(2) if the family is composed of 2 adults: \$121 for the first dependent child and \$96 for the second.

44. Where a family includes a dependent child whose custody is shared by virtue of a judgment or, failing that, a written agreement, the amount of any increase provided for in sections 35 to 41 and applicable for that child shall be established on a monthly basis by multiplying that amount by the annual percentage of custody time if that percentage is less than 20 %.

§2. *Special benefits*

45. Special benefits shall be granted where

(1) the need is acknowledged by the Minister;

(2) advance authorization to meet that need is given by the Minister; and

(3) the costs or fees correspond to the actual cost of goods acquired or services rendered, up to the amount normally required to obtain them but without exceeding the amount indicated for those benefits.

The authorization referred to in subparagraph 2 of the first paragraph is not required from an independent adult or a family including an adult with a severely capacity for employment, except in the case of benefits referred to in section 49.

This authorization does not apply in the case of an emergency or in the case of benefits referred to in section 62, but the application for payment must be made

not later than 30 days after the costs or fees were incurred or as soon as possible where the applicant demonstrates that it was impossible for him to act within that period. If the service rendered was transportation by ambulance, this period is extended to 90 days.

46. In the case of benefits referred to in sections 52 and 53, paragraphs 1 and 2 of section 54, sections 55, 58 and 62 to 65, the need shall be attested to by a medical certificate from a physician or a dentist, as the case may be.

The foregoing also applies where a benefit referred to in section 66 is granted for health reasons.

47. In the case of benefits referred to in paragraph 1 of section 55, the medical certificate signed by a physician shall indicate the name and date of birth of the recipient, the number of weeks of pregnancy and the expected date of delivery. That medical certificate may be replaced by a certificate written by a midwife.

48. A sheltered independent adult or family as referred to in section 20 shall cease to be eligible for special benefits from the month following that of admission to shelter.

The foregoing also applies to an adult member of a family from the third month following that of his admission to shelter.

Notwithstanding the first paragraph herein, the sheltered adult or family shall be eligible for the special benefits referred to in sections 70 and 73 and, in the case of an independent adult sheltered in a facility maintained by an institution operating a hospital centre, for special benefits other than those referred to in sections 55 and 56.

49. Special benefits for the cost of purchasing or replacing dental prostheses, eyeglasses, lenses, or for the cost of moving for health reasons shall be granted only if the recipient has been receiving benefits under a program for at least 6 consecutive months or, in the case of a dental prosthesis, 24 consecutive months.

50. The dental, pharmaceutical and optometrical services referred to in sections 70 and 71.1 of the Health Insurance Act and in Schedule I shall be granted as special benefits.

Special benefits shall also be granted to defray the cost of a medical report issued under subparagraph 1 of section 24 or under section 25 of the Act respecting income support, employment assistance and social solidarity.

Those benefits shall be reimbursed in accordance with the standards and practices of the Régie.

Section 45 does not apply to such benefits. However, subparagraph (2) of the first paragraph of that section applies to the purchase, replacement or relining of a dental prosthesis.

51. Special benefits shall be granted to defray the cost of eyeglasses and lenses in accordance with Schedule II.

52. Special benefits shall be granted to defray the cost of orthopedic shoes or plantar orthoses in accordance with Schedule III.

53. Special benefits shall be granted to defray the cost of prostheses, orthoses and accessories in accordance with Schedule IV.

54. Special benefits shall be granted to defray the cost of

(1) accessories required in the first month, up to a maximum of \$100, in the case of temporary urostomy, ileostomy or colostomy;

(2) installing at home a hemodialysis machine, up to a maximum of \$300;

(3) an intra-uterine device, up to a maximum of \$25; and

(4) replacing batteries for a hearing aid, the cost of which is covered by the Régie de l'assurance-maladie du Québec, in the lump-sum amount of \$5 per hearing aid per month.

55. Continuous special benefits shall be granted in the following cases, from the month during which the Minister receives the certificate provided for in section 46 or 47, as the case may be:

(1) \$40 per month in the case of pregnancy;

(2) \$100 per month in the case of hemodialysis, where the family includes only one adult;

(3) \$100 per month in the case of paraplegia, if such benefits were granted for August 1992 and have been granted on a continuous basis ever since;

(4) \$20 per month in the case of diabetes;

(5) \$55 per month from the month following the first month in which accessories were required, in the case of temporary urostomy, ileostomy or colostomy;

(6) to defray the cost of oxygen used for medical purposes.

56. Continuous special benefits of \$50 per month shall be granted for breast-feeding a dependent child under 12 months of age, from the month during which the Minister receives a written declaration signed by the recipient and indicating the expected period of breast-feeding.

57. Special benefits shall be granted to defray the cost of liquid concentrate milk formulas, liquid concentrate formulas made from soya protein or lactose-free liquid concentrate formulas for a dependent child under 9 months of age.

58. Special benefits shall be granted to defray the cost of liquid concentrate formulas made from soya protein or lactose-free liquid concentrate formulas, for a dependent child 9 months or over but less than 12 months old, upon receipt by the Minister of a medical certificate.

59. The benefits referred to in section 57 shall be granted up to 35 cases of 12 385-ml cans for the entire period covered. The benefits referred to in section 58 shall be granted up to 9 cases of 12 385-ml cans for the entire period covered.

These benefits are determined as follows:

(1) if the dependent child is less than 7 months of age: \$32 per purchase of 2 cases of 12 385-ml cans, up to 48 cans per month;

(2) if the dependent child is at least 7 months but less than 12 months of age: \$16 per purchase of one case of 12 385-ml cans, up to 36 cans per month.

60. The benefits referred to in sections 57 and 58 shall be refunded to a pharmacist who is a member of the Ordre des pharmaciens du Québec and is covered by an agreement between the Minister and the person designated by the Minister to administer the payment of those benefits.

The benefits shall be granted for the purchase, from that pharmacist, of cases of formula covered by an agreement between the Minister and formula suppliers, entered into under section 13 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

61. The benefits provided for in section 56 and those provided for in section 57 or 58 may not be granted

simultaneously, except during a single month, to allow for the change in diet of the dependent child.

62. Special benefits shall be granted to pay the transportation and living expenses incurred by a recipient in order to be treated by a physician or a dentist, or at the request of a physician or a dentist, up to a maximum of \$250 per trip. That maximum shall be \$275 if transportation is by ambulance and \$350 if transportation is by air.

Those expenses shall be paid only up to the amount that would normally be incurred for treatment provided at the closest place to the recipient's residence where such treatment is offered.

63. For the purposes of section 62, the least expensive means of transportation in the circumstances shall be used.

If transportation is by private vehicle, the special benefits are granted to pay for parking fees and use of the vehicle, up to \$0.135 per kilometre travelled. However, the expenses incurred for the use of a motor vehicle when such transportation is supplied by a volunteer driver as part of a charitable undertaking supported by a community organization, are fixed in accordance with the rates prescribed by the Commission des transports du Québec, pursuant to a regulation made under subparagraph 2.1 of the first paragraph of section 68 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1).

64. The need for transportation by taxi shall be attested to by a medical certificate, unless it is the most economical means of transportation. This certificate shall establish that the urgency of the situation or the nature of the treatment prevented the use of a more economical means.

In respect of an independent adult or a family where no adult has a severely limited capacity for employment, the special benefits for the expenses for each occasion where an adult is transported by taxi shall be granted, minus \$20 or 20 % of the transportation cost, whichever is less. The maximum for that deduction shall be \$20 per month but shall not exceed \$100 per year per adult. It shall be computed on the basis of the date of receipt of the application for payment or on the basis of any advance authorization given by the Minister.

65. Where such transportation is by ambulance, the benefits provided for in section 62 shall be granted, in the case of an adult, if the need for transportation by ambulance is attested to by a certificate signed by a physician or by a person designated for that purpose by an institution referred to in the Act respecting health

services and social services or in the Act respecting health services and social services for Cree Native persons and maintaining a facility to which the recipient is taken, or if such transportation is authorized by a centre for the coordination of emergency calls set up pursuant to section 149.26 of the Act respecting health services and social services for Cree Native persons.

An application for payment may be made by the carrier. It shall be accompanied by a document proving that the transportation took place and indicating, except for a centre referred to in the first paragraph, whether transportation by ambulance was needed. The Minister shall then pay the carrier for such transportation and, where the need is not attested to, the benefits thereby granted must be refunded to the Minister by the adult concerned.

66. Special benefits shall be granted to pay the cost of moving for health reasons or of installing or repairing a heating system, up to a maximum of \$200 for any 12-month period.

67. Special benefits shall be granted to pay the transportation and living expenses incurred by a recipient to return to his point of origin.

Those benefits shall not exceed a total of \$250 for any 12-month period.

68. Special benefits shall be granted in August of each year in the following cases and for the following amounts:

(1) a dependent child attending an elementary-level educational institution, a kindergarten class or a pre-kindergarten class, in which case the benefits shall be \$46; or

(2) a dependent child attending a secondary-level educational institution, except in a full-time vocational education, in which case the benefits shall be \$93.

69. Special monthly benefits of \$100 shall be granted to a person who has taken refuge in a shelter for victims of violence.

70. Special benefits shall be granted to a sheltered independent adult or a family as referred to in section 20 to pay for the lodging, up to \$325 per month for any 12-month period, from the month following that of admission to shelter.

71. Special benefits shall be granted to pay the lodging expenses for a family with at least one minor dependent child, unless it concerns a family referred to in

section 20, or at least one dependent child of full age who attends a secondary-level educational institution in general education.

Those benefits shall be equal to 66 2/3 % of the amount by which the lodging expenses exceed the following minimum costs fixed on the basis of the number of people in the family, but may not exceed the corresponding maximum costs:

Number of people in family	2	3	4	5 or more
Minimum cost	\$398	\$434	\$460	\$486
Maximum cost	\$518	\$554	\$580	\$606

The amounts of special benefits shall be reduced by the allowance granted to the family under the housing allowance program for the elderly and for the family, approved by Décret 1094-98 dated 26 August 1998, as amended. The amount of that reduction shall be established by dividing the annual amount of that housing allowance by 12.

This section does not apply to a family residing in a dwelling in low-rental housing within the meaning of article 1984 of the Civil Code.

72. If special benefits provided for in section 71 are granted to a family where the only adult or both adults are referred to in paragraphs 1 and 2 of section 5, the percentage is set at 50 %.

73. Special benefits shall be granted to pay the funeral expenses for an adult or a dependent child, up to a maximum of \$2 500 per deceased person.

Nevertheless, such benefits are reduced by the amount of benefits payable upon death, received under a contract for the advance arrangement of funeral services or received for the advance purchase of a sepulchre and, in the case of an independent adult,

(1) by the total of his liquid assets; and

(2) by the value of all his other assets, minus his debts at the time of his death.

This section does not apply in the case of an unclaimed body within the meaning of section 57 of the Public Health Protection Act (R.S.Q., c. P-35), unless delivery of the body was authorized under that Act to the foster family or the reception centre in which the deceased person had been placed, to a clergyman or to the Public Curator.

74. In the event of a fire or other disaster, special benefits shall be granted as compensation for the following losses suffered by an independent adult or a family already receiving benefits under the program:

(1) the cost of repairing or replacing furniture and essential household articles, in accordance with customary insurance practices, up to an amount of

(a) \$1 000, plus \$500 per person, up to a maximum of \$4 000 for a family, or

(b) \$1 500 for an independent adult, and

(2) the living expenses of an independent adult or of a family during the restoration or relocation period, up to a maximum of 10 % of the special benefits applicable under subparagraph 1.

Those benefits shall be reduced by any indemnity paid by an insurer as compensation for losses.

75. Special benefits shall be granted to pay the cost of a move made necessary by a separation of spouses, up to a maximum of \$200.

Except where a move is ordered by a court, the cost of only one move may be paid for a 12-month period.

76. Special benefits up to a maximum of \$250 for one case shall be granted to pay the transportation and living expenses incurred by a recipient who travels more than 50 kilometres from his place of residence to have a support order enforced.

The expenses for the use of a private vehicle shall be \$0.135 per kilometre travelled.

§3. Month of Application

77. For the month of application, the basic benefit, the amount of the allowances and the increases provided for in this Regulation, except for those that are in stead of the advance Québec sales tax credit, shall be established pro rata to the number of days remaining in the month on the date of application, in relation to the number of days in that month.

The income received or to be received during the month of the application, regardless of the period for which it is due, shall be considered in calculating the benefit for that month. However, in the case of benefits to be received under the Employment Insurance Act, subparagraph *c* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity also applies for the month of the application.

The family allowances paid under the Act respecting family benefits and the national child benefit supplement, and determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C. (1985), 5th Supplement, chapter I), shall be considered only if they are received during the month of the application and owed for that month.

In addition, if the application is submitted by the independent adult or the family as described in section 12, during the period provided for or in the following month, the employment-assistance allowance and, as the case may be, any work income are considered only where they are owed for the month of application.

78. Liquid assets possessed on the date of application, unless otherwise excluded under sections 106 to 113, shall be considered in calculating benefits for the month of application.

The amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating, or any other form of energy, provided that those cheques are cashable in the month of the application, shall be subtracted therefrom, as well as income considered pursuant to the second paragraph and to the fourth paragraph of section 77, provided that they have been deposited with a financial institution.

79. For the purposes of section 78, the following amounts shall be subtracted from the liquid assets possessed on the date of application by a family with at least one minor dependent child, except where it concerns a family referred to in section 20:

Adult(s)	Dependent child(ren)	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

That amount shall be increased by \$200 for the third minor dependent child and each subsequent child.

Notwithstanding the foregoing, an amount of \$217 for the first minor dependent child and \$200 for each subsequent child shall be subtracted from the liquid assets possessed by a family including an adult member covered by section 7.

An amount of \$119 shall also be subtracted from liquid assets for any minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

80. The first paragraph of section 77 and section 79 do not apply if the application is submitted by the independent adult or the family referred to in section 12 during the period provided for or in the following month.

In such a case, in addition to the liquid assets excluded under the first paragraph of section 78, the amounts referred to in sections 103 to 105 shall be subtracted from the liquid assets possessed by such adult or family.

§4. Reduction for lodging costs

81. The basic benefit provided for in section 23 shall be reduced by the amount by which the minimum lodging costs fixed by this section exceed lodging expenses for an independent adult or a family. The minimum cost is determined as follows:

Adult(s)	Dependent child(ren)	Minimum cost
1	0	\$139
1	1	\$196
1	2 or more	\$224
2	0	\$204
2	1	\$236
2	2 or more	\$257

However, that reduction may not exceed \$100.

82. Monthly lodging expenses comprise

(1) in the case of an owner, real estate taxes, fire insurance premiums, hypothecary payments or any other dwelling-related loan, \$35 for maintenance and repairs, \$35 for heating and \$25 for electricity or any other form of energy; or

(2) in the case of a tenant, the monthly rent, rental taxes and, if not included in the rent, \$35 for heating and \$25 for electricity or any other form of energy.

83. For the purposes of paragraph 1 of section 82,

(1) a “hypothec” includes a borrowed amount used to purchase, build, repair or renovate a dwelling;

(2) a “dwelling-related loan” includes

(a) a borrowed amount used to purchase, put in place, renovate or repair a mobile home that serves as a principal residence; and

(b) the reimbursement of a loan authorized by a financial institution, a municipality or the Government to purchase, build, repair or renovate a dwelling.

The owner's expenses are in proportion to the space that he occupies in a building consisting of a number of dwellings.

§5. Income, earnings and pecuniary benefits

84. The following income, earnings and pecuniary benefits shall be excluded for benefit calculation purposes:

(1) amounts granted as tax benefits for children under subdivision *a.1* of Division E of Part I of the Income Tax Act, other than those granted as a national benefit supplement for children;

(2) family benefits paid under the Act respecting family assistance allowances (R.S.Q., c. A-17);

(3) the allowances for handicapped children paid under the Act respecting family benefits;

(4) amounts received by a reception centre to take charge of an adult or by a foster family to take charge of a child, as well as amounts received by such a foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995;

(5) amounts earned by a dependent child incidentally to his studies and the loans and scholarships that he receives as a student;

(6) support paid to an independent adult by his father or mother, up to a maximum of the parental contribution that he is deemed to receive under subparagraph *h* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity;

(7) a premium paid by an institution that operates a rehabilitation centre to a recipient in order to facilitate his attending that centre or paid by an institution operating a residential and long-term care centre or a hospital centre to a recipient to follow a therapy program;

(8) income from a succession, a trust or a gift devolved on a dependent child, before that income can be used for his maintenance;

(9) income that ceases during a month in which an applicant not already receiving benefits files an application, for the purpose of establishing the benefits for the following month;

(10) income earned in the previous period of at least three months or, in the case of a self-employed worker,

income attributed to such a period, insofar as that income ceases; however, this exclusion does not apply in respect of family allowances received under the Act respecting family benefits or to amounts received as a national child benefit supplement;

(11) interest income;

(12) amounts received as tax refunds or credits;

(13) the benefit granted under the Parental Wage Assistance Program (PWA) provided for in Chapter III of Title II of the Act respecting income support, employment assistance and social solidarity;

(14) allowances received under section 3.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8);

(15) amounts paid as additional expenses related to participation in an employment-assistance measure or program;

(16) up to \$130 per month, per adult, in employment-assistance allowance;

(17) amounts received under a program of the Ministère de la Santé et des Services sociaux for home care and assistance services;

(18) amounts received by a person responsible for a foster home bound by a services contract concluded with the Minister of Public Security to facilitate the social reintegration of those who are required to lodge therein;

(19) income from room or board received by a recipient who shares a dwelling unit within the meaning of the first paragraph of section 123;

(20) income from room or board received from a recipient of a program as long as the recipient is an immediate relative, brother or sister;

(21) income earned as an enumerator, as a polling officer or, if he has been so designated and been given a power of attorney, as a mandatary of a candidate;

(22) up to \$100 per month, the periodic payments of support received by a family including at least one dependent child under 5 years of age on 30 September;

(23) the part of the periodic payments of support exceeding \$305 per month, where those payments are made as payment of a residence in which the creditor resides, but which belongs to the debtor of support;

(24) the amount of periodic payments made by a third party, up to \$305 per month, to allow a recipient to reside in a facility maintained by a private institution not under agreement that operates a residential and long-term care centre or a private residence for retirees or persons with a slight loss of autonomy;

(25) the part of the monthly instalment for a hypothecary debt on the residence exceeding \$305, when these payments are made directly by a third party under a disability insurance contract;

(26) payment of a debt other than that covered in paragraph 25 paid directly by a third party under a disability insurance contract; and

(27) supplementary family income paid to a family with more than two dependent children by the Service d'aide aux réfugiés et aux immigrants du Montréal métropolitain;

85. For the purposes of subparagraph 2 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity, family allowances received by the family under the Act respecting family benefits shall be deducted:

(1) from the sum of the increases provided for in sections 34 and 35, where the family includes only one adult;

(2) the sum of the increases provided for in section 35, where the family includes two adults.

In addition, the amounts received as a national child benefit supplement shall be subtracted from the increases provided for in section 36, unless the dependent child is placed in a foster family or sheltered in an institution that operates a rehabilitation centre.

86. For the purposes of section 85, the family is deemed to receive the annual amount of the family allowance or the annual amount of the national child benefit supplement, divided by 12. Where such amount is paid to a person who is not a family member, but used by that person for the needs of the dependent child, that amount is deemed to be received by the family. In addition, the family is presumed to receive, for July of each year, the maximum amount of the national child benefit supplement.

87. Work income, income from employment insurance benefits granted under the Employment Insurance Act and that from the amounts paid as employment assistance allowances shall be calculated by deducting the following amounts from that income or, in the case of income from self-employment, from net income:

(1) amounts to be deducted or withheld under section 1015 of the Taxation Act (R.S.Q., c. I-3) or provisional accounts to be paid under sections 1025 and 1026 of that Act for the preceding period divided by three, and any such amount to be deducted, withheld or paid under the Income Tax Act;

(2) the employee's premium payable under the Employment Insurance Act;

(3) contributions payable by a worker under the Act respecting the Québec Pension Plan or by virtue of his participation in an obligatory retirement plan; and

(4) union dues.

Work income shall also be reduced by the expenses connected with the fact of holding employment, in the amount of \$25 or 6 % of monthly income from employment, whichever is less, except in the case of the income of a self-employed worker, of a volunteer fireman and income referred to in sections 92 and 93.

88. The following amounts shall be excluded from work income:

(1) in the case of an independent adult or a family including only one adult: \$200, unless that adult has a severely limited capacity for employment, in which case that amount is set at \$100; and

(2) in the case of a family including two adults: \$300, unless one of them has a severely limited capacity for employment, in which case that amount is set at \$100.

For the purposes of this section, an amount granted under section 22 or 23 of the Employment Insurance Act or paid by the Minister as an allowance for a maternity or parental leave is deemed to be work income.

89. Net income from self-employment shall be established according to the accrual accounting method, in accordance with generally recognized accounting principles. However, net income from self-employment in agriculture may be established according to the cash method.

In the calculation of net income, the depreciation of property used by a business shall be excluded and the repayment of principal shall not be considered an operating expense.

90. In the case of seasonal self-employment, the amount by which net income from such employment or from other sources exceeds the amount by an amount calculated as follows is deemed to be work income for the period of inactivity.

Adult(s)	Dependent child(ren)	Minimum cost
1	0	\$726
1	1	\$1 051
1	2	\$1 251
2	0	\$1 079
2	1	\$1 296
2	2	\$1 496

Those amounts shall be increased by \$200 for the third dependent child and for each subsequent child.

However, in the case of an adult referred to in section 7, that amount is \$330, which is increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

In the case of an independent adult sheltered or referred to in section 8, or a family referred to in section 20, the amount is \$149.

91. For the purposes of section 90,

(1) the period of activity begins in the month in which work begins and ends in the month in which work ceases; and

(2) the period of inactivity begins in the month following that during which the work ceases and ends 12 months after the beginning of the last period of activity, or as soon as work resumes, whichever comes first.

92. Income from the office of mayor, municipal councillor or school commissioner is deemed to have been received during the period in which it was earned.

The expense allowances inherent in those offices shall be excluded from that income, but only up to half the amount paid for the same period in the form of salary or other remuneration.

93. Income from babysitting at the recipient's domicile shall be calculated in the proportion of 40 %.

94. Income from providing room and board shall be calculated in the proportion of 40 %, with a minimum of \$85 for one person and \$50 for each additional person in that person's family.

95. Periodic support payments paid in arrears shall be applied first and foremost to periods subsequent to 30 April 1998.

96. Income derived from an immovable shall be calculated in accordance with Title III of Book III of Part I of the Taxation Act before any deduction is made for depreciation as provided for in section 130 of that Act and before the deduction provided for in section 130.1 of that Act is made.

97. The period referred to in subparagraph *c* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity begins on the date on which work ceased and ends at one of the following:

(1) in the case of an initial claim for benefits, at the end of the fourth week following the date on which the benefit period began;

(2) in the case of a subsequent claim for those benefits, at the end of the third week following the date on which a subsequent claim for those benefits took effect;

(3) in the case of a decision not rendered by the Canada and Employment and Immigration Commission, at the end of the fourth week following the date on which the claim for those benefits was filed;

(4) in the case of a predated claim for those benefits, at the end of the second week following the date on which a request to predate an initial claim was accepted; or

(5) in the case of interruption in the regular payment of those benefits, at the end of the week in which payment of those benefits was due.

98. Weekly income, earnings and fringe benefits that apply to the entire month shall be converted to a monthly basis by multiplying them by 4.333.

99. Where the income earned for at least 3 months or, in the case of a self-employed worker, the income attributed to such a period ceases, the benefits shall be recalculated for that month on the basis of the income for the current month, where that income is lower than in the preceding month.

100. Where a recipient earns an income that affects his benefits and informs the Minister thereof too late for the benefits of the following month to be adjusted, the income shall affect the benefits of the next month.

101. Paragraph 10 of section 84 and section 99 apply insofar as the income had been diligently declared to the Minister.

§6. Liquid assets

102. Liquid assets shall comprise everything that an independent adult or a family possesses in cash or in an equivalent form and the value of assets that they can convert into cash in the short term, such as

(1) amounts, whether demand deposits or term deposits, that a financial institution holds on deposit for an independent adult or a family, or funds that it holds in their favour if they have ready access to those funds;

(2) securities that they own, if those securities are regularly quoted on the market on which they are traded;

(3) debts of which they can obtain immediate payment; and

(4) any assets negotiable at sight.

They shall comprise the total amount of a term deposit made in favour of an independent adult or a member of a family, even if they do not have ready access to that amount, where that deposit is made when that adult or family is receiving benefits under a last resort financial assistance program or in such a manner as to render them eligible for such a program.

103. Liquid assets shall be excluded for benefit calculation purposes, up to a maximum of

(1) in the case of an independent adult, an adult referred to in section 7, or a family referred to in section 20: \$2 500 if his capacity for employment is severely limited and \$1 500 in other cases;

(2) in the case of a family: \$5 000 if the capacity for employment of at least one adult member is severely limited and \$2 500 in other cases.

104. The amount provided for in paragraph 2 of section 103 shall be increased by the following amounts for any minor dependent child, unless it concerns a family referred to in section 20:

Adult(s)	Dependent child(ren)	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

That amount shall be increased by \$200 for the third minor dependent child and each subsequent child.

Notwithstanding the foregoing, in the case of a dependent child of an adult referred to in section 7, the amount provided for in paragraph 1 of section 103 shall be increased by \$217 for the first minor dependent child and \$200 for each subsequent child.

The amount provided for in section 103 shall also be increased by \$119 for every minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

105. The amount provided for in section 103 shall be increased by \$147 for any child of full age who attends a secondary-level educational institution in general education.

106. The amounts provided for in section 103 shall be increased by an amount equal to the total value of the amounts paid by the governments of Canada or Québec:

(1) under the Japanese-Canadian Redress Agreement concluded between the Government of Canada and the National Association of Japanese Canadians;

(2) under a statement made to the House of Commons on 14 December 1989 by the Minister of Health and Welfare Canada regarding persons infected with the human immunodeficiency virus following a blood transfusion or by absorbing blood-derived products;

(3) under a humanitarian fund created by the Gouvernement du Québec for hemophiliacs and other persons HIV-infected as a result of a blood transfusion, except where the amounts are paid as compensation for loss of income or loss of support;

(4) under the extraordinary assistance plan created by the Government of Canada for persons who are victims of thalidomide;

(5) under a Government of Canada program respecting *ex gratia* payments to persons depatterned at the Allan Memorial Institute between the years 1950 and 1965; or

(6) under a financial assistance program created by the Gouvernement du Québec for persons Hepatitis C-infected following a blood transfusion or by absorbing blood-derived products in Québec before 1 January 1986 or between 2 July 1990 and 28 September 1998.

107. The amounts provided for in section 103 shall also be increased by an amount equal to the total value of the amounts paid

(1) to a person entitled thereto under the judgment of the Supreme Court of Canada: Public Curator of Québec vs. Syndicat national des employés de l'hôpital St-Ferdinand, rendered on 3 October 1996;

(2) to a person entitled thereto under an agreement resulting from class actions pertaining to breast implants; or

(3) to a person entitled thereto following the recommendations contained in the report required by the mandate entrusted by the Gouvernement du Québec under Décret 931-98 dated 8 July 1998, amended by Décret 1281-98, dated 30 September 1998, pertaining to damages sustained by certain persons represented by the Public Curator.

108. The increases provided for in sections 106 and 107 shall be applied as of the date of the payment of those amounts and solely with regard to the recipient personally.

109. The amount provided for in section 103 shall be increased for a period of 12 consecutive months by an amount equal to a retroactive adjustment of benefits paid by reason of an administrative error, a review decision, a decision handed down by the Administrative Tribunal of Québec or pursuant to section 141.

That increase shall be applied as of the date of the payment and solely with regard to the recipient concerned.

110. The following liquid assets shall be excluded for benefit calculation purposes:

(1) those accumulated by a dependent child through his own work;

(2) those owned by a dependent child, where they are administered by a tutor, a liquidator of successions or a trustee, before an accounting is rendered, and where they have been placed in a term deposit which does not allow them to be freely disposed of;

(3) the amount of loans and scholarships that an adult or a dependent child receives as a student where, within 6 months of its receipt, it is used for the purposes for which it was obtained;

(4) the cash surrender value of a life insurance policy;

(5) the amounts received to pay for additional expenses related to a recipient's participation in an employment-assistance measure or program, provided those amounts are used for the purposes for which they were obtained; and

(6) the amount from a succession up to the amounts of debts and charges for which the recipient is responsible.

111. The amount of advance family allowance payments received under the Act respecting family benefits shall be excluded for benefit calculation purposes for the month following those payments.

112. The amount of a loan taken out in order to consolidate debts or to purchase property referred to in paragraphs 1 to 3 and 8 of section 116 shall be excluded for benefit calculation purposes where

(1) it is deposited without delay into a separate account with a financial institution; and

(2) it is used within 30 days of its receipt for the purposes for which it was obtained.

113. Liquid assets shall be excluded for benefit calculation purposes up to a maximum value of \$60 000 for all the following amounts that are part thereof:

(1) the value of the amounts or pension credits referred to in paragraph 4 of section 116, which, under the retirement instrument or plan in question or by law, can be returned to the participant;

(2) a sum received in the form of an amount or a pension credit referred to in subparagraph 1, where it is used within 30 days of its receipt as a contribution to another retirement plan or retirement savings instrument;

(3) the amount of a grant or a loan to be used to repair a residence, where it is used within 6 months of its receipt for the purposes for which it was obtained; and

(4) the amount of a grant or a loan to be used to start a business or to create one's own employment, where it is used within 6 months of its receipt for the purposes for which it was obtained.

The exclusions provided for in subparagraphs 2 to 4 of the first paragraph apply only where the amounts referred to are deposited without delay into a separate account with a financial institution.

114. Any part of an amount referred to in paragraph 3 of section 110, section 112 and subparagraphs 2 to 4 of the first paragraph of section 113 shall constitute liquid assets for the entire month in which it is used contrary to those provisions or not deposited in accordance with those provisions, and the exclusion provided for in section 103 is not applicable thereto.

§7. Property

115. The value of property shall be its market value.

The net value of property shall be its value less the value of the real rights with which it is encumbered.

The value of a residence shall correspond to that of the house and of the land on which it is built.

The value of a farm shall correspond to that of the land, the buildings, the livestock and the implements.

Notwithstanding the first paragraph, the value of any immovable listed on the assessment roll of a municipality shall be equal to the value indicated thereon, multiplied by the comparative factor of the roll, in accordance with the provisions of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

116. The following shall be excluded for benefit calculation purposes:

(1) the total value of movables and household articles;

(2) the value of a motor vehicle up to a maximum of \$5 000;

(3) books, instruments and tools needed for employment or for a trade or craft;

(4) the value of pension credits that have accumulated in a retirement plan other than the plan instituted by the Act respecting the Québec Pension Plan or an equivalent plan within the meaning of that Act, as well as the amounts that have accrued with interest as a result of the recipient's participation in another retirement savings instrument which, under the plan, the savings instrument or the Act, cannot be returned to the recipient before the age of retirement;

(5) property owned by a dependent child, where the property is administered by a tutor, a liquidator of successions or a trustee, before an accounting is rendered;

(6) property acquired by a dependent child through his own work;

(7) equipment adapted to the needs of a recipient who has functional limitations, including a vehicle adapted for transportation and not used for commercial purposes; and

(8) the value of a contract for the advance arrangement of funeral services or for the advance purchase of a sepulchre, where those contracts are in force.

117. The value of all the following property shall be excluded for benefit calculation purposes, up to a maximum of a total net value of \$80 000:

(1) the value of a residence or of a farm operation;

(2) the value of a residence or a farm belonging to an independent adult who no longer lives in that residence or operates that farm since having been placed in a foster home or sheltered in a facility maintained by an institution operating a rehabilitation centre, a residential and long-term care centre or a hospital centre, during the first year spent there;

(3) the value of a residence belonging to an independent adult or to a family who no longer lives therein for health reasons, for a period of one year from the time of moving;

(4) the value of a residence belonging to an adult who no longer lives in that residence because of a separation, for a period of not more than 18 consecutive months, extending from the date on which he undertakes a family mediation process or legal proceedings to the date on which the court decides on the right of property or, as the case may be, to the date on which the court ratifies or homologates the agreement between the parties;

(5) the net value of property used in self-employment or in the operation of a farm;

(6) the amount of an indemnity paid as compensation for immovable property following an expropriation or a disaster, where that amount is used within two years of its receipt to replace property with a view to permanent relocation or to operate a business;

(7) the amount of an indemnity paid as compensation for movable property following a fire or another disaster, where it is used within 45 days of its receipt to repair or replace that property; and

(8) the amount from the sale of a residence, where that amount is used to purchase or build another residence within six months of the sale.

In the case of an independent adult or a family in which at least one adult member has a seriously limited capacity for employment, the amount provided for in the first paragraph is increased by \$1 000 for each complete year of occupation as the owner of the residence.

118. The exclusions provided for in subparagraphs 6 to 8 of the first paragraph of section 117 apply only where the amounts referred to are deposited without

delay into a separate account with a financial institution or, in the case provided for in subparagraph 6 of the first paragraph of that section, if those amounts are the subject of an investment that a trustee is permitted to make under the Civil Code.

Any part of an amount referred to in those subparagraphs shall constitute liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph, and the exclusion provided for in section 103 is not applicable thereto.

119. Property acquired using an amount referred to in sections 106 and 107 is excluded for benefit calculation purposes.

That exclusion applies from the date of payment of the amount and solely in respect of the recipient personally.

120. The aggregate value of property shall comprise the value of all property, except that of the liquid assets and of the property excluded for benefit calculation purposes.

If only part of the value of property is excluded for the purpose of that calculation, the remainder of the value shall be included in the aggregate value.

121. The percentage applicable to the aggregate value of property for benefit calculation purposes shall be 2 % of their aggregate value. Except for the property referred to in section 117, that percentage shall apply to the aggregate value of assets in excess of \$1 500 in the case of an independent adult or a family referred to in section 20, or \$2 500 in all other cases.

§8. Sharing of dwellings

122. The benefits of an independent adult or a family sharing a dwelling shall be reduced by an amount equal to the difference between \$100 and the amount subtracted under section 81.

A housing unit shall be considered a dwelling where it has a separate exit leading outdoors or to a common corridor, self-contained sanitary facilities and a separate area for the preparation of meals.

123. An independent adult or a family shares a dwelling where, in any of the following cases, the dwelling is shared with

(1) a co-tenant or co-owner; or

(2) an independent adult or a family where fewer than three rooms are rented out or offered for rent to different tenants.

When three rooms in a dwelling are rented or offered for rent to different tenants, an independent adult or a family shares that dwelling where they occupy it with a recipient with whom they do not form a family and who is an immediate relative, brother or sister.

In cases not otherwise covered by the first paragraph, an independent adult or a family shares a dwelling where the former occupies a room with an independent adult or a family.

A dwelling shall be considered to be shared even where the housing expenses are not actually shared.

124. However, notwithstanding section 123, a dwelling is not considered to be shared in the following cases:

(1) between a recipient who acts as a residence or foster family and the persons entrusted to him;

(2) in a shelter for victims of violence, with respect to persons who have taken refuge therein;

(3) in a foster home bound by a services contract concluded with the Minister of Public Security to facilitate the social reintegration of persons who are placed therein, with respect to the recipient in charge of the foster home, except if he shares it with a person other than those placed with him; and

(4) with respect to an independent adult who shares a room with another person in a community residence, which is not covered in paragraph 3, offering room and board, assistance and rehabilitation services for a given amount.

125. The sharing of a dwelling unit due to the necessity of providing constant care to a person within the meaning of subparagraph 5 of the first paragraph of section 24 of the Act shall not entail the reduction provided for in section 122 for those persons. The same applies to a recipient to whom a temporarily limited capacity for employment allowance applies due to the presence of such person.

126. The reduction in benefits provided for in section 122 does not apply to a family that includes only one adult member.

§9. Parental contribution

127. The parental contribution that an adult is deemed to receive under subparagraph *h* of subparagraph 3 of the first paragraph of section 27 of the Act shall be determined for a 12-month reference period on 1 July of each year by taking into account the income for the taxation year preceding the reference period or for the current year where the income for that year is less by 10 % or more than that of the preceding year.

The incomes of the father and mother of the adult are established as follows:

(1) net income within the meaning of section 28 of the Taxation Act; and

(2) the following amounts, where not already covered by paragraph 1:

(a) amounts received as compensation under a statute respecting occupational accidents of Canada, another province or a territory of Canada;

(b) amounts received as social assistance payments based on an investigation of resources and needs under a statute of another province or territory of Canada;

(c) amounts received as monthly Guaranteed Income Supplement or spouse's allowance under the Old Age Security Act (R.S.C., (1985), c. O-9) and amounts received as such under a statute of another province or a territory of Canada;

(d) amounts received as tax benefits for children under subdivision *a.1* of Division E of Part I of the Income Tax Act;

(e) family allowances received under the Act respecting family benefits up to an amount of \$131 for the first child, \$174 for the second, \$218 for the third, and \$261 for each subsequent child;

(f) amounts received under the Act respecting real estate tax refund (R.S.Q., c. R-20.1); and

(g) allowances paid under section 3.1 of the Act respecting the Société d'habitation du Québec.

128. The incomes of the father and mother calculated in accordance with section 127 shall be reduced by the following amounts:

(1) where the incomes of both the father and the mother are considered, the aggregate of the following amounts:

(a) for both parents: \$11 800;

(b) for each dependent child who resides with the father and mother and is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university: \$ 1 200;

(c) for dependent children:

i. for the first: \$ 2 600;

ii. for each subsequent child: \$ 2 400;

(2) where the income of a single parent is considered, the aggregate of the following amounts:

(a) for the parent: \$ 9 862;

(b) for each dependent child who resides with the parent and is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university: \$ 1 200;

(c) for dependent children:

i. for the first: \$ 2 600

ii. for each subsequent child: \$ 2 400.

129. The incomes of the father and mother taken into account for the purposes of calculating the parental contribution shall be 40 % of the income calculated in accordance with sections 127 and 128.

130. The parental contribution shall be determined by dividing by 12 the amount of the income obtained for section 129. That amount, where applicable, is divided by the number of adults deemed to have received a parental contribution from the same parent or parents.

DIVISION IV PAYMENT OF BENEFITS

131. An application for eligibility under the program is deemed to have been made on the day the prescribed form, duly completed and signed, is received by the Minister.

However, where the Minister has already received from the applicant a writing showing his intent to file an application, the date of the application is the date on which the Minister received the writing, if the form prescribed by the Minister is completed and signed within a reasonable time.

132. An application for eligibility under the program or for a benefit provided therefor may also be submitted by a responsible person on behalf of the independent adult or the family.

133. An application may not be refused on the grounds of faulty drafting or an irregular procedure that has no bearing on entitlement to benefits or the amount thereof.

134. The statement made by a sheltered adult so as to be exempted from paying the price of his shelter shall stand in lieu of a validly formulated application for eligibility if that statement contains the information relevant to such application.

135. Any notice delivered to the person to whom it is addressed or to a person representing him, or mailed to the last known address is deemed to be validly given.

136. Benefits granted under the program, including the special benefits provided for in section 71, shall be paid on the first day of the month, except under exceptional circumstances. The special continuing benefits provided for in sections 55 and 56 shall be paid at the same time. However, the other special benefits shall be paid in the normal course of the applications.

137. A recipient shall submit to the Minister a full statement of his situation as well as a short statement.

A full statement shall be submitted every 12 months.

A short statement shall be submitted every month, except for an independent adult or a family including an adult member whose capacity for employment is severely limited, in which case the short statement shall be submitted only if a change of situation occurs.

The Minister shall cease paying benefits to a recipient who does not submit the duly completed and signed short statement, unless he demonstrates that he was unable to return it.

138. An independent adult or a family referred to in section 12 must also submit the statements provided for in section 137. However, the full statement must be submitted, as the case may be, 12 months after the start of the period referred to in such section, and the short statement when a change of situation occurs.

139. For the purposes of section 140 of the Act, the Minister is bound to pay interest on the amount of benefit that should have been granted as of the date of the initial decision or the date on which the decision took effect, if later. The rate shall be that set under the second paragraph of section 28 of the Act respecting the

Ministère du Revenu (R.S.Q., c. M-31) and such interest shall form part of the benefit.

In the event that the decision concerns a special benefit other than those provided for in sections 55, 56 and 69, interest is payable where the recipient certifies in writing that he received, prior to the date of the review or appeal decision, the goods or services covered by the special benefit claimed and such interest shall be computed as of the date on which the recipient received them.

140. The Minister is not bound to pay interest in cases where

(1) the amount owed is less than \$1;

(2) the decision concerns the special benefit referred to in section 50;

(3) the independent adult or family received benefits under sections 16 and 134 of the Act respecting income support, employment assistance and social solidarity; or

(4) the independent adult or family received benefits further to a decision rendered under the second paragraph of section 107 of the Act respecting administrative justice (1996, c. 54).

141. Where an application for benefits was rejected or where the benefits granted to an independent adult or a family have been reduced or cancelled because of amounts paid under another statute, and where the Minister or body that paid those amounts reclaims them in whole or in part, the amount of the benefits granted or that could have been granted for the months covered by that claim shall be re-calculated accordingly

(1) if the amounts claimed were paid by reason of an administrative error of the Minister or agency; or

(2) if the amounts claimed were paid as family allowances under the Act respecting family benefits, or a national supplement for children; however, the re-calculation shall be made only for the 6 months preceding the date of the claim.

For the purposes of this section and where applicable, any new statements required in relation to the months covered by the claim must be submitted within one month of the claim's receipt.

142. For the purposes of section 43 of the Act, the creditor of support shall inform the Minister of any agreement or judicial proceeding by sending a copy thereof to the following address, within the time allowed:

Ministère de la Solidarité sociale
 Centre du recouvrement
 Services des pensions alimentaires
 800, place D'Youville
 15^e étage
 Québec (Québec)
 G1R 5Z6

DIVISION V **BENEFITS ADMINISTERED BY A THIRD PARTY**

143. The Minister shall pay the benefits to a person or an organization designated by him under section 33 of the Act where the recipient or his representative agrees thereto.

144. A person or organization designated by the Minister shall use the amount of the benefits in a reasonable manner, solely for the advantage of the independent adult or the family in respect of whom they are paid, and may not derive any direct or indirect advantage for himself or itself therefrom.

Where the benefits accumulate, they must be invested in a reasonable manner, considering the amount in question, interest being added to the principal.

145. The staff of an institution that operates a rehabilitation centre, a residential and long-term care centre or a hospital centre and that shelters an adult, or persons practising their profession there, may not act as designated persons, except in the case of a person required to provide to that adult support payments within the meaning of the Civil Code. However, the institution may be designated by the Minister.

146. A designated person or organization may not use funds constituted by benefits to pay expenses connected with the services that an institution or a reception centre must provide as part of its mission or to pay expenses incurred by a person in the service of such institution or reception centre.

147. A designated person or organization may pay the reasonable cost of personal services that the institution or the reception centre provides to the recipient, without being required to do so, provided that it does not exceed the cost normally required for an equivalent service.

148. A designated person or organization shall keep separate accounts for each recipient of the funds constituted by benefits so that these funds may be identified and their existence verified, and he or it shall identify the deposits, withdrawals and accrued interest.

149. A designated person or organization shall submit annually to the Minister a report on the use of the administered benefits. Where the designated person or organization is an institution, it shall keep a register of accounts in the manner provided for in section 148 and shall make it available to the Minister.

DIVISION VI **ADMINISTRATIVE MEASURES**

150. The Minister shall, where there is an infringement of section 44 of the Act, reduce or refuse or cease to pay benefits, including in the calculation thereof, the value of rights, property or liquid assets, at the date of relinquishment, disposition or squandering, after having subtracted fair consideration received and, for each month that has elapsed since that date, for a period of not more than two years, an amount as follows:

(1) for each month of ineligibility for the benefit:

Adult(s)	Dependent child(ren)	Amount
1	0	\$726
1	1	\$1 051
1	2	\$1 251
2	0	\$1 079
2	1	\$1 296
2	2	\$1 496

(2) for each month of eligibility for the benefit:

(a) determine the basic benefit applicable to the adult or adult members of the family;

(b) add the amounts provided for in this Regulation as allowances and adjustments that replace the advance Québec sales tax credit; and

(c) add, for each dependent child, an amount determined as follows:

Adult(s)	Dependent child(ren)	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

The amount provided for in the first paragraph shall be increased by \$200 for the third dependent child and for each subsequent child. It shall also be increased by \$119 for any dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

151. For the purposes of paragraph 8 of section 50 of the Act respecting income support, employment assistance and social solidarity, an adult is deemed to have a serious reason to turn down or quit a suitable job if he is temporarily or severely limited for employment.

152. The benefits of an independent adult or of a family shall be reduced by \$150 per month for 12 months for each infringement of any provision in sections 45, 47 and 49 of the Act. However, that reduction shall be \$100 in the case of an adult referred to in section 7 or 8.

Where there is a subsequent infringement, the reduction shall apply as soon as the infringement is brought to the attention of the Minister and shall be applied concurrently. The application may not operate to reduce the benefits by an amount exceeding \$100 in the case of an adult referred to in section 7 or 8, \$150 in the case of a family that includes only one adult member, or \$300 in other cases.

153. The measure provided for in section 152 ceases to apply:

(1) in the event of an infringement of section 45 or 47 of the Act, where the adult no longer fails to comply with the instructions given by the Minister or receives an employment-assistance allowance; or

(2) in the event of an infringement of section 49 of the Act, where the adult accepts a job that he had refused, returns to a job that he had quit or lost through his own fault, or accepts a job that has characteristics similar at least in salary and in duration.

154. The reduction provided for in section 152 does not apply:

(1) in the event of an infringement of section 45, 47 or 49 of the Act for each month during which the adult is temporarily or severely limited for employment or whose spouse is temporarily or severely limited for employment;

(2) in the event of an infringement of section 49, for each month during which the adult receives an employment-assistance allowance, as of one month after the first month for which the allowance is granted; or

(3) for each month during which the adult is sheltered or placed in a reception centre.

CHAPTER IV PARENTAL WAGE ASSISTANCE PROGRAM

DIVISION I ELIGIBILITY

155. An adult not residing in Québec is eligible for the Parental Wage Assistance Program where he is in one of the situations described in the first and third paragraphs of section 4, for the duration provided therefor.

For a period not exceeding six months, an adult who must accompany a person described in subparagraph 1 of the first paragraph of that section to whom he provides constant care as required by such person's physical or mental condition is also eligible.

156. The value of property and liquid assets in the possession of the adult, his spouse and his dependent children must not exceed, for each month of eligibility, one of the following amounts:

(1) \$45 000; or

(2) \$90 000, provided the owner of the family residence is one of the members of that family.

In the case provided for in subparagraph 2 above, the value of property and liquid assets other than the residence must not exceed \$45 000.

157. For the purposes of section 156, the value of the following property shall not be included:

(1) any motor vehicle primarily intended for personal use;

(2) the furniture and household items of the main residence;

(3) any life insurance policy; and

(4) any right arising from a retirement plan or fund.

158. If the spouse of the adult for a given year was not his spouse for the entire year, the value of the property and liquid assets in the latter's possession shall be considered only for the months during which that person was his spouse.

159. The value of a property shall be equal to its market value.

However, the value of any immovable listed on the assessment roll of a municipality shall be equal to the value indicated thereon, multiplied by the comparative

factor of the roll, in accordance with the provisions of the Act respecting municipal taxation. Where the value of a residence which is part of an immovable is not specifically listed on the assessment roll, its value shall be equal to the portion of the value of the immovable it occupies that can reasonably be attributed to it.

160. When ascertaining the value of a residence, the real rights of which it is encumbered shall be deducted.

Where an immovable, including the residence or a set of immovables comprising the residence, is encumbered with real rights, the value of such rights is deducted from the value of the residence by applying, as the case may be, one of the percentages obtained by dividing the value of the residence by that of the immovable of which it is a part or by that of the set of immovables encumbered by those rights.

161. When ascertaining the value of the property used in the context of self-employment, the real rights encumbering such property are deducted therefrom.

162. For the purposes of subparagraph 5 of the second paragraph of section 68 of the Act respecting income support, employment assistance and social solidarity, the minimum amount that the adult and, where applicable, his spouse, must earn during one month is \$100.

163. The business income earned by a person for a given month is equal to the portion of his business income for the year, referred to in the first paragraph of section 79 of the Act, attributable to that month after it has been divided as follows, where the fiscal year

(1) begins and ends in the year, the business income of the year is divided into equal amounts for each month in which that person operated his business during the fiscal year; or

(2) ending in the year began in the previous year, the business income of the year is divided into equal amounts, as of January, over a number of months corresponding to the number of months during which that person operated his business in the fiscal year.

DIVISION II **INTERPRETATION**

164. A child who is the dependant of a brother, a sister, an uncle, an aunt, a grandparent or an adult, where that adult has custody of the child under a court order, except in the case of a foster family, is deemed to be the dependant of an adult other than his father or mother.

165. A child who is not legally authorized to live in Canada is deemed not to be a dependant, except in the case of a refugee within the meaning of the Geneva Convention recognized in Canada by the competent Canadian authority.

166. A child who does not reside in Québec is deemed not to be a dependant, unless he must be absent for one of the reasons and for the duration provided for in subparagraphs 1 and 2 of the first paragraph and the third paragraph of section 4 or to pursue his studies on a full-time basis for their duration.

167. A child who is sheltered in an institution operating a rehabilitation centre or placed in a foster home is deemed to no longer be a part of his family from the third month following that of his placement, unless his return to or gradual reintegration into that family begins within such period under an intervention plan set up by an institution operating a child and youth protection centre.

168. A child whose total income exceeds \$5 900 is deemed not to be a dependant, except where all the dependent children have such an income. In such case, the child with the lowest total income is deemed to be a dependant.

169. Where the custody of a dependent child is shared between two adults by virtue of a judgment or, failing that, a written agreement, the child is deemed to be a dependant of the adult who is eligible for the program if the percentage of the monthly custody time is 30 % or more.

DIVISION III **ESTABLISHMENT AND PAYMENT OF BENEFITS**

170. For the purposes of section 73 of the Act, the percentage shall be 35 %.

For the purposes of subparagraphs 1 and 2 of the first paragraph of section 75 of the Act, the percentages are set at 43 % and 23 %, respectively.

171. The amount of the family's needs determined in respect of the adult for one year is equal to:

(1) \$11 370 where the adult has a spouse for that year; or

(2) \$7 790 where the adult has no spouse.

172. The excluded amounts in respect of an adult or the adult's spouse, for the purposes of paragraph *a* of subparagraph 2 of the first paragraph of section 75 of the

Act, are the aggregate of the amounts received under the Employment Insurance Act as work sharing-benefits received under a regulation made under section 24 of the Act;

173. The amount of work income excluded for the purposes of ascertaining the net work income of the adult's family in accordance with the second paragraph of section 79 of the Act respecting income support, employment assistance and social solidarity is equal to \$100 per month of work.

174. The maximum amount of income of the dependent children referred to in subparagraph 1 of the third paragraph of section 79 of the Act is \$5 900.

175. For the purposes of subparagraph 3 of the third paragraph of section 79 of the Act, the amount of last-resort financial assistance benefits determined for a family corresponds to the sum obtained by adding, for each month of the year, the amounts established based on the following formula: $A - (B - C)$.

In this formula:

(1) "A" represents the total last-resort financial assistance benefits received during the month by the adult and his spouse;

(2) "B" represents the amount of the scale of family needs applicable to the adult, divided by 12; and

(3) "C" represents the family's total estimated income for the month, calculated without consideration for the portion attributable to the month for the amount stipulated in subparagraph 3 of the third paragraph of section 79 of the Act respecting income support, employment assistance and social solidarity, and the amount determined in subparagraph 1.

The operations $(B - C)$ and $A - (B - C)$ cannot produce a result lower than 0.

176. The amount of last-resort financial assistance benefits deemed to have been received for the purposes of the third paragraph of section 75 and the fourth paragraph of section 79 is calculated by adding, for each month of the year, the amount obtained by the surplus amount of family needs as provided for in 171, divided by 12, above and beyond the total family income estimated for the month, with the exception of the amount determined under subparagraph 1 of the first paragraph of section 175.

177. An adult may receive an advance payment when the estimated amount of benefits exceeds \$500, without considering the increase provided for in section 77 of the Act.

The amount of an advance payment for a given month is equal to the lesser of the two following quotients:

(1) $\frac{\text{M.A.} - \text{A.P.}}{\text{the potential number of months of eligibility remaining in the year; or}}$	(2) $\frac{\text{M.A.}}{\text{the potential number of months of eligibility for the entire year.}}$
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In these quotients, "M.A." represents the maximum amount of advance payments for the year established under this section and "A.P." represents the advance payments already made in the year.

The maximum amount of advance payments for a year is equal to the estimated benefit less the greater amount between \$500 and 25 % of this estimated benefit.

178. Insofar as an adult is entitled, for a given month, to an advance payment, the amount of increase provided for in section 77 of the Act is paid for that month. The amount is equal to \$3, multiplied by the number of days in daycare, during that month, for which a \$5 contribution per day of daycare is required under the Act respecting child day care (R.S.Q., c. S-4.1).

DIVISION IV **ADMINISTRATIVE RULES**

179. An application for eligibility under the program is deemed to have been made on the day the prescribed form, duly completed and signed, is received by the Minister.

However, where the Minister has already received from the applicant a writing showing his intent to file an application, the date of the application is the date on which the Minister received such writing, if the form prescribed by the Minister is completed and signed within a reasonable time.

180. A recipient shall submit to the Minister a full statement of his situation as well as a short statement in accordance with subparagraph 2 of the first paragraph of section 88 of the Act respecting income support, employment assistance and social solidarity.

A full statement shall be submitted every twelve months.

A short statement shall be submitted every year, in May and September, if there has been no change in the recipient's situation or, if there has been a change, on the date of the change in situation and, thereafter, every four months from that date until the end of the year, except in December.

The recipient who does not submit a short statement is deemed to have declared there has been no change in his situation.

181. For the purposes of the second paragraph of section 96 of the Act, any overpayment due to an unforeseen or involuntary change in situation is deemed to be an amount paid further to an administrative error that the adult could not have reasonably noticed, if the Minister is notified without delay of that change as stipulated by section 180.

182. An application may not be refused on the grounds of faulty drafting or an irregular procedure that has no bearing on entitlement to benefits or the amount thereof.

183. Any notice delivered to the person to whom it is addressed or to a person representing him, or mailed to the last known address is deemed to be validly given.

CHAPTER V RECOVERY

184. The recoverable amounts further to the possession of liquid assets that exceed those excluded for the purposes of calculating the amount of benefits shall be established up to the highest amount according to which such liquid assets are in surplus for a month included in the period.

A period comprises the consecutive months during which the liquid assets are in surplus and each period is deemed to be separate for ascertaining the recoverable amount.

185. The recoverable amount under section 107 of the Act shall be determined by considering the amount of last-resort financial assistance benefits granted to the persons covered by such undertaking during its duration.

The amount shall be calculated under the following conditions and rules:

(1) in the case of an independent adult or a family of which all members are covered by the undertaking of only one person or persons held severally liable, the recoverable amount shall be that of the benefits granted

during the term of the undertaking, from which, however, must be subtracted the amount of adjustments for dependent children provided for in sections 34, 200 and 201, and that of the special benefits other than those provided for in Schedules I through IV;

(2) in the case of an independent adult or a family of which all members are covered by the undertakings of several persons who are not held severally liable, the recoverable amount for each person shall be that of the benefits granted during the term of each undertaking, calculated in accordance with subparagraph 1, which is then apportioned by considering the amount of benefits, adjustments, allowances, special benefits, resources and reimbursements attributable to the persons covered by each undertaking;

(3) in the case of a family of which certain members are covered by the undertaking of only one person or persons held severally liable, the recoverable amount shall be that of the benefits granted during the term of the undertaking, calculated in accordance with subparagraph 1, from which must be subtracted the amount of benefits, adjustments, allowances and special benefits, attributable to the persons who are not covered by the undertaking and the amount of resources and reimbursements attributable to the persons who are covered by the undertaking; or

(4) in the case of a family of which certain members are covered by the undertakings of several persons who are not held severally liable, the recoverable amount shall be that of the benefits granted during the term of each undertaking, calculated in accordance with subparagraph 1, from which must be subtracted the amount of benefits, adjustments, allowances and special benefits, attributable to the persons who are not covered by the undertakings; the amount thus obtained is then apportioned by considering the amount of benefits, adjustments, allowances, special benefits, resources and reimbursements attributable to the persons covered by each undertaking.

For the purposes of calculating the amount of the second paragraph, the amount of special benefits granted to a person covered by an undertaking is considered only if that undertaking was signed after 31 October 1994.

For the purposes of subparagraphs 2 to 4 of the second paragraph, where an amount cannot be attributed to a specific member of the family, it shall be attributed to the only adult member of the family, apportioned in equal shares between the two adult members or among each dependent child.

186. Subject to an agreement or a withholding for the purposes of sections 113 or 117 of the Act, the debtor of a recoverable amount shall reimburse to the Minister every month, beginning on the date of issue of the certificate referred to in section 116 of the Act, a sufficient amount to allow for repayment of the debt within a maximum of 36 months.

The amount of the reimbursement may not be less than \$56 per month, except in the case of an independent adult admitted to shelter or placed in a reception centre or of a family referred to in section 20, in which case the amount cannot be less than \$22 per month.

Nevertheless, if the recoverable amount is owed as a result of misrepresentation, the reimbursed amount cannot be less than \$112 per month or, if it is due to more than one misrepresentation, \$224.

187. The recoverable amount must be reimbursed in full, without delay, and with no other formality or notice, as soon as the debtor fails to comply with section 186 or the agreement made with the Minister pursuant to section 113 of the Act.

188. For the purposes of section 117 of the Act, the Minister shall withhold a portion of the amount granted to the debtor under a last-resort financial assistance program up to a maximum of \$56 per month, except in the following cases:

(1) \$112 per month, where the recoverable amount is due to misrepresentation; or

(2) \$224 per month, where the recoverable amount is due to more than one misrepresentation; nevertheless, the withholding, or the withholding and the amount of the reduction set out in section 152, cannot reduce by more than 50 % the amount that would otherwise have been received by the adult or his family, in which case the withholding is decreased to, but is not less than, \$112 per month.

Notwithstanding the first paragraph, if the debtor is an independent adult admitted to shelter or placed in a reception centre, an adult referred to in section 7 or 8 or a family referred to in section 20, the withholding cannot exceed \$22 per month.

189. For the purposes of section 117 of the Act, the Minister shall withhold a portion of the amount granted to a debtor as an employment-assistance allowance, up to \$13 per week, except in the following cases:

(1) \$26 per week, where the recoverable amount is due to misrepresentation; or

(2) \$52 per week, where the recoverable amount is due to more than one misrepresentation.

190. For the purposes of section 117 of the Act, the Minister shall withhold the amount of the advance payment provided for in the second paragraph of section 82 of the Act, except for the portion of the payment attributable to the amount of increase determined under section 74 of the Act, up to 33 1/3 % of the payment or, if the recoverable amount is due to misrepresentation, the entire amount.

191. Only one of the withholdings as set out in sections 188, 189 and 190 may apply to the same month. In such a case, the amount shall be withheld in the following order:

(1) the amount set out in section 188;

(2) the amount set out in section 189;

(3) the amount set out in section 190.

192. The withholding referred to in section 190 shall be suspended for each month during which the debtor makes a reimbursement following an agreement made with the Minister pursuant to section 113 of the Act.

193. Subject to section 136 of the Act, the debtor of a recoverable amount shall be required to pay interest at the rate set under the first paragraph of section 28 of the Act respecting the Ministère du Revenu, beginning on the 98th day from the date on which the Minister sent a formal notice to the debtor under section 112 of that Act.

194. Except if the recoverable amount is due to misrepresentation, the debtor shall not be required to pay interest where he is in one of the following situations:

(1) he respects the agreement reached with the Minister under section 113 of the Act;

(2) he makes the reimbursement as set out in section 186;

(3) the amount granted to him is subject to a withholding, as provided for in section 188, 189 or 190; or

(4) he attends, on a full-time basis, an educational institution at the secondary level in vocational education, or at the college or university level.

195. The debtor of a recoverable amount shall pay recovery charges as follows:

(1) \$100 for any formal notice sent under section 112 of the Act, if the recoverable amount is \$100 or more and is owed as a result of misrepresentation;

(2) \$50 for the certificate filed under section 118 of the Act; and

(3) \$175 for each measure aimed at guaranteeing a debt under Title III of Book VI of the Civil Code and for each measure of execution taken under Title II of Book IV of the Code of Civil Procedure (R.S.Q., c. C-25).

These charges are part of the recoverable amount.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

196. An adult who, on 30 September 1999, takes part in a measure provided for in section 23 of the Act respecting income security (R.S.Q., c. S-3.1.1), which includes attendance at an educational institution and who received, for that month, the benefit set out in section 23 of the Regulation respecting income security, enacted by Order in Council 922-89 dated 14 June 1989, shall continue, beginning on 1 October 1999, to receive such benefit when he or his family recovers the financial resources sufficient to meet his needs until the deadline indicated for that measure in the action plan referred to in section 22 of that Act, for as long as he takes part in it.

Nevertheless, such benefit shall be reduced by any amount paid by the Minister under Title I of the Act respecting income support, employment assistance and social solidarity to cover the need targeted by such benefit.

197. An independent adult or a family who, on 30 September 1999, is referred to in subparagraphs 1 and 1.1 of section 24 of the Regulation respecting income security shall continue to receive, beginning on 1 October 1999 and until the expiry of the period stipulated therein, the dental and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29).

198. Until 1 January 2000, in the case where the custody of a dependent child belonging to a family comprising more than one child is shared between two adults, the adult eligible for the Parental Wage Assistance Program is deemed to have only one dependent child if the sum of the percentages representing the custody time for each child for the year is equal to or less than 100 % or to have two dependent children if that sum is greater than 100 %.

199. Until 1 January 2000, section 158 applies only if the adult's spouse for 1999 is no longer his spouse on 31 December 1999.

200. A family including only one adult and no more than two dependent children who, in September 1999, receives the increase provided for in section 132.2 of the Regulation respecting income security shall continue to receive, beginning on 1 October 1999, the adjustment of the basic benefit as provided for in section 23, in the amount of \$8.33 for the first dependent child and \$22.83 for the second.

In such case, the family retains the right to such adjustment for as long as it is entitled to receive, on an ongoing basis, last-resort financial assistance benefits and for as long as it comprises only one adult and no more than two dependent children.

For the purposes of this section, the youngest dependent child is deemed to be the first.

201. A family who, in September 1999, receives the increase provided for in section 132.4 of the Regulation respecting income security shall continue to receive, beginning on 1 October 1999, and for each dependent child under six years of age born prior to 1 September 1997, the adjustment of the basic benefit as provided for in section 23, in the amount of \$9.77 for the first child, \$19.53 for the second, and \$48.83 for each subsequent child.

In such case, each adult comprising the family shall retain the right to the adjustment for as long as he is entitled to receive, on an ongoing basis, last-resort financial assistance benefits and for as long as he has a dependent child under six years of age born prior to 1 September 1997.

For the purposes of this section, the eldest minor dependent child is deemed to be the first.

202. The rules regarding the shared custody of a dependent child and those regarding the calculation of the benefit for the month of the application shall apply, in accordance with sections 44 and 77, to the adjustments provided for in sections 200 and 201.

203. The excluded work income referred to in section 88 shall include the amounts paid by Emploi-Québec if the person was receiving, prior to 1 August 1998, an employment-assistance allowance for his participation in an employment assistance measure or program established by the Minister. Such exclusion applies for as long as the person continues to participate in such measure or program on an ongoing basis.

204. The basic benefit as provided in section 23 for October 1999, shall be increased through an adjustment for a dependent child equal to the amount of increase for a dependent child granted to the family in September 1999 under section 132.16 of the Regulation respecting income security.

205. Where the mother and father of the adult deemed to receive a parental contribution are divorced or separated, sections 127 and 128 may not, until the date of coming into force of the third paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity, be applied to establish an amount of parental contribution greater than that which would have been established if the only income of the parent who had custody of such adult at the time he was no longer deemed to be a dependent child had been taken into consideration.

206. For the purposes of this Regulation, any benefit granted under the last-resort financial assistance program referred to in the Act respecting income security is deemed to be a benefit granted under a last-resort financial assistance program implemented by the Act respecting income support, employment assistance and social solidarity.

207. For the purposes of section 185, the recoverable amount is ascertained by taking into account the rules applicable to the calculation of last-resort assistance benefits under the Act respecting income security for the period covered by the claim, adapted as required.

208. Until 1 January 2000, the excluded amounts in respect of an adult or the adult's spouse, for the purposes of paragraph *a* of subparagraph 2 of the first paragraph of section 75 of the Act respecting income support, employment assistance and social solidarity, shall be the aggregate of the amounts received under section 22 or 23 of the Employment Insurance Act, as work-sharing benefits received under a regulation made under section 24 of the Act.

209. Until 1 January 2000, section 80 of the Act respecting income support, employment assistance and social solidarity, shall apply only if the adult's spouse for 1999 is no longer his spouse on 31 December 1999.

210. Until 1 April 2000, the provisions of the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to a work activity carried out under the measure "Projets locaux de développement des compétences" established under 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).

211. Until 1 December 2000, the withholding under section 188 or 190 shall not apply with regard to an amount recoverable under Title I of the Act respecting income support, employment assistance and social solidarity.

212. An independent adult or a family who, on 1 October 1999, no longer qualifies for last resort financial assistance benefits due to the application of section 196 or to the abolition of the scale of participation provided for in the Act respecting income security, shall continue to receive the dental, pharmaceutical and optometrical services referred to in sections 70 and 71.1 of the Health Insurance Act.

In such cases, the independent adult or family may continue to receive those services for each month in which they receive an employment-assistance allowance or if they participate in the measure provided for in section 196, for a maximum of twelve months.

213. This Regulation replaces the Regulation respecting income security made by Order in Council number 922-89 dated 14 June 1989.

214. This Regulation comes into force on 1 October 1999 with the exception of sections 158, 169, 172 and 181, which will come into force on 1 January 2000, and section 189, which will come into force on 1 December 2000.

SCHEDULE I

(s. 50)

ACRYLIC DENTAL PROSTHESES

The special benefits cover the cost of a dental prosthesis supplied by a dentist or denturologist in accordance with the rules set out in this Schedule.

Division 1

Rules of application

1.1 The special benefits cover the cost of one complete dental prosthesis per maxilla provided that

1.1.1 the rates are those provided for in Division 2;

1.1.2 only one prosthesis is supplied for each eight-year period; and

1.1.3 in the case of the first prosthesis, it is supplied three or more months after extraction of the teeth.

1.2 The special benefits cover the cost of one partial prosthesis per maxilla with or without hooks or supports provided that

1.2.1 the rates are those provided for in Division 2,

1.2.2 only one dental prosthesis is supplied for each eight-year period, and

1.2.3 in the case of the first prosthesis, it is supplied three or more months after extraction of the teeth.

1.3 The special benefits cover the cost of replacement of a dental prosthesis in accordance with the rates provided for in Division 2 where replacement is due to oral surgery and upon recommendation in writing by a dentist or an oral surgeon.

The special benefits cover the cost of replacement due to loss or irreparable damage to a maximum of half the rate provided for.

1.4 The special benefits cover the cost of a repair or relining in accordance with the rates provided for in Division 2.

The special benefits cover the cost of relining only once for each five-year period, after one year has elapsed since obtaining the prosthesis.

Division 2

Rates

2.1 The rate structure shall be that stipulated in the agreement concluded on 9 April 1979 between the Minister of Health and Social Services and the Association des chirurgiens dentistes du Québec, as amended. The Minister shall inform the person concerned of it by any means he deems appropriate.

SCHEDULE II

(s. 51)

GLASSES AND LENSES

Division 1

Rules of application

§1.1 Lenses and supplements

1.1.1 The special benefits cover the cost of the lenses and supplements listed in Subdivision 2.3 of Division 2 in accordance with the rates provided for therein.

1.1.2 The cost of both lenses shall be reimbursed where the weaker eye requires a correction of at least

0.50 dioptres or use of a prism prescribed as a supplement. The prism must provide a correction of at least 1 dioptre in the weaker eye.

1.1.3 The cost of a lens shall not be reimbursed unless it was prescribed by an optometrist or a physician, except to replace a broken lens.

1.1.4 The cost of replacement of lenses shall be paid where the recipient's vision requires a correction of at least 0.50 dioptres and, in the case of a dependent child, where his growth so requires.

In the case of accidental breakage, damage or loss, the special benefit may not exceed 75 % of the amounts provided for in Subdivision 2.2 of Division 2.

1.1.5 A recipient who needs bifocal lenses but whose inability to wear them is certified by an optometrist or a physician shall be entitled to two pairs of glasses.

The special benefit may cover, for the purchase of those glasses, only the cost of the pair of bifocal lenses which the recipient is unable to wear, and the cost of one pair of frames in accordance with the rates provided for in Division 2.

§1.2 Contact lenses

1.2.1 The special benefits cover the cost of hard unifocal contact lenses, hard bifocal contact lenses, hard toric contact lenses, soft contact lenses furnished on prescription in accordance with the rates prescribed by Subdivision 2.4 of Division 2, on condition that they are provided

(a) upon medical or optometrical prescription, where the correction otherwise obtained is not adequate and in any case of

- i. myopia of at least 5 dioptres,
- ii. hypermetropia of at least 5 dioptres,
- iii. astigmatism of at least 3 dioptres,
- iv. anisometropia of at least 2 dioptres,
- v. keratoconus, or
- vi. aphakia, or

(b) upon medical prescription, for treatment of any acute or chronic pathology of the eyeball, such as ocular perforation, ulceration of the cornea or dry keratitis.

1.2.2 The special benefits cover the cost of replacement of contact lenses in accordance with the rates provided for in Subdivision 2.4 of Division 2

(a) where the recipient's vision requires a correction if at least 0.50 dioptres, and

(b) in the case of accidental breakage, damage or loss.

§1.3 Frames

1.3.1 The special benefits cover the cost of purchasing one pair of frames in accordance with the rates provided for in Subdivision 2.5 of Division 2, once per 24-month period for an adult and whenever necessary for a dependent child.

1.3.2 Where an adult's frames have been accidentally broken or lost, the special benefits cover the cost of replacement of the frames in accordance with the rates provided for in Subdivision 2.5 of Division 2; in such case, the cost of another pair of frames may be paid only 24 months after the date of replacement.

Division 2

Rates

§2.1 General

2.1.1 The rates provided for in this Division apply for one lens, except in the case of contact lenses.

2.1.2 The rates provided for in this Division for one bifocal lens apply to a round bifocal lens.

2.1.3 The cylinder must always be calculated in minus terms (-) to determine in which category a spherical or spherico-cylindrical lens belongs.

§2.2 Lenses

Spherical power	Cylindrical Power	Mineral lenses		Organic lenses	
		Unifocal	Bifocal	Unifocal	Bifocal
Plano to 4.00		\$14.50	\$23.00		
Plano to 4.00	-0.25 to -3.00	\$16.50	\$28.50		
Plano to 4.00	-3.25 to -6.00	\$26.00	\$38.50		
4.25 to 10.00		\$19.50	\$28.00		
4.25 to 10.00	-0.25 to -3.00	\$24.50	\$37.00		
4.25 to 10.00	-3.25 to -6.00	\$31.00	\$41.00		

Spherical power	Cylindrical Power	Mineral lenses		Organic lenses	
		Unifocal	Bifocal	Unifocal	Bifocal
10.25 to 20.00		\$26.00	\$44.00	\$52.50	\$71.50
10.25 to 20.00	-0.25 to -3.00	\$30.00	\$48.00	\$59.50	\$77.50
10.25 to 20.00	-3.25 to -6.00	\$36.50	\$52.50	\$62.00	\$83.50

§2.3 Supplements

Prism 1.00 to 7.00 dioptres	\$6.00
Prism 7.25 to 10.00 dioptres	\$9.00
Compensatory prism	\$25.00
Spherical exceeding 12.00 dioptres	\$11.00
Cylindrical exceeding 6.00 dioptres	\$11.00
Addition exceeding 4.00 dioptres	\$6.00
Fresnel lens	\$14.00
Safety mineral lens (dependent child only)	\$2.50
High index mineral lens (1.7 or more) if there is a correction of at least 8.00 dioptres	\$12.00

§2.4 Contact lenses

	1 lens	2 lenses
Purchase	\$115.00	\$200.00
Replacement for breakage, damage or loss	\$50.00	\$95.00

§2.5 Frames

Purchase	\$20.00
Replacement for breakage or loss (adults)	\$15.00

SCHEDULE III

(s. 52)

ORTHOPEDIC SHOES AND PLANTAR ORTHESES

Division 1

Rules of application

1.1 The special benefits cover the cost of orthopedic shoes and plantar orthoses up to the maximum amount indicated in the rates provided for in Division 2; however, in the case of an orthopedic shoe referred to in paragraph 1.2, special benefits shall cover the cost of

only one pair of shoes per adult not more than once in a twelve-month period, and only for the cost in excess of \$50.

In the case of a plantar orthosis, benefits cover the cost of two orthoses at the most during the first year of the initial fitting.

1.2 The rate provided for a manufactured shoe covers the shoe manufactured from a plaster, wood or plastic cast, individual or universal.

1.3 The rate provided for a corrective shoe covers a commercial corrective shoe, open, closed or straight.

1.4 The rate provided for a wedge or elevation applies to each shoe and the rate provided for a Thomas heel applies to the pair of shoes.

1.5 Special benefits shall cover the cost to replace a plantar orthosis only once per two-year period, unless a replacement is needed for a dependent child due to his growth.

Division 2

Rates

2.1 Shoe manufactured from a plaster, wood or plastic cast, individual or universal \$500.00 a pair

2.2 Commercial corrective shoe, open, closed or straight

• child \$30.00 a pair

2.3 Plantar orthosis (foot orthosis or podiatric orthosis) \$180.00 a pair

2.4 Wedge (inside or outside)

• sole \$15.00
• heel \$20.00

2.5 Thomas heel

• child \$15.00 a pair
• adult \$20.00 a pair

2.6 Elevation of sole and heel

• less than 15 mm in height \$25.00
• between 15 and 30 mm in height \$50.00
• over 30 mm in height \$75.00

SCHEDULE IV

(s. 53)

PROSTHESES, ORTHESES AND ACCESSORIES

Division 1

Rules of application

1.1 The special benefits cover the cost of prostheses, orthoses and accessories up to the maximum amount indicated in the rates provided for in Division 2, provided that the cost is not assumed by the Régie de l'assurance-maladie du Québec.

1.2 The special benefits cover the rental cost up to the maximum amount indicated in the rates provided for in Division 2, provided that the cost, considering the duration of the need, does not exceed that of the purchase.

1.3 The cost of the articles listed under the heading "urinary system" or "digestive system" is not paid if the recipient already receives the special benefits for temporary urostomy, ileostomy or temporary colostomy or the special benefits for paraplegia.

Nor are they paid if the recipient receives benefits under a program providing devices free of charge for people who have undergone an ostomy.

Division 2

Rates

1. HERNIA BELT:

1.1 Hernia belt, all sizes (including pads)

• single model \$40.00
• double model \$68.00

2. ORTHOPEDIC CORSET:

2.1 Sacro-iliac corset, all sizes \$75.00

2.2 Sacro-lumbar corset, all sizes (including two steel rods)

• man \$75.00
• woman \$85.00
Additional steel rod \$1.50

2.3 Dorso-lumbar corset (including garters, perineal belt and steel rods)		7. ORTHESES, LOWER LIMBS	
Less than 44 inches wide		7.1 Ankle support	\$25.00
• man	\$123.00	7.2 Ankle orthosis, all sizes	\$40.00
• woman	\$109.00	7.3 Knee support	\$47.00
More than 44 inches wide		7.4 Elastic knee-stocking	\$60.00
• man	\$246.00	7.5 Knee-stocking with metal joints	\$92.00
• woman	\$218.00	7.6 Knee-stocking (flexible)	\$64.00
3. COTTON STRAP		8. URINARY SYSTEM	
3.1 Strap (post-operative belt), all sizes	\$37.00	8.1 Catheters	
3.2 Thoracic strap, all sizes	\$18.00	• short duration (each)	\$3.50
3.3 Abdominal strap, all sizes	\$37.00	• long duration (each)	\$15.00
3.4 Arm strap (support), all sizes	\$8.00	8.2 Strips, adaptors, glue and straps	
3.5 Shoulder strap (support), all sizes	\$40.00	• Uri-hesive strip (each)	\$1.30
4. ELASTIC STOCKINGS		• Self-adhesive elastic strip (each)	\$0.15
4.1 20 mm compression		• Adaptor (each)	\$1.50
• knee-high	\$59.00	• Catheter glue (each 118-ml container)	\$9.50
• above-knee	\$77.00	• Leg bag strap (each)	\$6.50
tights	\$91.00	8.3 Tubes and syringes	
• maternity	\$97.00	• Latex tube	\$0.75
4.2 30 to 70 mm compression		• Extension tube	\$1.75
• knee-high	\$59.00	• Plastic tube clip (each)	\$1.50
• above-knee	\$77.00	• Plastic tube clamp (each)	\$1.00
• groin	\$89.00	• Single-use syringe (each)	\$0.05
• half-tights	\$65.00	8.4 Drainage bags (by the case)	\$125.00
• tights	\$104.00	8.5 Urinal	
5. CERVICAL ORTHESES		• Complete, reusable, bag not included (Davol type)	\$135.00
5.1 Cervical collar, flexible or rigid	\$20.00	8.6 Trays	
5.2 Cervical traction set, complete, with bag and chin support	\$40.00	• Irrigation tray (each)	\$4.20
6. ORTHESES, UPPER LIMBS		• Urinary catheterization tray (each)	\$5.25
6.1 Elbow support (elastic)	\$25.00	8.7 Sanitary pants for urinary incontinence (by the case)	\$60.00
6.2 Elbow orthosis (elastic)	\$35.00	8.8 Diapers for urinary incontinence (by the case)	\$55.00

8.9 Quilted pads		10.9 Synthetic sheepskin (each)	\$30.00
• Disposable quilted pad (each)	\$0.30	11. DEVICES TO AID MOBILITY	
• Washable quilted pad (package)	\$30.00	11.1 Canes	
9. DIGESTIVE SYSTEM		• wood	\$16.00
9.1 Stomach tube, all sizes	\$8.00	• aluminium (adjustable)	\$30.00
9.2 Sanitary pants for fecal incontinence (by the case)	\$60.00	11.2 Crutches	
9.3 Diapers for fecal incontinence (by the case)	\$55.00	• wood	\$20.00
10. MISCELLANEOUS ACCESSORIES		• aluminium	\$46.00
10.1 Utility chair		• Canadian	\$103.00
• fixed	\$150.00	11.3 Adjustable walkers	
• adjustable	\$312.00	• child	\$89.00
10.2 Adjustable toilet seat	\$80.00	• adult	\$89.00
10.3 Adjustable toilet hand rail		11.4 Wheelchair	\$518.00
• each	\$36.00	12. HOSPITAL BEDS	
• a pair	\$63.00	12.1 Hospital bed	\$435.00
10.4 Bath tub rail, all lengths		12.2 Mattress	\$109.00
• straight	\$21.00	12.3 Bed sides (a pair)	\$130.00
• "L" shaped	\$53.00	13. BREATHING APPARATUS	
10.5 Bandages and dressings		13.1 Model suitable for home use	\$258.00
• Bandage (each)	\$2.50	13.2 Aerosol compressor	\$250.00
• Sterile dressing (each)	\$0.35	14. RENTAL	
• Non-sterile dressing (each)	\$0.15	14.1 Wheelchairs	\$35.00 a month
• Antiseptic swab (each)	\$0.05	14.2 Devices to aid mobility	\$6.00 a month
10.6 Lubricant, solvent and solution		14.3 Hospital beds	\$69.00 a month
• Lubricant (packet)	\$0.10	14.4 Breathing apparatus	
• Lubricant (tube)	\$4.00	• all kinds including: mechanical ventilators, air enrichers, secretion suction devices	\$500.00 a month
• Solvent (packet)	\$0.10	• oxy-concentrator	\$250.00 a month
• Antiseptic solution (100 ml)	\$0.15	3082	
10.7 Gloves and towels			
• Sterile glove (each)	\$0.25		
• Non-sterile glove (each)	\$0.15		
• Antiseptic towel (each)	\$0.15		
10.8 Scoop stretcher (each)	\$30.00		

Gouvernement du Québec

O.C. 1017-99, 1 September 1999

Building Act
(R.S.Q., c. B-1.1)

Professional qualification of building contractors and owner-builders — Amendments

Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders

WHEREAS under subparagraphs 9, 16 and 17 of section 185 of the Building Act (R.S.Q., c. B-1.1; 1997, c. 64; 1998, c. 46), the Régie du bâtiment du Québec may make regulations on the matters mentioned therein and, under section 192 of the Act, the contents of the regulations may vary according to the classes of persons or contractors to which they apply;

WHEREAS the Board adopted, at its meeting held on 10 May 1994, the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders;

WHEREAS in accordance with section 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 27 July 1994 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received were examined;

WHEREAS under Orders in Council 376-95 dated 22 March 1995 and 98-96 dated 24 January 1996, the Government approved two regulations to amend the Regulation respecting the professional qualification of building contractors and owner-builders, which included parts of the Regulation made by the Board;

WHEREAS at its meeting held on 28 June 1999, the Board adopted, with amendments, other provisions of the Regulation made by the Board, in particular those determining the subcategory of licence for propane gas burner systems;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders*

Building Act
(R.S.Q., c. B-1.1, s. 185, pars. 9, 16 and 17, ss. 189 and 192; 1997, c. 64; 1998, c. 46)

1. The Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders is amended in Schedule B

(1) by inserting the following after subcategory “4234 Refrigeration contractor”:

“4235 Propane gas burner systems contractor:

This subcategory includes the construction work respecting propane gas burner systems including the installation of receptacles, vaporizers, accessories and other similar or related construction work not exclusively reserved for master pipe-mechanics.”;

(2) by inserting the word “burner” after the words “propane gas” in subcategory “4285.10 Warm air heating systems contractor”;

(3) by inserting the word “burner” after the words “propane gas” in subcategory “4285.13 Hot water and steam heating systems contractor”.

2. A person is exempt from the examination of skills related to managing construction work provided for subcategory 4235 Propane gas burner systems contractor if

* The Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 (1992, *G.O.* 2, 2926), was last amended by the Regulation made by Order in Council 1305-98 dated 7 October 1998 (1998, *G.O.* 2, 4265). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

he proves that he holds a certificate of competency of category 121 Pipe fitter or category 122 General tank installer issued under the Order respecting certificates of competency with respect to gas (R.R.Q., 1981, c. D-10, r.2).

3. A person is exempt from the examination of skills related to managing safety on construction sites provided for subcategory 4235 Propane gas burner systems contractor if he proves that

(1) he holds one of the certificates referred to in section 2;

(2) he holds the "ASP CONSTRUCTION ATTESTATION" issued by the Joint Sector-Based Construction Association on Occupational Health and Safety;

(3) have, with supporting documents, two years of experience during the five years preceding his request as a safety manager.

4. A person is exempt from the examination of skills related to management provided for subcategory 4235 Propane gas burner systems contractor if he proves, with supporting documents, that he has two years of experience during the five years preceding his request as a manager.

5. An exemption provided for in sections 2 to 4 may be granted only for an application for the issue of a licence received at the Board before 1 December 1999.

6. The Board does not collect the exigible fees provided for in section 41 for an application for the issue of a licence of subcategory 4235 inasmuch as the application is filed before 1 December 1999.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, with the exception of section 1, which will come into force on 1 December 1999.

3092

Gouvernement du Québec

O.C. 1027-99, 8 September 1999

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade

Regulation respecting trapping activities and the fur trade

WHEREAS under the second paragraph of section 55, paragraphs 2 to 5 of section 97, paragraph 8 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the matters mentioned therein;

WHEREAS under paragraphs 1, 9, 14, 16, 20, 21 and 23 of section 162 of the Act amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may, in addition to the other regulatory powers conferred on it by the Act, make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting trapping activities and the fur trade was published in Part 2 of the *Gazette officielle du Québec* of 11 August 1999 with a notice that it could be made by the Government upon the expiry of 15 days following that publication;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such a coming into force;

— it is important to determine as soon as possible the conditions for the renewal of professional trapping licences, since they must be available in the fall, and the conditions for trapping licences for the new fur-bearing animal management units, since those licences must be available before the fall trapping season;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting trapping activities and the fur trade

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 55, 2nd par., 97, pars. 2 to 5, 121, par. 8, and 162, pars. 1, 9, 14, 16, 20, 21 and 23; 1998, c. 29, s. 22)

CHAPTER I SCOPE AND DEFINITIONS

1. This Regulation governs trapping in Québec, subject to the special provisions of other regulations made under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and the fur trade.

2. In this Regulation,

“fur-bearing animal” means a species mentioned in Schedule I;

“fur-bearing animal management unit” or “FAMU” means any fur-bearing animal management unit established by Minister’s Order 99025 dated 31 August 1999.

CHAPTER II TRAPPING

DIVISION I TRAPPING LICENCES

3. To obtain a general trapping licence, a person shall meet the following requirements at the time of the application:

(1) provide the person issuing the licence applied for with his name, address and date of birth;

(2) in the case of a resident, hold a hunter’s or trapper’s certificate referred to in the Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999,

establishing that he has the skills to trap, and provide his certificate number; and

(3) provide the number of the FAMU where he intends to trap.

4. To obtain a trapping licence for a new FAMU, a person shall meet the following requirements at the time of the application:

(1) hold a general trapping licence and show it to the person issuing the licence applied for;

(2) provide his name, address and date of birth;

(3) in the case of a resident, hold the hunter’s or trapper’s certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap and provide his certificate number; and

(4) give the number of the FAMU where he intends to trap.

5. To obtain a professional trapping licence, a person shall meet the following requirements at the time of the application:

(1) be of full age;

(2) be a resident;

(3) hold the trapper’s or hunter’s certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap;

(4) give, on the form provided by the Minister, his name, address, date of birth and the number of his hunter’s or trapper’s certificate and sign the form;

(5) hold a lease of exclusive trapping rights granted in accordance with section 23, unless the trapping territory is located in the Plaisance Wildlife Sanctuary, and indicate the number of the FAMU where he intends to trap; and

(6) pay the annual rent stipulated in his lease of exclusive trapping rights, within the time periods prescribed in section 25.

For any application for a professional trapping licence over the territory of the Plaisance Wildlife Sanctuary, the person shall have been selected by a drawing of lots and meet the requirements prescribed by paragraphs 1 to 4 of the first paragraph.

6. To obtain an assistant trapper's licence, a person shall meet the following requirements at the time of the application:

- (1) be a resident;
- (2) give, on the form provided by the Minister, his name, address and date of birth, and sign the form;
- (3) hold the trapper's or hunter's certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap and provide the certificate number; and
- (4) provide the written consent of the holder of the professional trapping licence that he intends to be associated with and give the number of the FAMU where the territory covered by that licence holder's lease is located.

7. To obtain a professional trapping licence or an assistant trapper's licence, a person shall not exercise collective and exclusive trapping rights over the territories recognized as beaver reserves under the Regulation respecting beaver reserves (R.R.Q., 1981, c. C-61, r.31).

8. The professional trapping licence of a lessee of exclusive trapping rights is renewable if the licence holder meets the following requirements:

- (1) give, on the form provided by the Minister, his name, address, date of birth, the number of his hunter's or trapper's certificate referred to in paragraph 2 of section 3 and the number of the FAMU where the territory covered by his lease is located, sign the form and send it to the person issuing the renewal before 15 August of each year;
- (2) meet the requirements of subparagraphs 1 to 3 and 5 of the first paragraph of section 5 and section 7; and
- (3) pay the annual rent stipulated in his lease of exclusive trapping rights, within the time periods prescribed in section 25.

9. Any person under 16 years of age may, in order to trap, use the trapping licence issued to another person at least 18 years of age, provided that he is accompanied by that person and that he traps on land, territory or private land authorized by this Regulation for such a licence.

For the purposes of the first paragraph, each fur-bearing animal captured by a person under 16 years of age shall be counted as a fur-bearing animal captured by the licence holder accompanying him.

10. No person may hold more than one trapping licence.

Notwithstanding the first paragraph, a person may simultaneously hold a general trapping licence and more than one trapping licence for a new FAMU.

The first paragraph does not apply to licences replaced in accordance with section 10 of the Regulation respecting trapping and the fur trade made by Minister's Order 99026 dated 31 August 1999.

11. Outside the trapping periods for the territory where he intends to trap and upon surrendering his licence, a holder of a professional trapping licence or of an assistant trapper's licence may obtain a licence of another class if he meets the requirements for the new licence and pays the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991.

Outside the trapping periods for the territory where he intends to trap and upon surrendering his licence and trapping licences for a new FAMU, where applicable, a holder of a general trapping licence may obtain a licence of another class if he meets the requirements for the new licence and pays the fees prescribed by the Regulation referred to in the first paragraph.

DIVISION II

OBLIGATIONS OF TRAPPING LICENCE HOLDERS

12. The holder of a resident's general trapping licence or of a resident's trapping licence for a new FAMU may trap only

- (1) on the territory of the Dunière Wildlife Sanctuary where he holds a right of access pass for trapping in that wildlife sanctuary and such territory is located within the perimeter of the FAMU mentioned on his licence;

- (2) in the FAMU indicated on his general trapping licence or on his trapping licence for a new FAMU except on the following territories located within that FAMU:

- (a) any territory reserved for trapping only and referred to in section 3 of the Crown Lands Designated for Development of Wildlife Resources Regulation, made by Order in Council 1276-84 dated 6 June 1984; and

- (b) any controlled zone and any wildlife sanctuary where exclusive trapping rights were leased; and

(3) on his private land.

Notwithstanding subparagraph 2 of the first paragraph, the holder of one of these licences may trap on the territory described in the lease of exclusive trapping rights of the holder of an outfitter's licence if it is located within the perimeter of the FAMU indicated on his general trapping licence or on his trapping licence for a new FAMU.

13. The holder of a non-resident's general trapping licence may trap only

(1) on his private land if it is located within the perimeter of the FAMU mentioned on his general trapping licence; and

(2) on the territory described in the lease of exclusive trapping rights of the holder of an outfitter's licence if it is located within the perimeter of the FAMU indicated on his general trapping licence.

14. The holder of a non-resident's trapping licence for a new FAMU may trap only on the territory described in the lease of exclusive rights of the holder of an outfitter's licence if it is located within the perimeter of the FAMU indicated on that licence.

15. The holder of an assistant trapper's licence may trap only

(1) on his private land;

(2) on private land for which a professional trapping licence holder with whom he is associated has obtained the authorization of the owner and which in such case is located within the perimeter of the territory described in the lease of the professional trapping licence holder; and

(3) on the territory indicated on the licence of the professional trapping licence holder with whom he is associated.

16. A professional trapping licence holder who leases exclusive trapping rights may trap only

(1) on the territory described in his lease;

(2) on his private land;

(3) on private land for which he has obtained the authorization of the owner and which in such case is located within the perimeter of the territory described in his lease; and

(4) on the territory described in the lease of exclusive trapping rights of another professional trapping licence

holder and for which he has obtained authorization in writing to trap from the lessee before the opening of the trapping periods in that territory; in such a case, that territory shall also be located within the perimeter of the FAMU mentioned on his licence.

In the case referred to in subparagraph 4 of the first paragraph, the licence holder shall, before trapping on that territory, have it entered in his licence by the person who issued it.

17. A professional trapping licence holder for the Plaisance Wildlife Sanctuary may trap only

(1) on his private land; and

(2) on the part of the territory of that reserve described in the access right to trap in that reserve.

18. A professional trapping licence holder may be associated with no more than three holders of assistant trapper's licences.

19. The holder of a general trapping licence or of a trapping licence for a new FAMU who captures a black bear shall, before moving it, detach the transportation coupon from his general trapping licence and attach it to the animal.

A professional trapping licence holder who captures a black bear shall, before moving it, attach thereto one of the transportation coupons attached to his professional trapping licence. A holder of an assistant trapper's licence who captures a black bear shall, before moving it, attach thereto the transportation coupon obtained from the professional hunting licence holder with whom he is associated.

However, when a black bear is captured by a professional trapping licence holder or by one of the holders of assistant trapper's licences with whom he is associated on a territory referred to in paragraph 4 of section 16, the transportation coupon may come from another professional trapping licence holder who authorized him to trap on that territory.

In addition, a holder of a trapping licence shall make sure that the transportation coupon remains attached to the animal until it is cut up and, if the fur is intended for dressing, he shall make sure that the coupon remains attached to the fur until it is dressed.

20. The holder of a trapping licence shall, when trading in undressed furs from hunted or trapped fur-bearing animals mentioned in Schedule I with a holder of a fur trade licence provided for in section 18 of the Regula-

tion respecting trapping and the fur trade, declare the number of the FAMU from which the traded fur comes and sign the register provided for in paragraph 1 of section 35.

21. During the period of validity of his licence, a professional trapping licence holder who is the lessee of exclusive trapping rights shall trade with a holder of the fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade, at least 15 undressed pelts a year from at least five fur-bearing animal species trapped on the territory covered by the lease. A holder of an assistant trapper's licence may carry out this activity on behalf of the professional trapping licence holder with whom he is associated.

Where the area of the territory described in his lease is less than or equal to 20 km², the number of undressed pelts to be traded shall be reduced to 10 and those pelts shall come from at least three fur-bearing animal species trapped on that territory.

DIVISION III **REGISTRATION**

22. The holder of a trapping licence who captures a black bear shall, within 48 hours of leaving the trapping ground, show his licence and the bear's carcass or pelt, register the catch with a wildlife conservation officer or any person appointed for that purpose at a control station and have the transportation coupon punched.

DIVISION IV **LEASE OF EXCLUSIVE RIGHTS**

§1. Lease

23. To obtain a lease of exclusive trapping rights on a territory reserved only for trapping, a controlled zone or a wildlife sanctuary, a person shall meet the following requirements:

- (1) be a resident;
- (2) hold a hunter's or trapper's certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap;
- (3) apply in writing to the Minister;
- (4) provide his name, address and date of birth;
- (5) be selected by a drawing of lots;
- (6) not be the lessee of exclusive trapping rights;

(7) not exercise collective and exclusive trapping rights over the territories recognized as beaver reserves under the Regulation respecting beaver reserves; and

(8) not have entered into a lease of exclusive trapping rights with the Minister which was revoked in the two years preceding the date of the application because the lessee had not abided by the conditions of his lease or because the lease had been obtained following a fraudulent statement.

24. The term of a lease of exclusive trapping rights is nine years.

Subject to section 90 of the Act, the lease shall be renewed automatically without further notice for successive nine-year terms if the lessee continues to meet the requirements prescribed in paragraphs 1, 2 and 7 of section 23.

25. Each year, a lessee shall pay the rent determined by the Regulation respecting the scale of fees and duties related to the development of wildlife in one instalment on the date of issue of the lease and thereafter on 15 August of each year.

§2. Buildings and structures

26. The maximum value of the structures or buildings referred to in sections 27 and 28 is set at \$6000.

27. To erect buildings or structures on the territory described in the lease of exclusive trapping rights, a lessee shall comply with the following standards and conditions as to their construction and location:

(1) inform the Minister of the planned location of the buildings and structures on a copy of the territory plan attached to his lease;

(2) construct those buildings or structures within two years following the date on which the Minister sends a notice of conformity with location standards and conditions:

(3) erect the buildings or structures more than 25 metres from the high water mark or, in the presence of a lake of 20 hectares or less, more than 300 metres from the high water mark;

(4) erect the buildings or structures outside any deer or moose yard;

(5) the buildings and structures are constituted only of a single cabin, storage shed and outhouse;

(6) the total area of all buildings or structures must not exceed 45 m²;

(7) the buildings or structures must not have a permanent foundation;

(8) the buildings or structures shall have one storey only;

(9) the distance between the cabin and the storage shed shall not exceed 20 metres; and

(10) an identification plate provided by the Minister shall be posted conspicuously on the front side of the cabin.

28. A lessee of exclusive trapping rights on a territory of 100 km² or more may erect a second cabin on the territory described in the lease if he meets the following requirements:

(1) inform the Minister of the planned location of the second cabin on a copy of the territory plan attached to his lease;

(2) build that cabin within two years following the date on which the Minister sends a notice of conformity with location standards and conditions;

(3) erect the cabin more than 25 metres from the high water mark or, in the presence of a lake of 20 hectares or less, more than 300 metres from the high water mark;

(4) erect the cabin outside any deer or moose yard;

(5) the cabin must have an area not exceeding 15 m²;

(6) the cabin must not have a permanent foundation;

(7) the cabin shall have one storey only; and

(8) an identification plate provided by the Minister shall be posted conspicuously on the front side of the cabin.

29. A professional trapping licence holder who is the lessee of exclusive trapping rights in a wildlife sanctuary, as well as the holders of assistant trapper's licences with whom he is associated, may not use the buildings or structures referred to in sections 27 and 28 during the periods of restricted moose hunting for that sanctuary.

Notwithstanding the first paragraph, where a trapping period begins during a restricted moose-hunting period in a wildlife sanctuary, a professional trapping licence holder, as well as the holders of assistant trapper's li-

cences, may use those buildings and structures from the day preceding the opening of that trapping period.

§3. *Transfer of lease*

30. A lessee of exclusive trapping rights may transfer all the rights and obligations resulting from his lease to a person of full age among the holders of assistant trapper's licences associated with his professional trapping licence if the transferee has held three consecutive assistant trapper's licences associated with the professional trapping licence of the lessee on the date of the application for a transfer if the lessee meets the following requirements:

(1) send the Minister an application in writing outside the trapping periods applicable to the territory identified in the lease, except in the case of the lessee's death, together with, if applicable, a copy of the deed evidencing the transfer of the buildings or structures erected on the territory identified on the lease in favour of that holder of an assistant trapper's licence;

(2) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or the regulations thereunder or any other Act or regulation related to hunting, fishing or trapping and not have had his hunter's or trapper's certificate referred to in paragraph 2 of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the two years preceding the date of the application for a transfer;

(3) not have received a notice of revocation of the lease; and

(4) sign the deed of amendment to the lease of exclusive trapping rights and return a signed copy to the Minister.

The holder of an assistant trapper's licence referred to in the first paragraph shall meet the following requirements so that the transfer referred to in that paragraph be made:

(1) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or the regulations thereunder or any other act or regulation related to hunting, fishing or trapping and not have had his hunter's or trapper's certificate referred to in paragraph 2 of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the two years preceding the date of the application for a transfer; and

(2) sign the deed of amendment to the lease of exclusive trapping rights.

The requirement to have held three consecutive licences prescribed in the first paragraph does not apply if the lessee is dead.

31. A lessee of exclusive trapping rights may transfer all the rights and obligations resulting from his lease to another lessee of exclusive trapping rights provided that the latter does the same thing in favour of the first lessee and that both lessees meet the following requirements:

(1) send the Minister an application in writing outside the trapping periods applicable to the territories identified in their respective lease together with, if applicable, a copy of the deed evidencing the reciprocal transfer of the buildings or structures erected on the territories identified on their respective lease;

(2) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or the regulations thereunder or any other Act or regulation related to hunting, fishing or trapping and not have had his hunter's or trapper's certificate referred to in paragraph 2 of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the two years preceding the date of the application for a transfer;

(3) not have received a notice of revocation of their respective lease; and

(4) sign the deed of amendment to both leases of exclusive trapping rights and return a signed copy to the Minister.

§4. Compensation

32. No building or structure other than those referred to in sections 27 and 28 may be the subject of a compensation or acquisition provided for in Division I of Chapter IV of the Act respecting the conservation and development of wildlife.

33. The lessee's compensation for loss of revenue provided for in subparagraph 1 of the first paragraph of section 91 of that Act shall correspond to the average net income declared to the Minister of Revenue for the last five years preceding the date of revocation or non-renewal of the lease, that income deriving from his trapping activities on the territory identified on the lease.

CHAPTER III FUR TRADE

DIVISION I LICENCES

34. To obtain a fur trade licence referred to in section 18 of the Regulation respecting trapping and the fur trade, the applicant shall:

(1) state on the form provided by the Minister his name and address and sign it; in the case of a legal person, the name and address of its head office; in the case of a partnership, the name and address of its main place of business; in the case of a natural person carrying on business under another name, that name, the name and address of the person and the address of his main place of business; and

(2) indicate the class of the licence applied for.

DIVISION II OBLIGATIONS OF HOLDERS OF FUR TRADE LICENCES

35. The holder of a fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade shall comply with the following requirements:

(1) keep a numbered register, provided by the Minister, of the undressed pelts of hunted or trapped animals that are purchased or received and enter in it:

(a) his licence number;

(b) the date of each purchase or receipt of undressed pelts and the total number of undressed pelts for each species;

(c) the origin of the pelts with the following particulars:

i. the name, address and date of birth of the trapper or hunter, the number of the FAMU where the animal was trapped or the number of the zone where the animal was hunted, the number of the hunter's or trapper's certificate referred to in paragraph 2 of section 3 and in the case of a registered Indian within the meaning of the Indian Act (R.S.C. (1985), c. I-5), the name of the band to which he belongs;

ii. the number of the trader's licence and the form number on the register of the undressed pelts of hunted or trapped animals that are sold or shipped referred to in paragraph 2; and

iii. the name and address of the exporter, the number of the document issued for export purposes by the authority of the exporter's territory of origin and the number of the customs form, where applicable, for pelts from outside Canada; and

(d) in the case of undressed pelts from black bears and polar bears, the number of the tag provided by the Minister or the number of the transportation coupon or the export form issued by the authority of their territory of origin;

(2) keep a numbered register, provided by the Minister, of the undressed pelts of hunted or trapped animals that are purchased or received and enter on it:

(a) his licence number;

(b) the date of each sale or shipment of undressed pelts and the total number of undressed pelts in each species; and

(c) the name and address of the person for whom the pelts are intended and, where applicable, the number of the export form issued under section 36 for undressed pelts shipped outside Québec or the number of the fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade for undressed pelts shipped to Québec;

(3) keep a monthly numbered register, provided by the Minister, of his inventory of undressed pelts for each species, in which he shall enter every month:

(a) his name, address and licence number;

(b) the total number of undressed pelts in his possession at the beginning of the month;

(c) the total number of undressed pelts purchased or received during the month;

(d) the total number of undressed pelts sold or shipped during the month;

(e) the total number of dressed pelts or having been dressed for taxidermy purposes during the month; and

(f) the total number of undressed pelts in his possession at the end of the month;

(4) keep a numbered register, provided by the Minister, of the duties remitted on the undressed pelts of animals hunted or trapped in Québec, in which he shall enter every month:

(a) his name and licence number; and

(b) the amount of the duties determined under the Regulation respecting the scale of fees and duties related to the development of wildlife, for the undressed pelts of animals hunted or trapped in Québec;

(5) sign the registers prescribed in paragraphs 1 to 4;

(6) have the register prescribed in paragraph 1 signed by the trapper or hunter for the information obtained by the latter in accordance with subparagraph *c* of paragraph 1;

(7) send a copy of the register form without delay to the seller or shipper for each purchase or receipt made in accordance with paragraph 1;

(8) include with the pelts of the purchaser or consignee a copy of the register form for each sale or shipment made in accordance with paragraph 2;

(9) send to the Minister, on or before the tenth of each month, the copies of the completed forms of the registers prescribed in paragraphs 1 to 4 for the preceding month and the copies of the cancelled forms of those registers;

(10) remit to the Minister, on or before the tenth of each month, the total amount of the duties referred to in paragraph 4;

(11) notify without delay a wildlife conservation officer where he has any of the following pelts in his possession:

(a) an undressed pelt of a black bear hunted or trapped in Québec without a transportation coupon;

(b) an undressed pelt of a polar bear without the tag provided by the Minister or not indicating the territory of origin; or

(c) an undressed pelt of a bobcat, grey fox or wolverine hunted or trapped in Québec but outside the territory referred to in section 2 of the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., c. A-33.1); and

(12) return to the Minister all unused registers within 30 days of the cessation of his activities.

CHAPTER IV **IMPORT, EXPORT AND POSSESSION OF FURS**

36. To import undressed pelts into Québec, a person shall obtain the form issued for export by the authority of the territory of origin. That form must accompany the undressed pelt until it is dressed.

To import an undressed polar bear pelt, a person shall also obtain the registration document issued by the authority of the territory of origin of that pelt.

37. To export outside Québec undressed pelts from an animal that was hunted or trapped, a person, other than a non-resident with respect to the product of his own hunting, shall hold one of the licences provided for in section 18 of the Regulation respecting trapping and the fur trade and complete the export form issued by the Minister.

The export form shall serve as an authorization within the meaning of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (S.C., 1992, c. 52).

38. To export outside Québec an undressed polar bear pelt from Québec, a person shall have the tag provided by the Minister attached to the pelt by a wildlife conservation officer or any other person appointed for that purpose at a control station.

39. To have in his possession an undressed polar bear pelt from outside Québec, a person shall hold the export form issued by the authority of the territory of origin and the registration document issued by that authority. The form and the document shall accompany the undressed pelt until it is dressed.

To have an undressed polar bear pelt from Québec in his possession, a person shall meet the obligation prescribed by section 38.

CHAPTER V PENAL

40. Any person who contravenes any of sections 10, 12 to 17, 19 to 22, 25, 27 to 29 and 35 to 39 commits an offence.

CHAPTER VI TRANSITIONAL AND FINAL

41. The holder of a resident or non-resident general trapping licence issued before the date of coming into force of this Regulation remains governed by the provisions of the Regulation respecting trapping and the fur trade, made by Order in Council 1289-91 dated 18 September 1991, until the licence expires.

42. This Regulation replaces the Regulation respecting trapping and the fur trade, made by Order in Council 1289-91 dated 18 September 1991.

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

SCHEDULE I (s. 2)

FUR-BEARING ANIMALS

Common name	Scientific name
1. Long-tailed weasel	<i>Mustela frenata</i>
2. Least weasel	<i>Mustela nivalis</i>
3. Wolverine	<i>Gulo gulo</i>
4. Beaver	<i>Castor canadensis</i>
5. Coyote	<i>Canis latrans</i>
6. Red squirrel	<i>Tamiasciurus hudsonicus</i>
7. Grey squirrel	<i>Sciurus carolinensis</i>
8. Ermine	<i>Mustela erminea</i>
9. Wolf	<i>Canis lupus</i>
10. River otter	<i>Lutra canadensis</i>
11. Canadian lynx	<i>Lynx canadensis</i>
12. Bobcat	<i>Lynx rufus</i>
13. American marten	<i>Martes americana</i>
14. Striped skunk	<i>Mephitis mephitis</i>
15. Polar bear	<i>Ursus maritimus</i>
16. Black bear	<i>Ursus americanus</i>
17. Fisher	<i>Martes pennanti</i>
18. Muskrat	<i>Ondatra zibethicus</i>
19. Raccoon	<i>Procyon lotor</i>
20. Red fox (silver, crossbred or red)	<i>Vulpes vulpes</i>
21. Arctic fox (white or blue)	<i>Alopex lagopus</i>
22. Grey fox <i>cinereoargenteus</i>	<i>Urocyon</i>
23. American mink	<i>Mustela vison</i>

Gouvernement du Québec

O.C. 1028-99, 8 September 1999

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Scale of fees and duties related to the development — Amendments

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS under paragraph 10 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 11 August 1999 with a notice that it could be made by the Government upon the expiry of 15 days following that publication;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

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

— it is important to fix the fees payable for the new trapping licences for new fur-bearing animal management unit as soon as possible since the licences must be available for the fall trapping season;

WHEREAS it is expedient to make Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10; 1998, c. 29, s. 22)

1. The following paragraphs are added after paragraph 4 of section 4 of the Regulation respecting the scale of fees and duties related to the development of wildlife:

- | | |
|---------------------------------------------------|-------------|
| “(5) resident trapping licence for a new FAMU: | \$13.65; |
| (6) non-resident trapping licence for a new FAMU: | \$249.65.”. |

2. The following is substituted for section 7:

“7. The fees payable for the issue of a licence for the activities governed by section 53 of the Act are as follows:

- | | |
|--------------------------------------------------------------------------|-----------|
| (1) trader’s or intermediary’s licence to sell or trade undressed pelts: | |
| (a) resident: | \$361.50; |
| (b) non-resident: | \$734.50; |
| (2) licence to dress raw pelts for taxidermy purposes: | \$31.75; |

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulations made by Orders in Council 190-99 dated 10 March 1999 (1999, *G.O.* 2, 275), 255-99 dated 24 March 1999 (1999, *G.O.* 2, 425), and 860-99 dated 28 July 1999 (1999, *G.O.* 2, 2445). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

- (3) licence to dress raw pelts: \$276.75;
 (4) public auction licence to sell raw pelts: \$915.00.”.

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

3106

Gouvernement du Québec

O.C. 1035-99, 8 September 1999

An Act respecting the distribution of financial products and services
 (1998, c. 37)

Associate insurance broker and chartered insurance broker — Criteria governing the granting of titles

Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker

WHEREAS under subparagraph 3 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles of «chartered insurance broker» and «associate insurance broker» and their respective abbreviations «C.I.B.» and «A.I.B.»;

WHEREAS under that section, the Chambre de l'assurance de dommages made the Regulation of the Chambre de l'assurance de dommages respecting the titles of associate insurance broker and chartered insurance broker;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in Part 2 of 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, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
 Clerk of the Conseil exécutif

Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker

An Act respecting the distribution of financial products and services
 (1998, c. 37, s. 313, par. 1., subpar. 3)

DIVISION I

CRITERIA GOVERNING THE GRANTING OF THE TITLE OF ASSOCIATE INSURANCE BROKER

1. The Chambre de l'assurance de dommages shall authorize a damage insurance broker who holds a certificate issued by the Bureau des services financiers authorizing him to act as such to use the title of “associate insurance broker” and the abbreviation “(A.I.B.)”, provided:

(1) he is authorized pursuant to a certificate issued by the Bureau to act in the classes of sectors of personal and commercial lines damage insurance;

(2) he has acted as a damage insurance broker for at least 12 consecutive months; however, a broker who has been unable to act in such capacity for at least 12 consecutive months due to illness, accident, pregnancy, parental leave or any other irresistible force, shall have any additional period of 12 months following the period when it was impossible for the broker to practise his or her profession;

(3) he has taken and successfully completed the compulsory courses, of the program of studies determined by the Chamber, as provided for in the programs of studies for the Attestation of College Studies in damage insurance, the Diploma of College Studies in administrative techniques in the field of (damage) insurance or the title of Associate of The Insurance Institute of Canada or the Chamber, unless equivalencies have been recognized.

For purposes of this section, a program of studies is a program which comprises 14 courses which must compulsorily relate to the following subjects:

- (1) laws and regulations respecting damage insurance;
- (2) home insurance;
- (3) automobile insurance;
- (4) commercial lines insurance;
- (5) building mechanics;
- (6) financial accounting;
- (7) basic computer science techniques;
- (8) communications;
- (9) sales techniques;
- (10) customer service;
- (11) claims adjustment;
- (12) introduction to risk management;
- (13) portfolio analysis.

Moreover, a course may cover more than one subject and several subjects may be covered in one course.

2. The Chamber shall issue to a damage insurance broker an attestation pursuant whereto it authorizes him to use the title of “associate insurance broker” and the abbreviation “(A.I.B.)”.

DIVISION II

CRITERIA GOVERNING THE GRANTING OF THE TITLE OF CHARTERED INSURANCE BROKER

3. The Chamber shall authorize a damage insurance broker who holds a certificate issued by the Bureau des services financiers authorizing him to act as such to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)”, provided:

(1) he is authorized by the Chamber to use the title of “associate insurance broker”;

(2) he has acted as a damage insurance broker for at least 24 consecutive months; however, a broker who has been unable to act in such capacity for at least 24 consecutive months due to illness, accident, pregnancy, parental leave or any other irresistible force, shall have any additional period of 24 months following the period when it was impossible for the broker to practise his or her profession;

(3) he has taken and successfully completed the training courses as provided for in the university program in damage insurance, unless equivalencies have been recognized.

The university program in damage insurance contemplated in subparagraph 3 of the first paragraph comprises 15 courses of which 13 must compulsorily relate to the subjects set forth in subparagraphs 1 to 11 of this paragraph as well as 2 courses relating, at the damage insurance broker’s choosing, to one of the subjects set forth in subparagraphs 12 to 14:

- (1) organizational management;
- (2) accounting;
- (3) financial management;
- (4) economics;
- (5) business law;
- (6) entrepreneurship;
- (7) leadership;
- (8) marketing;
- (9) human resources management;
- (10) mathematics;
- (11) risk management;
- (12) operations management;
- (13) training;
- (14) advertising.

For purposes of this section, a course may cover more than one subject and several subjects may be covered in one course.

4. The Chamber shall issue to a damage insurance broker an attestation pursuant whereto it authorizes him to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)”.

5. A damage insurance broker who is authorized by the Chamber to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)” must cease using the title of “associate insurance broker” and the abbreviation “(A.I.B.)”.

DIVISION III

RECOGNITION OF EQUIVALENCIES

6. Notwithstanding the provisions of subparagraphs 1 and 3 of the first paragraph of section 1 and those of section 3, the Chamber may authorize a broker to use the title of associate insurance broker and the abbreviation “(A.I.B.)” or the title of chartered insurance broker and the abbreviation “(C.I.B.)” if the broker can prove to the Chamber, with supporting documentation, that he has attained a level of knowledge equivalent to that of a broker having taken the course and passed the examination for which he is requesting an exemption.

In order to determine whether a broker has proven that he has the skills required pursuant to the first paragraph, the Chamber shall consider the following factors:

- (1) the fact that the broker holds one or more diplomas obtained in Québec or elsewhere;
- (2) the courses he has taken;
- (3) the training courses he has taken;
- (4) his total years of schooling;
- (5) all his relevant work experience;
- (6) all other relevant work experience.

In cases where a decision cannot be made pursuant to the evaluation made in accordance with the second paragraph, the Chamber may require the broker to carry out a training period or to successfully pass an examination in order to complete the evaluation.

DIVISION IV **WITHDRAWAL OF A TITLE**

7. A damage insurance broker shall no longer be authorized to use either of the titles set forth in the first paragraph of section 318 of the Act respecting the distribution of financial products and services (1998, c. 37):

(1) if he ceases to hold a certificate for a damage insurance broker;

(2) if his certificate for a damage insurance broker is suspended by a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee;

(3) if he has failed, for more than 30 days, to pay the fines or costs imposed by a final decision of the committee on discipline of the Chamber or the Court of Québec sitting in appeal from a decision of the said committee, as the case may be;

(4) if he has failed, for more than three months, to comply with the obligation to remit a sum of money imposed pursuant to subparagraph *d* of the first paragraph of section 156 of the Professional Code (R.S.Q., c. C-26) as a penalty by means of a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee;

(5) if he has failed to comply with the rules governing compulsory professional development which are applicable to him.

A broker who remedies the defaults for which his authorization to use either of the titles contemplated in this Regulation has been withdrawn pursuant to the first paragraph shall once again be authorized to use his title.

The provisions of the second paragraph shall not apply to a broker whose certificate has been cancelled by a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee, as the case may be, nor to a broker who has ceased to hold a certificate for a damage insurance broker for at least five years.

DIVISION V **TRANSITIONAL AND FINAL PROVISIONS**

8. A damage insurance broker who, prior to the coming into force of this Regulation, has started to take the training program of the Association des courtiers d'assurances de la province de Québec leading to the title of associate insurance broker (A.I.B.) or the university training program leading to the title of chartered insurance broker (C.I.B.) may, at his option, for the purpose of asking the Chamber for the authorization to use the title sought, satisfy the requirements of the provisions of this Regulation, or the requirements governing the aforesaid program which led to the title sought, provided that in the latter case, he has taken the courses and successfully passed the examinations prescribed by the said program within the following period:

(1) where the authorization request relates to the title of associate insurance broker and its abbreviation "(A.I.B.)", a period of one year from the coming into force of this Regulation;

(2) where the authorization request relates to the title of chartered insurance broker and its abbreviation "(C.I.B.)", a period of five years from the said date.

However, if the broker is unable to satisfy the requirements of the provisions of the training program mentioned in the first paragraph which are applicable to him due to the fact that one or more of the prescribed courses are no longer offered, then he must take the courses and successfully pass the examinations deemed to be equivalent by the Chamber.

9. This Regulation comes into force on 1 October 1999.

3103

Gouvernement du Québec

O.C. 1036-99, 8 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Registered life underwriter and chartered life underwriter **— Titles**

Regulation governing the titles of registered life underwriter and chartered life underwriter

WHEREAS under subparagraph 3 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Cham-

ber shall determine, by regulation, the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles of “chartered life underwriter” and “registered life underwriter” and their respective abbreviations “C.L.U.” and “R.L.U.”;

WHEREAS under that section, the Chambre de la sécurité financière made the Regulation of the Chambre de la sécurité financière governing the titles of registered life underwriter (R.L.U.) and chartered life underwriter (C.L.U.);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in Part 2 of 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, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation governing the titles of registered life underwriter and chartered life underwriter, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation governing the titles of registered life underwriter and chartered life underwriter

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 313, 1st p., subpar. (3))

DIVISION I

REGISTERED LIFE UNDERWRITER (R.L.U.)

1. To obtain the title of “Registered Life Underwriter” (R.L.U.), a representative in insurance of persons or in group insurance must:

(1) have passed the introductory course offered by the Chambre de la sécurité financière entitled “Concepts in Insurance of Persons,” or hold an attestation of collegial studies in insurance of persons;

(2) have passed either:

a. the courses that are part of the university program in insurance of persons, unless the Chamber recognizes the representative’s equivalencies. This program consists of eight courses pertaining to the following subjects:

- i. economics (1 course);
- ii. law (1 course);
- iii. accounting (1 course);
- iv. taxation (2 courses);
- v. financial management (1 course);
- vi. investments (1 course);
- vii. insurance and pensions (1 course); or

b. the courses offered by the Canadian Association of Insurance and Financial Advisers (CAIFA) pertaining to the same subjects as those listed in subparagraphs *i* to *vii* of paragraph *a*, insofar as the representative was otherwise unable to have access to those courses in his region; or

c. in another Canadian province, the courses pertaining to the same subjects as those listed in subparagraphs *i* to *vii* of paragraph *a*;

(3) not be under suspension, struck off the roll, expelled or have had his certificate revoked.

The representative must submit an application in writing to the Chamber along with documents certifying that he complies with subsections 1 and 2.

In addition, the representative must, as applicable, have paid the dues for a “Registered Life Underwriter” (R.L.U.) as well as any other dues and fees provided for in the regulations of the Chamber.

2. The Chamber shall issue to the representative a document certifying that it has conferred upon him the title of “Registered Life Underwriter” (R.L.U.).

DIVISION II

CHARTERED LIFE UNDERWRITER (C.L.U.)

3. To obtain the title of “Chartered Life Underwriter” (C.L.U.), a representative in insurance of persons or in group insurance must:

(1) comply with the training requirements provided for in subsection 1 of section 1;

(2) have passed either:

a. the training courses that are part of the university program in insurance of persons, unless the Chamber recognizes the representative’s equivalencies. This pro-

gram includes sixteen courses of which fifteen must pertain to the subjects listed in subparagraphs *i* to *xii*, as well as one course that must pertain, at the representative's choice, to one of the subjects listed in subparagraphs *xii* to *xiv*:

- i. management;
- ii. marketing;
- iii. law;
- iv. economics;
- v. accounting;
- vi. financial management;
- vii. taxation;
- viii. financial planning;
- ix. estate planning;
- x. retirement planning;
- xi. insurance and pensions;
- xii. investments;
- xiii. group insurance;
- xiv. disability; or

b. the courses offered by the Canadian Association of Insurance and Financial Advisers (CAIFA) pertaining to the same subjects as those listed in subparagraphs *i* to *xiv* of paragraph *a*, insofar as the representative was otherwise unable to have access to those courses in his region; or

c. in another Canadian province, the courses pertaining to the same subjects as those listed in subparagraphs *i* to *xiv* of paragraph *a*;

(3) not be under suspension, struck off the roll, expelled or have had his certificate revoked.

For the purposes of this section, a course may cover more than one subject and several subjects may be covered in one course.

The representative must submit an application in writing to the Chamber along with documents certifying that he complies with subsections 1 and 2.

In addition, the representative must, as applicable, have paid the dues for a "Chartered Life Underwriter" (C.L.U.) as well as any other dues and fees provided for in the regulations of the Chamber.

4. The Chamber shall issue to the representative a document certifying that it has conferred upon him the title of "Chartered Life Underwriter" (C.L.U.).

5. A representative upon whom the Chamber has conferred the title of "Chartered Life Underwriter" (C.L.U.) must cease to use the title of "Registered Life Underwriter" (R.L.U.).

DIVISION III RECOGNITION OF EQUIVALENCIES

6. Notwithstanding sections 1 and 3, the Chamber shall authorize a representative to use the title of "Registered Life Underwriter" (R.L.U.) or "Chartered Life Underwriter" (C.L.U.) even though he has not taken or passed one or more of the courses required to obtain these titles, provided he can demonstrate to the Chamber, with supporting documents, that his level of knowledge is equivalent to that of a representative who has taken and passed the course which he is asking to be exempt from taking.

In order to determine whether the representative has the level of knowledge required under the first paragraph, the Chamber shall take the following factors into account:

(1) the fact that the representative holds one or more diplomas awarded in Quebec or elsewhere;

(2) the courses taken;

(3) the periods of training undergone;

(4) the total number of years of schooling;

(5) any pertinent work experience;

(6) any other pertinent experience the representative may have.

DIVISION IV WITHDRAWAL OF A TITLE

7. An insurance representative is not authorized to use the title of "Registered Life Underwriter" (R.L.U.) or "Chartered Life Underwriter" (C.L.U.), as applicable, while he is under suspension, struck off the roll, expelled, has had his certificate revoked or no longer holds such certificate.

8. An insurance representative is not authorized to use the title of "Registered Life Underwriter" (R.L.U.) or "Chartered Life Underwriter" (C.L.U.) where, for more than thirty days, he has been in default of paying the dues for a "Registered Life Underwriter" (R.L.U.) or a "Chartered Life Underwriter" (C.L.U.), as applicable, as well as any other dues and fees provided for in the regulations of the Chamber.

DIVISION V TRANSITIONAL AND FINAL PROVISIONS

9. An individual who began the training required to obtain the title of "Registered Life Underwriter" (R.L.U.)

or “Chartered Life Underwriter” (C.L.U.) before the date of coming into force of this Regulation may, at his choice, be awarded this title in accordance with the regulation in force before this date or in accordance with the provisions of this Regulation, provided he has taken and passed the required courses.

If this individual cannot satisfy the requirements of the former program because certain courses are no longer offered, he shall have to take and pass the equivalent courses proposed by the Chamber.

10. An individual who began the training required to obtain the title of “Registered Life Underwriter” (R.L.U.) or “Chartered Life Underwriter” (C.L.U.) before the date of coming into force of this Regulation and chooses to take the R.L.U. or C.L.U. program of the Association des intermédiaires en assurance de personnes du Québec must take and pass the courses required to obtain his diploma within five years of the effective date of this Regulation.

11. This Regulation comes into force on 1 October 1999.

3101

Gouvernement du Québec

O.C. 1039-99, 8 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Chambre de la sécurité financière — Code of ethics

Code of ethics of the Chambre de la sécurité financière

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which contributors carry on business;

WHEREAS under that section, the Chambre de la sécurité financière made the Code of ethics of the Chambre de la sécurité financière;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Code was published as a draft in Part 2 of 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 Code, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Code of ethics of the Chambre de la sécurité financière, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of the Chambre de la sécurité financière

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 313, 1st par., subpar. (1))

DIVISION I GENERAL PROVISIONS

1. This Regulation aims at promoting the protection of the public and the honest and competent practice of representatives.

2. This Regulation applies to all representatives in insurance of persons, all group insurance representatives and all financial planners regardless of the classes of sectors in which they practise.

3. A representative must ensure that his employees or mandataries comply with the provisions of this Regulation, and those of An Act respecting the distribution of financial products and services (1998, c. 37) and the regulations adopted thereunder.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

4. A representative must promote improvement of the quality and availability of the services that he offers to the public.

5. A representative must promote measures designed to provide education and information in the field in which he practises.

6. The conduct of a representative must be characterized by dignity, discretion, objectivity and moderation.

7. A representative must refrain from practising in conditions or in a state liable to compromise the quality of his services.

8. A representative must refrain from persistently or repeatedly urging a person to use his professional services or purchase a product.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

9. In the practice of his profession, a representative must take into account the limits of his knowledge and the means available to him. He must not undertake or continue a mandate for which he is not sufficiently prepared without obtaining the necessary assistance.

10. A representative must not make any false representations as to his level of competence or the quality of his services, or those of his firm or his independent partnership.

11. A representative must practise with integrity.

12. A representative must act towards his client or any potential client with integrity and as a conscientious adviser, giving him all the information that may be necessary or useful. He must take reasonable steps so as to advise his client properly.

13. A representative must fully and objectively explain to his client or any potential client the type, advantages and disadvantages of the product or service that he is proposing to him and must refrain from giving information that may be inaccurate or incomplete.

14. A representative must provide his client or any potential client with the explanations the client needs to understand and evaluate the product or services that he is proposing or that he provides to the client.

15. Before providing information or making a recommendation to his client or to any potential client, a representative must seek to have a complete understanding of the facts.

16. No representative may, by whatever means, make statements that are incomplete, false, deceptive or liable to mislead.

17. A representative may not appropriate, for personal purposes, sums of money entrusted to him or securities belonging to his clients or to any other individual and of which he has custody.

18. A representative must, in the practice of his profession, always remain independent and avoid any conflict of interest.

19. A representative must subordinate his personal interests to those of his client or any potential client. Without limiting the generality of the foregoing, the representative:

(1) may not advise a client to invest in a legal person, partnership or property in which he has, directly or indirectly, a significant interest;

(2) may not conduct any transaction or enter into any agreement or contract whatsoever with a client who, manifestly, is unable to manage his affairs, unless the decisions to conduct these transactions or enter into these agreements or contracts are made by persons who may legally decide in lieu of this client;

(3) may not conduct any transaction or enter into any agreement or contract whatsoever in the capacity of representative with respect to a client for whom he acts as dative tutor, curator or adviser within the meaning of the Civil Code.

20. A representative must be objective when his client or any potential client asks him for information. He must express opinions and make recommendations objectively and impartially, without considering his personal interest.

21. A representative must ignore any intervention by a third party that could influence the way in which he performs the duties related to his practice to the detriment of his client or any potential client.

22. A representative must not pay or undertake to pay to a person who is not a representative any compensation, any remuneration or any other advantage, except where permitted by An Act respecting the distribution of financial products and services.

23. A representative must demonstrate availability and diligence with respect to his client or any potential client.

24. A representative must report to his client on any mandate given to him and must carry out the mandate diligently.

25. In the practice of his profession, a representative must not, through dishonesty, fraud, trickery or other deceitful means, avoid or attempt to avoid his professional civil liability or that of the firm or independent partnership in which he practises.

26. A representative must respect the secrecy of any personal information that he obtains about a client and only use that information for the purposes for which it was obtained, unless he is relieved of that obligation by a provision of a law or by order of a competent court.

27. A representative must not disclose personal or confidential information that he obtained, except in accordance with the provisions of the Act, and must not use that information to the detriment of his client or to obtain an advantage for himself or for another person.

28. A representative must not dissuade his client or any potential client from consulting another representative or another person of his choosing.

29. A representative must promptly give to his client, or to any person his client designates, the books and documents belonging to the client, even though the latter owes him sums of money.

DIVISION IV DUTIES AND OBLIGATIONS TOWARDS OTHER REPRESENTATIVES, FIRMS, INDEPENDENT PARTNERSHIPS, INSURERS AND FINANCIAL INSTITUTIONS

30. A representative must not, directly or indirectly, make comments of any kind which are false, inaccurate or incomplete about another representative, a firm, an independent partnership, an insurer, a financial institution or one of their representatives, products or services.

31. A representative must use fair methods of competition and solicitation.

32. A representative must not denigrate, belittle or discredit another representative, a firm, an independent partnership, an insurer or a financial institution.

DIVISION V DUTIES AND OBLIGATIONS TOWARDS INSURERS

33. A representative must not fail to pay an insurer, upon request or within the prescribed time, the sums of money that he has collected on its behalf.

34. A representative must give insurers the information that it is common practice for him to provide.

DIVISION VI DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

35. A representative must not practise dishonestly or negligently.

36. A representative must not, directly or indirectly, without the knowledge of the insurer, give a discount on a premium stipulated in an insurance contract or agree to a premium payment method different from the one provided for in the contract.

37. A representative must not, directly or indirectly, pay a person to act in the capacity of representative if that person does not hold a certificate.

38. A representative must not accept payment from a person who does not hold a certificate and who acts or attempts to act as a representative through a representative who holds a certificate.

39. Subject to the provisions of this Act, a representative must not receive or arrange to receive payment from a person other than the person who retained his services.

40. A representative must not share his commission, except within the limits permitted by this Act.

41. A representative must not promise or pay compensation, in any form whatsoever, for his services to be retained.

42. A representative must, without delay, reply in full and courteously to any correspondence from the syndic, the co-syndic, an assistant of the syndic, an assistant of the co-syndic or a member of their staff acting in their capacity.

43. A representative must, in particular, appear before the syndic, the co-syndic, an assistant of the syndic, an assistant of the co-syndic or a member of their staff as soon as he is required to do so.

44. A representative must not interfere with the work of the Bureau, the Chamber or one of its committees, the syndic, an assistant of the syndic, the co-syndic, an assistant of the co-syndic or a member of their staff or an officer of the Chamber.

45. A representative must inform the Bureau when he has reasonable grounds to believe that another representative is unfit to practise in this capacity, is practising incompetently or dishonestly, or is contravening the provisions of this Act and its regulations.

46. A representative who is informed that the syndic, the co-syndic, an assistant of the syndic or an assistant of the co-syndic is conducting an inquiry into his professional competence or conduct, or that a disciplinary complaint has been served on him pursuant to section 132 of the Professional Code (R.S.Q., c. C-26) must not

communicate with the person who requested the holding of the inquiry nor with the witnesses who have been summoned for the complainant in accordance with section 146 of this code, except with prior written permission from the syndic, the co-syndic, an assistant of the syndic or an assistant of the co-syndic.

DIVISION VII **GRAPHIC SYMBOL**

47. If a representative uses the graphic symbol of the Chamber for publications or advertisements of any kind, he must make sure that it is in conformity with the original held by the secretary of the Chamber.

48. Where a representative uses the graphic symbol of the Chamber for advertising purposes, other than on a business card, he shall include the following warning in the advertisement: "This advertisement does not originate from the Chambre de la sécurité financière and does not commit its liability."

DIVISION VIII **SPECIFIC PROVISIONS APPLICABLE TO** **FINANCIAL PLANNERS**

49. This Division applies only to a representative who is entitled to use the title of financial planner or a similar title in accordance with An Act respecting the distribution of financial products and services and its regulations.

50. When soliciting clients, a representative must avoid using methods that would have the effect, in particular, of emphasizing a specific aspect of financial planning in order to unduly attract the attention of a potential client.

51. A representative must refrain from:

(1) out of malice, making an unfounded accusation against another representative, a firm or an independent partnership;

(2) directly or indirectly paying a person who is not legally entitled to use the title of financial planner to act in that capacity or to use that title;

(3) directly or indirectly accepting or receiving payment from a person who is not legally authorized to use the title of financial planner and who acts or attempts to act in that capacity;

(4) not informing his client as soon as he is aware of a problem that will prevent him from continuing with his mandate.

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

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Gouvernement du Québec

O.C. 1040-99, 8 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Claims adjusters **— Code of ethics**

Code of ethics of claims adjusters

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which contributors carry on business;

WHEREAS under that section, the Chambre de l'assurance de dommages made the Code of ethics of claims adjusters;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Code was published as a draft in Part 2 of 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 Code, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Code of ethics of claims adjusters, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of claims adjusters

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 313, par. 1, subpar. 1)

DIVISION I GENERAL PROVISIONS

1. The provisions of this Code are designed to promote the protection of the public and the honest and competent practice of the activities of a claims adjuster.

2. A claims adjuster shall insure that he, his mandataries and his employees comply with the provisions of An Act respecting the distribution of financial products and services (1998, c. 37) and the regulations thereunder.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

3. A claims adjuster must support any measure designed to protect the public.

4. A claims adjuster must support any measure likely to improve the quality of service in the field in which he carries on his activities.

5. A claims adjuster must promote measures designed to provide education and information in the field in which he carries on his activities.

6. The conduct of a claims adjuster must be characterized by objectivity, discretion, moderation and dignity.

7. No claims adjuster shall, in any manner whatsoever, make any representations which are false, misleading or liable to be misleading.

8. A claims adjuster must avoid placing himself, directly or indirectly, in a situation in which he would have a conflict of interest. Without limiting the generality of the foregoing, a claims adjuster would be in a situation of conflict of interest where:

(1) the existing interests are such that he might favour some of them over those of his client or his judgment and loyalty towards his client might be adversely affected;

(2) he obtains a current or future personal benefit, directly or indirectly, for a given act.

9. A claims adjuster must not represent the interests of both an insured and the insured's insurer at the same time.

10. In carrying on his activities, a claims adjuster must identify himself clearly and must produce his certificate upon request.

11. A claims adjuster must notify an insured of the approach of a prescription date concerning him.

12. A claims adjuster must notify the parties involved, as well as any person that he knows has an interest in the compensation requested, of any refusals or any measures that the insurer intends to take regarding the claim.

13. A claims adjuster must act in such a way as not to mislead or abuse the good faith of the parties involved or of their insurers.

14. In addition to opinions and advice, a claims adjuster must provide a claimant with the explanations necessary for him to understand and appreciate the services rendered to him.

15. A claims adjuster must not, directly or indirectly, pay, compensate or give an advantage or allow the payment, compensation or giving of any advantage to a person who is not a representative in order for that person to act in that capacity or use that title.

16. A claims adjuster must not, directly or indirectly, be promised or receive a payment, compensation or advantage from a person who is not a damage insurance representative and who acts or attempts to act in that capacity.

17. A claims adjuster must not, directly or indirectly, be promised or receive a payment, compensation or advantage not authorized by this Act or the regulations thereunder from a person other than the person who used his services.

18. A claims adjuster must not pay, offer to pay or undertake to pay to a person who is not a representative any payment, compensation or advantage, except where permitted by the Act.

19. A claims adjuster must not pay or promise to pay any remuneration, compensation or advantage in order for his services to be used, except as permitted by this Act or the regulations thereunder.

20. A claims adjuster must respect the secrecy of any personal information that he obtains about a client and use the personal information for the purposes for which

he obtained it, unless he is relieved of that obligation by a provision of an act or an order of a competent court.

21. A claims adjuster must not disclose personal or confidential information he has obtained, other than in accordance with the Act, and he must not use such information to the detriment of his client or with a view to obtaining a benefit for himself or for another person.

22. A claims adjuster must not accept or continue a mandate if it involves or may involve disclosing or using confidential information or documents obtained from another claimant, unless that claimant so consents.

23. A claims adjuster must not withhold sums of money, securities, documents or property of a claimant unless a legislative or regulatory provision so permits.

24. A claims adjuster must take reasonable care of the property entrusted to his care by the claimant or the client.

25. A claims adjuster must not endorse a cheque made out to a claimant or to a client unless he has been notified by that party in writing that he may do so and provided that he endorses the cheque only for the purpose of depositing it into a separate account.

26. A claims adjuster must not:

(1) have a personal interest in the settlement of a claim;

(2) derive or seek to derive personal benefit, other than his remuneration, from a matter entrusted to him;

(3) ask anyone whomsoever, except the client or his representatives, to inform him of the occurrence of an accident;

(4) obtain or attempt to obtain details concerning an insurance policy from a person other than the client or his representatives, with a view to having the settlement of claim entrusted to him;

(5) advise an insured, a claimant or a third party not to consult another representative or any other person of his choosing;

(6) mislead an interested party as to the identity of his client;

(7) pay or offer to pay a witness compensation conditional on the content of his testimony or on the outcome of litigation;

(8) unduly withhold, conceal, harbour, falsify, mutilate or destroy evidence, whether directly or indirectly;

(9) conceal evidence that he or a client has a legal obligation to conserve, disclose or produce.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

27. A claims adjuster must avoid any misrepresentations as to his level of competence or the effectiveness of his services or those of his firm or independent partnership.

28. Before accepting a mandate, a claims adjuster must take into account the limits of his abilities and knowledge and the means available to him. He must not undertake or continue a mandate for which he is not sufficiently prepared, without obtaining the necessary assistance.

29. A claims adjuster must not represent opposing interests, except with the consent of his clients.

30. A claims adjuster must not advise a client not to consult another representative or another person of his choosing.

31. A claims adjuster must act promptly, honestly and equitably in providing his professional services in connection with the mandates entrusted to him.

32. A claims adjuster must inform the client promptly of any violation, fraud or circumstances that could reduce or compromise an entitlement to compensation.

33. A claims adjuster must, without delay, follow up on the instructions that he receives from a client or notify him that he is unable to do so.

34. A claims adjuster must submit any offer of settlement to the client.

35. In carrying out a mandate, a claims adjuster must avoid multiplying professional acts.

36. A claims adjuster may, for good and reasonable cause, cease to act on behalf of a client and unilaterally terminate a mandate after taking reasonable measures to ensure that the client suffers no prejudice.

Good and reasonable cause includes:

(1) the loss of the client's confidence;

(2) deceit on the part of a client or the client's refusal to collaborate;

(3) pressure from a client to carry out illegal, unfair, immoral or fraudulent acts;

(4) persistent refusal by a client to accept a fair settlement;

(5) a claims adjuster being in conflict of interest or in a situation that casts doubt on his professional independence;

(6) refusal by a client to recognize an obligation relating to costs, disbursements and remuneration or, following reasonable prior notification, his refusal to pay the claims adjuster an instalment towards the fulfilment of that obligation.

37. A claims adjuster must cease to represent a client if his mandate is revoked.

38. A claims adjuster must, upon request, report to the client and must show diligence in preparing his reports, rendering his accounts and making his remittances.

39. A claims adjuster must not, through fraud, trickery or other deceitful means, avoid or attempt to avoid his professional civil liability.

40. The remuneration set by a claims adjuster must be fair and reasonable. Remuneration is fair and reasonable where it is justified by the circumstances and proportionate to the services rendered. In setting his remuneration, a claims adjuster must take particular account of the following factors:

(1) his experience;

(2) the time devoted to the matter;

(3) the difficulty of the problem submitted;

(4) the importance of the matter;

(5) the responsibility assumed;

(6) the provision of unusual services or services requiring exceptional competence or speed;

(7) the result obtained.

41. A claims adjuster must ensure that a client is informed of the approximate and foreseeable cost of his services.

42. If a claims adjuster has concluded a contract with a client providing for remuneration on an hourly basis, he must provide the client with all explanations necessary for him to understand his statement of remuneration and the terms and conditions for payment.

43. A claims adjuster must not accept, other than the remuneration or compensation to which he is entitled, any other advantage relating to his activities, except where permitted by the Act. In addition, he must not pay, offer to pay or undertake to pay any remuneration, compensation or other advantage, except where permitted by the Act.

44. A claims adjuster may charge interest on overdue accounts only if he has an agreement to that effect with the client. Any interest charged must be at a reasonable rate which does not exceed the rate set in accordance with section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

45. Upon completion of his mandate, a claims adjuster must repay any part of an advance on his remuneration for which no work was done.

DIVISION IV SPECIAL PROVISION APPLICABLE IN THE CASE OF A MANDATE BETWEEN A CLAIMS ADJUSTER AND A CLAIMANT

46. A claims adjuster must not borrow from a claimant sums of money that he collects for him.

DIVISION V SPECIAL PROVISIONS APPLICABLE IN THE CASE OF A MANDATE BETWEEN A CLAIMS ADJUSTER AND AN INSURER

47. A claims adjuster must not under any circumstances undertake appraisal work for an insurer or claim to act on its behalf unless he has received a prior mandate to that effect from the insurer.

48. When a claims adjuster informs the insured that he is acting on behalf of an insurer, he must also indicate to the insured that he represents only the interests of the insurer.

49. A claims adjuster must notify the insurer of any ties or interests held by third parties in property that is the subject of a claim and suggest to it settlements that take account thereof.

50. A claims adjuster must disclose to the insurer any information in his possession that could affect deci-

sions regarding the settlement of a claim, particularly breaches of contract, fraud, misrepresentations or forging of evidence.

DIVISION VI DUTIES AND OBLIGATIONS TOWARDS INSURERS

51. A claims adjuster must not mislead an insurer, abuse its good faith or use unfair practices in dealing with the insurer.

52. A claims adjuster must not falsely make representations to an insurer to the effect that he is in charge of settling a claim.

DIVISION VII DUTIES AND OBLIGATIONS TOWARDS REPRESENTATIVES

53. A claims adjuster must not discredit another representative.

54. A claims adjuster must not mislead another representative, abuse his good faith or use unfair practices in dealing with him.

55. A claims adjuster must collaborate with other representatives insofar as he causes no prejudice to his client or to the parties involved in a claim.

DIVISION VIII DUTIES AND OBLIGATIONS TOWARDS THE BUREAU DES SERVICES FINANCIERS AND THE CHAMBRE DE L'ASSURANCE DE DOMMAGES

56. A claims adjuster must answer without delay any correspondence from the syndic, the co-syndic or an assistant to the syndic of the Chamber in the performance of the duties devolved upon them under the Act respecting the distribution of financial products and services and the regulations thereunder.

57. A claims adjuster must not, directly or indirectly, obstruct the work of the Bureau, the Chamber or one of its committees, the syndic, the co-syndic, an assistant to the syndic or a member of their personnel.

58. Where a claims adjuster has been informed of an investigation or a complaint concerning him, he must not intervene vis-à-vis the complainant or the person having requested the investigation, except within the scope of performing his mandate, where applicable.

DIVISION IX BREACHES OF THE CODE OF ETHICS

59. The fact that a claims adjuster acts contrary to the honour and dignity of the profession constitutes a breach of the Code of Ethics, including:

- (1) carrying on activities dishonestly or negligently;
- (2) carrying on activities under conditions or in situations likely to compromise the quality of his services;
- (3) taking into account the intervention of a third party that could affect the carrying out of his professional duties to the detriment of his client or the insured;
- (4) knowingly deriving benefit from perjury or from false evidence;
- (5) knowingly making a statement which is false, misleading or liable to be misleading;
- (6) participating in gathering or in conserving evidence that he knows is false;
- (7) concealing or knowingly withholding that which a legislative or regulatory provision requires him to disclose;
- (8) advising or encouraging a client to do something that the claims adjuster knows is illegal or fraudulent;
- (9) not informing the client, the insured or the opposing party of any impediment to the continuation of his mandate;
- (10) insistently or repeatedly urging a person to use his professional services;
- (11) requiring a client to pay advances that are disproportionate to the nature and circumstances of the claim and the state of the parties;
- (12) carrying on activities with persons not authorized to carry on such activities by this Act or the regulations thereunder, or using their services to do so;
- (13) charging for professional services not rendered or falsely described;
- (14) filing a malicious complaint or making a malicious accusation against another representative;
- (15) using or appropriating, for personal purposes, money or securities entrusted to him in the carrying out of any mandate, whether the activities carried on by the

claims adjuster are in the sector of claims adjustment or in another sector contemplated in this Act.

DIVISION X
PROVISIONS APPLICABLE TO A CLAIMS
ADJUSTER EMPLOYED BY AN INSURER

60. The provisions of this Division apply only to a claims adjuster employed by an insurer.

61. Such a claims adjuster must not:

(1) neglect to effect promptly, honestly and fairly the settlement of claims for which responsibility has been determined;

(2) neglect to follow up promptly on a request for compensation arising from an insurance contract;

(3) neglect to accept or refuse a request for compensation within a reasonable period following the filing of the required evidence;

(4) neglect to notify an insured of the approach of the prescription date;

(5) postpone the settlement of property damage until the settlement of bodily injuries.

62. Such a claims adjuster must comply with the provisions of Division VIII.

63. Section 2 and subparagraphs 1 and 2 of section 59 shall apply to a claims adjuster employed by an insurer.

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

3104

Gouvernement du Québec

O.C. 1041-99, 8 September 1999

An Act respecting the distribution of financial products and services
 (1998, c. 37)

Damage insurance representatives
 — Code of ethics

Code of ethics of damage insurance representatives

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of

financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which contributors carry on business;

WHEREAS under that section, the Chambre de l'assurance de dommages made the Code of ethics of damage insurance representatives;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Code was published as a draft in Part 2 of 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 Code, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Code of ethics of damage insurance representatives, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of damage insurance representatives

An Act respecting the distribution of financial products and services
 (1998, c. 37, s. 313, par. 1, subpar. 1)

DIVISION I
GENERAL PROVISIONS

1. The provisions of this Code are designed to promote the protection of the public and the honest and competent practice of the activities of a damage insurance representative.

In this Code, the expression “damage insurance representative” means a damage insurance agent and a damage insurance broker.

2. A damage insurance representative shall insure that he, his mandataries and his employees comply with the provisions of An Act respecting the distribution of financial products and services (1998, c. 37) and the regulations thereunder.

3. A damage insurance representative must not, directly or indirectly, pay, compensate or give an advantage or allow the payment, compensation or giving of any advantage to a person who is not a representative in order for that person to act in that capacity or use that title.

4. A damage insurance representative must not, directly or indirectly, be promised or receive a payment, compensation or advantage from a person who is not a damage insurance representative and who acts or attempts to act in that capacity.

5. A damage insurance representative must not, directly or indirectly, be promised or receive a payment, compensation or advantage not authorized by this Act or the regulations thereunder from a person other than the person who used his services.

6. A damage insurance representative must not pay, offer to pay or undertake to pay to a person who is not a representative any payment, compensation or advantage, except where permitted by this Act.

7. A damage insurance representative must not pay or promise to pay any remuneration, compensation or advantage in order for his services to be used, except as permitted by this Act or the regulations thereunder.

8. A damage insurance representative must make himself available.

9. A damage insurance representative must not neglect the professional duties relating to the carrying on of his activities; he must carry out such duties with integrity.

10. A damage insurance representative must avoid placing himself, directly or indirectly, in a situation in which he would have a conflict of interest. Without limiting the generality of the foregoing, a representative would be in a situation of conflict of interest where:

(1) the existing interests are such that he might favour some of them over those of his client or his judgment and loyalty towards his client might be adversely affected;

(2) he obtains a current or future personal benefit, directly or indirectly, for a given act.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

11. A damage insurance representative must support any measure designed to protect the public.

12. A damage insurance representative must support any measure likely to improve the quality of service in the field in which he carries on his activities.

13. A damage insurance representative must promote measures designed to provide education and information in the field in which he carries on his activities.

14. The conduct of a damage insurance representative must be characterized by objectivity, discretion, moderation and dignity.

15. No representative shall, in any manner whatsoever, make any representations which are false, misleading or liable to be misleading.

16. A damage insurance representative must avoid any misrepresentations as to his level of competence or the effectiveness of his services or those of his firm or independent partnership.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

17. Before accepting a mandate, a damage insurance representative must take into account the limits of his abilities and knowledge and the means available to him. He must not undertake or continue a mandate for which he does not have the necessary skills, without obtaining the proper assistance.

18. A damage insurance representative must not advise his client not to consult another representative or another person of his choosing.

19. A damage insurance representative must always place the interests of the insured and of all prospective clients before his own interests and those of any other person or institution.

20. A damage insurance representative must not, through fraud, trickery or other deceitful means, avoid or attempt to avoid his professional civil liability or that of the firm or independent partnership within which he carries on his activities.

21. Where he is not paid exclusively on a percentage basis, a damage insurance representative must charge and accept remuneration or compensation that is fair and reasonable given the services rendered. In particular, he must take into account the following factors in determining his remuneration or compensation:

(1) his experience;

- (2) the time devoted to the matter;
- (3) the difficulty of the problem submitted;
- (4) the importance of the matter;
- (5) the responsibility assumed;
- (6) the provision of unusual services or services requiring exceptional competence or speed;
- (7) the result obtained.

22. A damage insurance representative must notify his client of all costs which are not included in the amount of the insurance premium.

23. A damage insurance representative must respect the secrecy of any personal information that he obtains about a client and use the personal information for the purposes for which he obtained it, unless he is relieved of that obligation by a provision of an act or an order of a competent court.

24. A damage insurance representative must not disclose personal or confidential information he has obtained, other than in accordance with the Act, and he must not use such information to the detriment of his client or with a view to obtaining a benefit for himself or for another person.

25. A damage insurance representative must carry out the mandate accepted by him in a transparent manner.

26. A damage insurance representative must, without delay, follow up on the instructions that he receives from a client or notify him that he is unable to do so. He must also inform his client of any impediment to the continuation of his mandate.

DIVISION IV DUTIES AND OBLIGATIONS TOWARDS INSURERS

27. A damage insurance representative must not abuse the good faith of an insurer or use unfair practices in dealing with it.

28. A damage insurance representative must not, without good cause, fail to pay an insurer, upon request or upon the expiry of a prescribed period, the premiums that he collects on its behalf.

29. A damage insurance representative must give insurers the information that it is common practice for him to provide.

DIVISION V DUTIES AND OBLIGATIONS TOWARDS REPRESENTATIVES

30. A damage insurance representative must not, directly or indirectly, publish or distribute a report or comments which he knows to be false regarding another representative, a firm or an independent partnership carrying on activities governed by this Act.

31. A damage insurance representative must not denigrate, depreciate or discredit another representative.

32. A damage insurance representative must not abuse the good faith of another representative or use unfair practices in dealing with him.

33. A damage insurance representative must not file a malicious complaint or make a malicious accusation against another representative.

DIVISION VI DUTIES AND OBLIGATIONS TOWARDS THE BUREAU DES SERVICES FINANCIERS AND THE CHAMBRE DE L'ASSURANCE DE DOMMAGES

34. A damage insurance representative must answer without delay any correspondence from the syndic, the co-syndic or an assistant to the syndic in the performance of the duties devolved upon them under this Act and the regulations thereunder.

35. A damage insurance representative must not, directly or indirectly, obstruct the work of the Bureau, the Chamber, one of its committees, the syndic, the co-syndic, an assistant to the syndic of the Chamber or a member of their personnel.

36. Where a damage insurance representative has been informed of an investigation or a complaint concerning him, he must not intervene vis-à-vis the complainant or the person having requested the investigation, except within the scope of performing his mandate, where applicable.

DIVISION VII BREACHES OF THE CODE OF ETHICS

37. The fact that a damage insurance representative acts contrary to the honour and dignity of the profession constitutes a breach of the Code of Ethics, including:

- (1) carrying on activities dishonestly or negligently;
- (2) carrying on activities under conditions or in situations likely to compromise the quality of his services;

(3) taking into account the intervention of a third party that could affect the carrying out of his professional duties to the detriment of his client or the insured;

(4) failing to report on the carrying out of any mandate;

(5) failing to act with integrity towards his clients;

(6) failing to act as a conscientious advisor by not informing his clients of their rights and obligations and not giving them all necessary or useful information;

(7) making a statement which is false, misleading or liable to be misleading;

(8) using or appropriating, for personal purposes, money or securities entrusted to him in the carrying out of any mandate, whether the activities carried on by the representative are in the sector of damage insurance or in another sector contemplated in this Act;

(9) participating in gathering or in conserving evidence or a document that he knows is false;

(10) concealing or knowingly withholding that which a legislative or regulatory provision requires him to disclose;

(11) advising or encouraging a client to do something that the representative knows is illegal or fraudulent;

(12) carrying on activities with persons not authorized to carry on such activities by this Act or the regulations thereunder, or using their services to do so;

(13) charging for professional services not rendered or falsely described;

(14) insistently or repeatedly urging a person to use his professional services.

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

3105

M.O., 1999

Order of the Minister of State for Health and Social Services and Minister of Health and Social Services to designate breast cancer detection centres, dated 27 August 1999

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate breast cancer detection centres under subparagraph b.3 of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c.A-29);

ORDERS:

1. That the following breast cancer detection centres be designated for the Gaspésie-Îles-de-la-Madeleine region:

Centre hospitalier de Gaspé
Pavillon Hôtel-Dieu
215, boulevard York Ouest
Gaspé (Québec)
G4X 2W2

Centre hospitalier de l'Archipel
430, rue Principale, C.P. 730
Cap-aux-Meules (Québec)
G0B 1B0.

2. That the following breast cancer detection centres be designated for the Abitibi-Témiscamingue region:

Centre hospitalier Hôtel-Dieu d'Amos
622, 4^e Rue Ouest
Amos (Québec)
J9T 2S2

Centre de santé Sainte-Famille
22, rue Notre-Dame Nord
Ville-Marie (Québec)
J0Z 3W0.

Québec, 27 août 1999

PAULINE MAROIS,
*Minister of State for Health and Social Services and
Minister of Health and Social Services*

3081

M.O., 1999**Order 1999-009 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 19 August 1999**

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

By-law respecting the election by the population of certain members of the board of directors of a public institution

CONSIDERING the third paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that under resolutions duly adopted, the following regional boards have made the By-law respecting the election by the population of certain members of the board of directors of a public institution and have submitted it to the Minister for approval:

— Régie régionale de la santé et des services sociaux du Bas-Saint-Laurent;

— Régie régionale de la santé et des services sociaux du Saguenay–Lac-Saint-Jean;

— Régie régionale de la santé et des services sociaux de Québec;

— Régie régionale de la santé et des services sociaux de la Mauricie et du Centre-du-Québec;

— Régie régionale de la santé et des services sociaux de l'Estrie;

— Régie régionale de la santé et des services sociaux de l'Outaouais;

— Régie régionale de la santé et des services sociaux de l'Abitibi-Témiscamingue;

— Régie régionale de la santé et des services sociaux de la Côte-Nord;

— Régie régionale de la santé et des services sociaux de la Gaspésie–Îles-de-la-Madeleine;

— Régie régionale de la santé et des services sociaux de Chaudière-Appalaches;

— Régie régionale de la santé et des services sociaux de Laval;

— Régie régionale de la santé et des services sociaux de Lanaudière;

— Régie régionale de la santé et des services sociaux des Laurentides;

— Régie régionale de la santé et des services sociaux de la Montérégie;

CONSIDERING that it is expedient to approve the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto.

THEREFORE, the Minister of State for Health and Social Services and Minister of Health and Social Services

ORDERS,

THAT the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto, be approved.

PAULINE MAROIS,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

By-law respecting the election by the population of certain members of the board of directors of a public institution

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 135; 1998, c. 39, s. 53)

**DIVISION I
GENERAL****§1. Scope**

1. This By-law applies to the election by the citizens of certain members of the board of directors of a public institution held pursuant to section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2).

§2. Place of the poll

2. The institution shall determine no later than 55 days before the date on which the election is to be held the location or locations of the poll and shall inform the regional board thereof.

Notwithstanding the foregoing and if the circumstances warrant it, the institution may, before the beginning of the polling period, determine another location for the

poll. It must then publish, by means of at least one media circulated in the region in which the institution's facilities are located, a notice indicating the new location or post that notice in at least one location accessible to the public within each of the institution's facilities and inform the regional board thereof.

§3. *Returning officer*

3. The regional board shall appoint a returning officer no later than 50 days before the date of the election. Where the returning officer is absent or unable to act, the regional board shall appoint a new officer.

4. Where the election referred to in section 135 of the Act will be held in more than one location for one institution, the regional board shall also appoint a deputy returning officer for each such location. The regional board shall follow the same procedure in the case of the election of a board of directors made up to administer several institutions.

5. The duties of a returning officer are to

- (1) receive nomination papers and accept or refuse them;
- (2) send the list of candidates to the executive director of the institution;
- (3) inform the electors and candidates of the election procedure;
- (4) appoint scrutineers to assist him in the performance of his duties;
- (5) implement the mechanism chosen by the institution whereby candidates may address the population;
- (6) supervise the conduct of the election;
- (7) check the voters' eligibility in particular by means of the declaration in section 25;
- (8) count the votes;
- (9) cancel irregular ballot papers in accordance with section 31 of this By-law;
- (10) fill out the certificates of election and send a copy of the documents referred to in sections 14 and 34 to the regional board; and
- (11) send the originals of the documents referred to in sections 14 and 34 to the executive director of the institution.

6. The duties of a deputy returning officer, performed under the authority of the returning officer, are to

- (1) receive nomination papers and forward them to the returning officer;
- (2) inform the electors and candidates of the election procedure;
- (3) appoint scrutineers to assist him in the performance of his duties;
- (4) supervise the conduct of the election;
- (5) check the voters' eligibility in particular by means of the declaration in section 25;
- (6) count the votes;
- (7) cancel irregular ballot papers in accordance with section 31 of this By-law; and
- (8) send the nomination papers and ballot papers to the returning officer.

7. The returning officer and deputy returning officer are not entitled to vote in the election.

§4. *Executive director*

8. The executive director of the institution shall provide the returning officer and deputy returning officer with the technical and administrative support required for the performance of their duties.

He shall keep in sealed envelopes the originals of Schedules I to VI for a period of not less than 180 days from the date on which the votes are counted or recounted, as the case may be, or, where an election is contested, until such time as the Administrative Tribunal of Québec has rendered its decision.

DIVISION II ELECTION PROCEDURE

§1. *Notice of election*

9. The executive director of the institution shall give notice of the election no later than 50 days before the date of the election. He shall do so by means of at least two media, including a newspaper circulated in the region in which the institution's facilities are located.

The notice of election must also be posted, within the same time, in at least one location accessible to the public within each of the institution's facilities. The

notice must mention the restrictions set out in sections 150 and 151 of the Act and shall describe the nomination procedure provided for in sections 10 and 11.

No later than five days after having given notice of the election, the executive director shall send a copy of the notice to the returning officer and, where applicable, the deputy returning officer.

§2. *Nominations*

10. A nomination is made by means of a nomination paper drawn up in accordance with Schedule I.

A nomination paper shall be signed on the original by the candidate and countersigned by two members of the electoral college of the population. It shall be submitted to the returning officer or the deputy returning officer no later than 30 days before the date of the election, before 5:00 p.m.

11. A candidate who files a nomination paper and the persons who countersign such paper shall at the same time submit to the returning officer or the deputy returning officer the original of the declaration drawn up in accordance with Schedule II.

A candidate who agrees to such nomination may also fill out an information sheet drawn up in accordance with Schedule III and submit it to the returning officer or the deputy returning officer.

12. Where a deputy returning officer receives a nomination paper, he shall promptly forward it to the returning officer, along with any information sheet submitted.

13. The returning officer shall accept or refuse a nomination paper no later than two days after receiving it and shall give written notice of acceptance or refusal to the person who filed the paper.

§3. *Election by acclamation*

14. At the close of nominations, if the number of candidates is less than or equal to the number of seats to be filled, the returning officer shall declare the candidates elected. He shall then fill out the certificate of election by acclamation drawn up in accordance with in Schedule IV and shall send a copy of Schedules I and III to the regional board within ten days. Within the same time, he shall send the originals of Schedules I, II and IV to the executive director of the institution.

No later than 20 days before the date of the election, the executive director shall publish in at least one newspaper circulated in the region in which the institution's

facilities are located a notice indicating the names of the persons elected and stating that no election will be held.

The executive director shall, within the same time, post the same notice in at least one location accessible to the public within each of the institution's facilities.

§4. *Election not held*

15. At the close of nominations, if there is no candidate, the returning officer shall so inform the regional board within three days. Within the same time, he shall send the originals of Schedules I and II to the executive director of the institution.

The provisions of this section shall apply if an election is not held at any other stage during the procedure.

§5. *Polling notice and list of candidates*

16. At the close of nominations, where there are more candidates than seats to be filled, the returning officer shall draw up a list of the candidates and shall send it to the executive director of the institution within three days.

No later than 20 days before the date of the poll, the executive director shall publish, by means of at least two media including at least one newspaper circulated in the region in which the institution's facilities are located, a notice indicating the date, time and location of the poll and a list of the candidates. The polling period indicated in the notice shall last from at least 5:00 p.m. until 9:00 p.m.

The polling notice shall indicate that there will be no advance polling and that proxy voting is prohibited.

Within the same time, the executive director shall post the same notice in at least one location accessible to the public within each of the institution's facilities. A copy of the information sheets filled out by the candidates shall be posted with the notice.

§6. *Mechanisms whereby candidates may address the population*

17. The returning officer must, between the end of the nomination period and the day set for polling, implement at least one of the mechanisms provided for in Schedule V whereby candidates may address the population.

The institution must inform the population of the mechanisms that have been chosen.

18. The institution must, no later than before the end of the nomination period, inform the regional board that

one or several mechanisms provided for in Schedule V have been chosen in accordance with section 17.

19. The returning officer or the deputy returning officer shall post the information sheets filled out by the candidates in each of the installation's facilities as of the close of nominations to the end of the polling period.

§7. Voting procedure

20. On the day set for polling, all publicity relating to candidates is prohibited on the premises where the poll is held, with the exception of the information sheets posted as prescribed in section 19. The building in which the voters are and any neighbouring place where publicity may be seen or heard by the electors are considered to be the premises where the poll is held.

21. A candidate may observe the conduct of the poll or may, in writing, appoint a representative for that purpose. Such appointment shall be sent to the returning officer or the deputy returning officer before the polling period is opened.

22. The returning officer or the deputy returning officer shall open the polling period on the day, at the time and at the location indicated in the notice referred to in the second paragraph of section 16.

23. Proxy voting is prohibited.

24. The returning officer, the deputy returning officer or a scrutineer shall provide assistance to any person requesting it in the exercise of his right to vote.

25. Before voting, each elector shall fill out a declaration drawn up in accordance with Schedule II and shall submit it to the scrutineer.

26. The voting shall be carried out by secret ballot.

27. The scrutineer shall give the elector a ballot paper drawn up in accordance with Schedule VI, after having initialled it in the space reserved for that purpose.

28. The list of candidates drawn up in accordance with Schedule VII shall be posted in each polling booth.

29. The elector shall go to the polling booth and shall mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the elector shall allow the scrutineer and any candidate or candidate's representative who so desires to check the number of the stub and the initials of the scrutineer on the ballot.

Following that verification, the elector shall tear off the stub and shall give it to the scrutineer, who shall destroy it. The elector shall then deposit the ballot paper in the ballot box.

§8. Counting of votes, election proclamation and publication of results

30. The returning officer or the deputy returning officer shall count the votes in the presence of the scrutineers.

The candidates or their representatives may be present for the counting of votes.

31. The returning officer or the deputy returning officer shall cancel every ballot paper which

(1) has not been provided by the scrutineer;

(2) does not bear the initials of the scrutineer;

(3) has not been marked;

(4) has been marked in favour of more candidates than the required number;

(5) has been marked in favour of a person who is not a candidate;

(6) has been marked elsewhere than in the spaces reserved for that purpose;

(7) bears fanciful or injurious inscriptions; or

(8) bears a mark by which the elector can be identified.

Notwithstanding the foregoing, no ballot paper contemplated in subparagraph 2 of the first paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of Schedules II filled out in accordance with section 25, were placed in it.

The scrutineer shall, in full view of the returning officer or the deputy returning officer and the representative of a candidate who so desires, then write his initials on the back side of every ballot paper and a note indicating the correction.

The returning officer or the deputy returning officer shall cancel a ballot paper by writing "Void" on it and initialling it.

32. The deputy returning officer shall promptly send the results of the count to the returning officer.

33. The returning officer shall declare elected the candidates who obtained the greatest number of votes with respect to the number of seats to be filled.

Where there is a tie-vote and more candidates are elected than there are seats to be filled, the returning officer shall draw lots between the candidates who obtained the same number of votes.

34. The returning officer shall fill out a certificate of election drawn up in accordance with Schedule VIII and shall send a copy to the regional board within ten days. Within the same time, he shall also send to the regional board a copy of the nomination paper for each candidate elected. The regional board must, within 30 days, send to the Department the information contained in the nomination papers of the candidates elected.

Within the same time, the returning officer shall also send to the executive director of the institution the originals of the aforementioned documents, of the declarations and of the ballot papers.

The returning officer shall destroy the information sheets filled out by the candidates.

The executive director shall post a copy of the certificate of election in a location accessible to the public within each of the institution's facilities.

§9. Recounting of the votes

35. The returning officer shall recount the votes at the request of a candidate or his representative.

Such request shall be made in writing and must be received by the returning officer no later than five days after the poll is held.

The returning officer shall recount the votes within five days following receipt of such request.

The candidates or their representatives may be present for the recounting.

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



CANDIDATE NOMINATION PAPER
SCHEDULE 1 (S.10)



Please print in block letters using BLACK ink.
Carefully read instructions on back of form.

Name(s) of institution(s)	Identification No.

Section I – Nomination		Section II – Nominator	
Full name of candidate		1- Full name of nominator	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth	Telephone	
Address		Address	
Municipality	Province	Name of electoral college	
Area code	Telephone (home)	Signature of nominator	
Area code	Telephone (work)	2- Full name of nominator	
Occupation	Ext.	Telephone	
Employer	Occupation	Address	
Where the candidate is employed or practises his profession within the institution, indicate his position title or professional corporation.		Name of electoral college	
		Signature of nominator	

Section III – Candidate's consent

I, the undersigned, consent to be a candidate for the position of member of the board of directors of _____

Name of institution _____ Name of electoral college or nomination _____

I also authorize the transmission of the information contained on this paper to the regional health and social services board and to the ministère de la Santé et des Services sociaux, if I am elected or appointed a member of the board of directors. The information transmitted to the regional board and the Department is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information.

In witness whereof, I have signed at _____ Town or City _____ on _____

Signature of candidate _____

Section IV – Resolution of the board of directors

At its sitting of _____, the board of directors of _____ adopted the following resolution: that _____ Full name of candidate _____ be nominated for or _____ designated a candidate for the position of member of the board of directors of _____ Name of institution _____

Signature of authorized person _____

Section V – For institution use only

1- Transaction Registration -1 Derivation -2 Cancellation -3	2- Category H <input type="checkbox"/> CYPC <input type="checkbox"/> LCSC <input type="checkbox"/> RC <input type="checkbox"/> RTCC <input type="checkbox"/>	3- Status of member Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Ex officio <input type="checkbox"/>	4- Terms of office Number _____	5- Start of term of office Y _____ M _____ D _____	6- Year term of office ends Y _____ M _____ D _____
7- Method of election of appointment 1 Acclamation <input type="checkbox"/> 2 Minister <input type="checkbox"/> 3 Board <input type="checkbox"/> 4 Board of directors <input type="checkbox"/> 5 Letters patent <input type="checkbox"/> 6 Nomination <input type="checkbox"/> 7 * (see list below)		8- Electoral college		9- Member's position 1 Vice-president <input type="checkbox"/> 2 Executive director <input type="checkbox"/> 3 Executive director <input type="checkbox"/> 4 Executive director <input type="checkbox"/> 5 Secretary <input type="checkbox"/> 6 Member <input type="checkbox"/>	
10- Full name of member replaced		11- Date of departure Y _____ M _____ D _____		12- Reason for departure 1 Death <input type="checkbox"/> 2 Resignation <input type="checkbox"/> 3 Loss of quality <input type="checkbox"/> 4 End of term of office <input type="checkbox"/> 5 Other <input type="checkbox"/>	
Date Y _____ M _____ D _____	Signature of executive _____				

*** LIST OF CODES**

01- Population	08- Medical resident	13- Appointment after consultation with
02- Employees and professionals	09- Cooperation	bodies representing the judicial sector
03- Users' committee	10- Executive director	
04- Corporation	11- Letter patent	
05- Foundation	12- Appointment after consultation with bodies representing the education sector	
06- University (teaching)		
07- University (research)		

IN ACCORDANCE WITH SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

Please note that:

- The information on this form is gathered for the institution concerned and, in the case of candidates who are elected, for the regional health and social services board and the ministère de la Santé et des Services sociaux.
- The information transmitted to the regional board or the Department is used to make up a file on the members of the boards of directors of the health and social services institutions, used for the purposes of management and control.
- The following have access to the information:
 - the employees of the institution concerned, of the regional board and the Department, within the scope of their office;
 - any other user meeting the requirements of the Act.
- The information on the form is compulsory.



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE II

Name(s) of institution(s)

DECLARATION

I hereby declare that :

- **I am holder than 18 years;**
- **I have my principal home at :**
Adress : _____
- **I am not an employee of the ministère de la Santé et des Services sociaux ;**
- **I am not an employee a regional board ;**
- **I am not an employee a health or social services institution ;**
- **I am not an employee of an organization that delivers services related to the fields of health or social services and receiving subsidier from regional board or the minister ;**
- **I am not an employee of the Régie de l'assurance-maladie du Québec. I further declare that I do not receive any remuneration from the latter.**

Signature of the elector

Date and place

INFORMATION ABOUT THE ELECTOR

Nom : _____



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

PICTURE

SCHEDULE III

**Information
concerning candidate**

Institution : _____

Electoral college : _____

Name of candidate : _____

**Municipality in which candidate
resides :** _____

**Municipality in which candidate
works :** _____

Profile of candidate : (education, occupation, experience) :

Reasons for candidacy :

Involvement in social or community organizations, volunteer work, etc. :

Candidate's consent :

I hereby authorize distribution of the above information for the purposes of the election in respect of which I have filed my candidacy.

Date

Signature of candidate

Date

Signature of Returning Officer



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX

SCHEDULE IV

CERTIFICATE OF ELECTION
BY ACCLAMATION

I, the undersigned, the Returning Officer, hereby declare that I received and accepted the candidacies of the following persons for the positions that must be filled within the board of directors of :

Name(s) of institution(s)

following election by :

Name of electoral college

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The above candidates are declared elected.

In witness where of, I have signed this certificate on _____
Day Month

19 _____ à _____ à _____
Years Time Place

Signature : _____

Address : _____

Telephone : _____

A COPY MUST BE SENT TO THE REGIONAL BOARD



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE V

**MEANS TO ENABLE CANDIDATES TO
ADDRESS THE PUBLIC**

The institution must choose at least one of the following mechanisms to ensure application of articles 17 and 18 of the regulation :

- 1- Hold one or more public meetings enabling candidates to address the public ;
- 2- Publish information candidates wish to communicate to the public, at least once, in a newspaper distributed in the territory where the institution and its installations are located ;
- 3- Use one or more communication techniques, electronic or other, to enable candidates to communicate information to the public (ex. : radio, television, internet).



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VI

MODEL FOR BALLOT PAPER

N°	
N°	
	Initials of scrutineer
Date	

Back

Names of candidates	
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Front

N.B. : Candidates must be listed in alphabetical order



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VII

**Alphabetical list of
candidates
To be posted in polling
booth**

Electoral College : _____

Name :

Date

Signature of Returning Officer



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VIII

CERTIFICATE OF ELECTION

Electoral collage : _____

To the executive director of : _____
Name (s) of institution (s)

I, the undersigned, _____ **acting as**
Returning Officer, hereby declare that :

THE FOLLOWING CANDIDATES HAVE BEEN ELECTED :

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

1. Signature

Returning Officer

Signature _____

Date _____

Address _____

Telephone _____

VERSO ...

Voting period

The voting period lasted _____
Number of hours

Times : Opening _____

Closing _____

Date _____ Place _____

Municipality

3. Counting of votes

	Name of candidates	Number of votes	
1.	_____	_____	
2.	_____	_____	
3.	_____	_____	Valid Ballots -----
4.	_____	_____	
5.	_____	_____	Rejected ballots -----
6.	_____	_____	
7.	_____	_____	
8.	_____	_____	TOTAL : -----
9.	_____	_____	
10.	_____	_____	

Initials of
Returning
Office

A COPY MUST BE SENT TO THE REGIONAL BOARD WITHIN 10 DAYS

M.O., 1999

Order 1999-010 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 19 August 1999

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

By-law respecting the election by the population of certain members of the board of directors of a public institution

CONSIDERING the third paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that under a resolution duly adopted, the Régie régionale de la santé et des services sociaux de Montréal-Centre has made the By-law respecting the election by the population of certain members of the board of directors of a public institution and has submitted it to the Minister for approval;

CONSIDERING that it is expedient to approve the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto.

THEREFORE, the Minister of State for Health and Social Services and Minister of Health and Social Services

ORDERS,

THAT the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto, be approved.

PAULINE MAROIS,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

By-law respecting the election by the population of certain members of the board of directors of a public institution

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 135; 1998, c. 39, s. 53)

**DIVISION I
GENERAL**

§1. Scope

1. This By-law applies to the election by the citizens of certain members of the board of directors of a public

institution held pursuant to section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2).

§2. Place of the poll

2. The institution shall determine no later than 55 days before the date on which the election is to be held the location or locations of the poll and shall inform the regional board thereof.

Notwithstanding the foregoing and if the circumstances warrant it, the institution may, before the beginning of the polling period, determine another location for the poll. It must then publish, by means of at least one media circulated in the region in which the institution's facilities are located, a notice indicating the new location or post that notice in at least one location accessible to the public within each of the institution's facilities and inform the regional board thereof.

§3. Returning officer

3. The regional board shall appoint a returning officer no later than 50 days before the date of the election. Where the returning officer is absent or unable to act, the regional board shall appoint a new officer.

4. Where the election referred to in section 135 of the Act will be held in more than one location for one institution, the regional board shall also appoint a deputy returning officer for each such location. The regional board shall follow the same procedure in the case of the election of a board of directors made up to administer several institutions.

5. The duties of a returning officer are to

(1) receive nomination papers and accept or refuse them;

(2) send the list of candidates to the executive director of the institution;

(3) inform the electors and candidates of the election procedure;

(4) appoint scrutineers to assist him in the performance of his duties;

(5) implement the mechanism chosen by the institution whereby candidates may address the population;

(6) supervise the conduct of the election;

(7) check the voters' eligibility in particular by means of the declaration in section 25;

(8) count the votes;

(9) cancel irregular ballot papers in accordance with section 31 of this By-law;

(10) fill out the certificates of election and send a copy of the documents referred to in sections 14 and 34 to the regional board; and

(11) send the originals of the documents referred to in sections 14 and 34 to the executive director of the institution.

6. The duties of a deputy returning officer, performed under the authority of the returning officer, are to

(1) receive nomination papers and forward them to the returning officer;

(2) inform the electors and candidates of the election procedure;

(3) appoint scrutineers to assist him in the performance of his duties;

(4) supervise the conduct of the election;

(5) check the voters' eligibility in particular by means of the declaration in section 25;

(6) count the votes;

(7) cancel irregular ballot papers in accordance with section 31 of this By-law; and

(8) send the nomination papers and ballot papers to the returning officer.

7. The returning officer and deputy returning officer are not entitled to vote in the election.

§4. Executive director

8. The executive director of the institution shall provide the returning officer and deputy returning officer with the technical and administrative support required for the performance of their duties.

He shall keep in sealed envelopes the originals of Schedules I to VI for a period of not less than 180 days from the date on which the votes are counted or recounted, as the case may be, or, where an election is contested, until such time as the Administrative Tribunal of Québec has rendered its decision.

DIVISION II
ELECTION PROCEDURE

§1. Notice of election

9. The executive director of the institution shall give notice of the election no later than 50 days before the date of the election. He shall do so by means of at least two media, including a newspaper circulated in the region in which the institution's facilities are located.

The notice of election must also be posted, within the same time, in at least one location accessible to the public, including individuals with a physical handicap, within each of the institution's facilities. The notice must mention the restrictions set out in sections 150 and 151 of the Act and shall describe the nomination procedure provided for in sections 10 and 11.

No later than five days after having given notice of the election, the executive director shall send a copy of the notice to the returning officer and, where applicable, the deputy returning officer.

§2. Nominations

10. A nomination is made by means of a nomination paper drawn up in accordance with Schedule I.

A nomination paper shall be signed on the original by the candidate and countersigned by two members of the electoral college of the population. It shall be submitted to the returning officer or the deputy returning officer no later than 30 days before the date of the election, before 5:00 p.m.

11. A candidate who files a nomination paper and the persons who countersign such paper shall at the same time submit to the returning officer or the deputy returning officer the original of the declaration drawn up in accordance with Schedule II.

A candidate who agrees to such nomination may also fill out an information sheet drawn up in accordance with Schedule III and submit it to the returning officer or the deputy returning officer.

12. Where a deputy returning officer receives a nomination paper, he shall promptly forward it to the returning officer, along with any information sheet submitted.

13. The returning officer shall accept or refuse a nomination paper no later than two days after receiving it and shall give written notice of acceptance or refusal to the person who filed the paper.

§3. Election by acclamation

14. At the close of nominations, if the number of candidates is less than or equal to the number of seats to be filled, the returning officer shall declare the candidates elected. He shall then fill out the certificate of election by acclamation drawn up in accordance with in Schedule IV and shall send a copy of Schedules I and III to the regional board within ten days. Within the same time, he shall send the originals of Schedules I, II and IV to the executive director of the institution.

No later than 20 days before the date of the election, the executive director shall publish in at least one newspaper circulated in the region in which the institution's facilities are located a notice indicating the names of the persons elected and stating that no election will be held.

The executive director shall, within the same time, post the same notice in at least one location accessible to the public within each of the institution's facilities.

§4. Election not held

15. At the close of nominations, if there is no candidate, the returning officer shall so inform the regional board within three days. Within the same time, he shall send the originals of Schedules I and II to the executive director of the institution.

The provisions of this section shall apply if an election is not held at any other stage during the procedure.

§5. Polling notice and list of candidates

16. At the close of nominations, where there are more candidates than seats to be filled, the returning officer shall draw up a list of the candidates and shall send it to the executive director of the institution within three days.

No later than 20 days before the date of the poll, the executive director shall publish, by means of at least two media including at least one newspaper circulated in the region in which the institution's facilities are located, a notice indicating the date, time and location of the poll and a list of the candidates. The polling period indicated in the notice shall last from at least 5:00 p.m. until 9:00 p.m.

The polling notice shall indicate that there will be no advance polling and that proxy voting is prohibited.

Within the same time, the executive director shall post the same notice in at least one location accessible to the public within each of the institution's facilities. A copy of the information sheets filled out by the candidates shall be posted with the notice.

§6. Mechanisms whereby candidates may address the population

17. The returning officer must, between the end of the nomination period and the day set for polling, implement at least one of the mechanisms provided for in Schedule V whereby candidates may address the population.

The institution must inform the population of the mechanisms that have been chosen.

18. The institution must, no later than before the end of the nomination period, inform the regional board that one or several mechanisms provided for in Schedule V have been chosen in accordance with section 17.

19. The returning officer or the deputy returning officer shall post the information sheets filled out by the candidates in each of the installation's facilities as of the close of nominations to the end of the polling period.

§7. Voting procedure

20. On the day set for polling, all publicity relating to candidates is prohibited on the premises where the poll is held, with the exception of the information sheets posted as prescribed in section 19. The building in which the voters are and any neighbouring place where publicity may be seen or heard by the electors are considered to be the premises where the poll is held.

21. A candidate may observe the conduct of the poll or may, in writing, appoint a representative for that purpose. Such appointment shall be sent to the returning officer or the deputy returning officer before the polling period is opened.

22. The returning officer or the deputy returning officer shall open the polling period on the day, at the time and at the location indicated in the notice referred to in the second paragraph of section 16.

23. Proxy voting is prohibited.

24. The returning officer, the deputy returning officer or a scrutineer shall provide assistance to any person requesting it in the exercise of his right to vote.

At the request of any visually handicapped person, the deputy returning officer shall provide that person with a template to enable him to vote without assistance. The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot paper.

A deaf or mute elector may be assisted by a person capable of interpreting the sign language of the deaf, for the purposes of communicating with election officers and representatives.

25. Before voting, each elector shall fill out a declaration drawn up in accordance with Schedule II and shall submit it to the scrutineer.

26. The voting shall be carried out by secret ballot.

27. The scrutineer shall give the elector a ballot paper drawn up in accordance with Schedule VI, after having initialled it in the space reserved for that purpose.

28. The list of candidates drawn up in accordance with Schedule VII shall be posted in each polling booth.

29. The elector shall go to the polling booth and shall mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the elector shall allow the scrutineer and any candidate or candidate's representative who so desires to check the number of the stub and the initials of the scrutineer on the ballot.

Following that verification, the elector shall tear off the stub and shall give it to the scrutineer, who shall destroy it. The elector shall then deposit the ballot paper in the ballot box.

§8. Counting of votes, election proclamation and publication of results

30. The returning officer or the deputy returning officer shall count the votes in the presence of the scrutineers.

The candidates or their representatives may be present for the counting of votes.

31. The returning officer or the deputy returning officer shall cancel every ballot paper which

- (1) has not been provided by the scrutineer;
- (2) does not bear the initials of the scrutineer;
- (3) has not been marked;
- (4) has been marked in favour of more candidates than the required number;
- (5) has been marked in favour of a person who is not a candidate;

(6) has been marked elsewhere than in the spaces reserved for that purpose;

(7) bears fanciful or injurious inscriptions; or

(8) bears a mark by which the elector can be identified.

Notwithstanding the foregoing, no ballot paper contemplated in subparagraph 2 of the first paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of Schedules II filled out in accordance with section 25, were placed in it.

The scrutineer shall, in full view of the returning officer or the deputy returning officer and the representative of a candidate who so desires, then write his initials on the back side of every ballot paper and a note indicating the correction.

The returning officer or the deputy returning officer shall cancel a ballot paper by writing "Void" on it and initialling it.

32. The deputy returning officer shall promptly send the results of the count to the returning officer.

33. The returning officer shall declare elected the candidates who obtained the greatest number of votes with respect to the number of seats to be filled.

Where there is a tie-vote and more candidates are elected than there are seats to be filled, the returning officer shall draw lots between the candidates who obtained the same number of votes.

34. The returning officer shall fill out a certificate of election drawn up in accordance with Schedule VIII and shall send a copy to the regional board within ten days. Within the same time, he shall also send to the regional board a copy of the nomination paper for each candidate elected. The regional board must, within 30 days, send to the Department the information contained in the nomination papers of the candidates elected.

Within the same time, the returning officer shall also send to the executive director of the institution the originals of the aforementioned documents, of the declarations and of the ballot papers.

The returning officer shall destroy the information sheets filled out by the candidates.

The executive director shall post a copy of the certificate of election in a location accessible to the public within each of the institution's facilities.

§9. *Recounting of the votes*

35. The returning officer shall recount the votes at the request of a candidate or his representative.

Such request shall be made in writing and must be received by the returning officer no later than five days after the poll is held.

The returning officer shall recount the votes within five days following receipt of such request.

The candidates or their representatives may be present for the recounting.

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



CANDIDATE NOMINATION PAPER SCHEDULE 1 (S.10)



Please print in block letters using BLACK ink. Carefully read instructions on back of form.

Name(s) of institution(s) Identification No.

Section I - Nomination and Section II - Nominator. Includes fields for candidate name, sex, date of birth, address, and nominator details.

Section III - Candidate's consent. Includes a consent statement and a signature line for the candidate.

Section IV - Resolution of the board of directors. Includes a resolution statement and a signature line for the authorized person.

Section V - For institution use only. Includes a table for registration details, appointment method, and reasons for departure.

IN ACCORDANCE WITH SECTIONS 84 AND 85 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

- * LIST OF CODES: 01- Population, 02- Employees and professionals, 03- Users' committee, 04- Corporation, 05- Foundation, 06- University (teaching), 07- University (research), 08- Medical resident, 09- Cooperation, 10- Executive director, 11- Letters patent, 12- Appointment after consultation with bodies representing the education sector, 13- Appointment after consultation with bodies representing the judicial sector, 14- Acting executive director

Please note that:

- 1- The information on this form is gathered for the institution concerned and, in the case of candidates who are elected, for the regional health and social services board and the ministère de la Santé et des Services sociaux.
2- The information transmitted to the regional board or the Department is used to make up a file on the members of the boards of directors of the health and social services institutions, used for the purposes of management and control.
3- The following have access to the information: - the employees of the institution concerned, of the regional board and the Department, within the scope of their office; - any other user meeting the requirements of the Act.
4- The information on the form is compulsory.



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE II

Name(s) of institution(s)

DECLARATION

I hereby declare that :

- **I am holder than 18 years;**
- **I have my principal home at :**
Adress : _____
- **I am not an employee of the ministère de la Santé et des Services sociaux ;**
- **I am not an employee a regional board ;**
- **I am not an employee a health or social services institution ;**
- **I am not an employee of an organization that delivers services related to the fields of health or social services and receiving subsidier from regional board or the minister ;**
- **I am not an employee of the Régie de l'assurance-maladie du Québec. I further declare that I do not receive any remuneration from the latter.**

Signature of the elector

Date and place

INFORMATION ABOUT THE ELECTOR

Nom : _____



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

PICTURE

SCHEDULE III

**Information
concerning candidate**

Institution : _____

Electoral college : _____

Name of candidate : _____

**Municipality in which candidate
resides :** _____

**Municipality in which candidate
works :** _____

Profile of candidate : (education, occupation, experience) :

Reasons for candidacy :

Involvement in social or community organizations, volunteer work, etc. :

Candidate's consent :

I hereby authorize distribution of the above information for the purposes of the election in respect of which I have filed my candidacy.

Date

Signature of candidate

Date

Signature of Returning Officer



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX

SCHEDULE IV

CERTIFICATE OF ELECTION
BY ACCLAMATION

I, the undersigned, the Returning Officer, hereby declare that I received and accepted the candidacies of the following persons for the positions that must be filled within the board of directors of :

Name(s) of institution(s)

following election by :

Name of electoral college

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The above candidates are declared elected.

In witness where of, I have signed this certificate on _____
Day Month

19 _____ à _____ à _____
Years Time Place

Signature : _____

Address : _____

Telephone : _____

A COPY MUST BE SENT TO THE REGIONAL BOARD



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE V

**MEANS TO ENABLE CANDIDATES TO
ADDRESS THE PUBLIC**

The institution must choose at least one of the following mechanisms to ensure application of articles 17 and 18 of the regulation :

- 1- Hold one or more public meetings enabling candidates to address the public ;
- 2- Publish information candidates wish to communicate to the public, at least once, in a newspaper distributed in the territory where the institution and its installations are located ;
- 3- Use one or more communication techniques, electronic or other, to enable candidates to communicate information to the public (ex. : radio, television, internet).



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VI

MODEL FOR BALLOT PAPER

N°	
N°	
	Initials of scrutineer
Date	

Back

Names of candidates	
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Front

N.B. : Candidates must be listed in alphabetical order



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VII

**Alphabetical list of
candidates
To be posted in polling
booth**

Electoral College : _____

Name :

Date

Signature of Returning Officer



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

**SCHEDULE VIII
CERTIFICATE OF ELECTION**

Electoral collage : _____

To the executive director of : _____
Name (s) of institution (s)

**I, the undersigned, _____ acting as
Returning Officer, hereby declare that :**

THE FOLLOWING CANDIDATES HAVE BEEN ELECTED :

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

1. Signature

Returning Officer

Signature _____

Date _____

Address _____

Telephone _____

VERSO ...

Voting period

The voting period lasted _____
Number of hours

Times : Opening _____

Closing _____

Date _____ Place _____

Municipality

3. Counting of votes

	Name of candidates	Number of votes	
1.	_____	_____	
2.	_____	_____	
3.	_____	_____	
4.	_____	_____	Valid Ballots -----
5.	_____	_____	
6.	_____	_____	Rejected ballots -----
7.	_____	_____	
8.	_____	_____	
9.	_____	_____	TOTAL : -----
10.	_____	_____	

Initials of
Returning
Office

A COPY MUST BE SENT TO THE REGIONAL BOARD WITHIN 10 DAYS

M.O., 99025**Order of the Minister responsible for Wildlife and Parks dated 31 August 1999**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING furbearer management units

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

GIVEN that under section 84.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) introduced by section 12 of Chapter 29 of the Acts of 1998, the Minister responsible for Wildlife and Parks may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas;

GIVEN the Fishing, Hunting and Trapping Areas Regulation made by Order in Council 27-90 dated 10 January 1990 under paragraph 15 of section 162 of the Act respecting the conservation and development of wildlife and amended by the Regulations made by Orders in Council 444-92 dated 25 March 1992, 718-93 dated 19 May 1993, 26-96 dated 10 January 1996 and 1435-97 dated 5 November 1997 and by Minister's Order 99002 dated 19 March 1999;

GIVEN that under section 35 of Chapter 29 of the Acts of 1998 the provisions of the regulations made by the Government under paragraphs 14 and 15 of section 162 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister responsible for Wildlife and Parks;

CONSIDERING that it is expedient to establish a distinct zoning with respect to trapping for the management of furbearing animals;

ORDERS that:

The trapping areas of Québec correspond to the furbearer management units according to the plans in Schedules I to XV attached hereto;

The title of the Fishing, Hunting and Trapping Areas Regulation made by Order in Council 27-90 dated 10 January 1990 be replaced by the following:

“Fishing and Hunting Areas Regulation”;

Section 1 of the Fishing, Hunting and Trapping Areas Regulation be replaced by the following:

“1. The territory of Québec is divided into fishing and hunting areas, delimited as described in Schedules I to XXIV.

The territory delimited as described in Schedule XXV constitutes a fishing area.

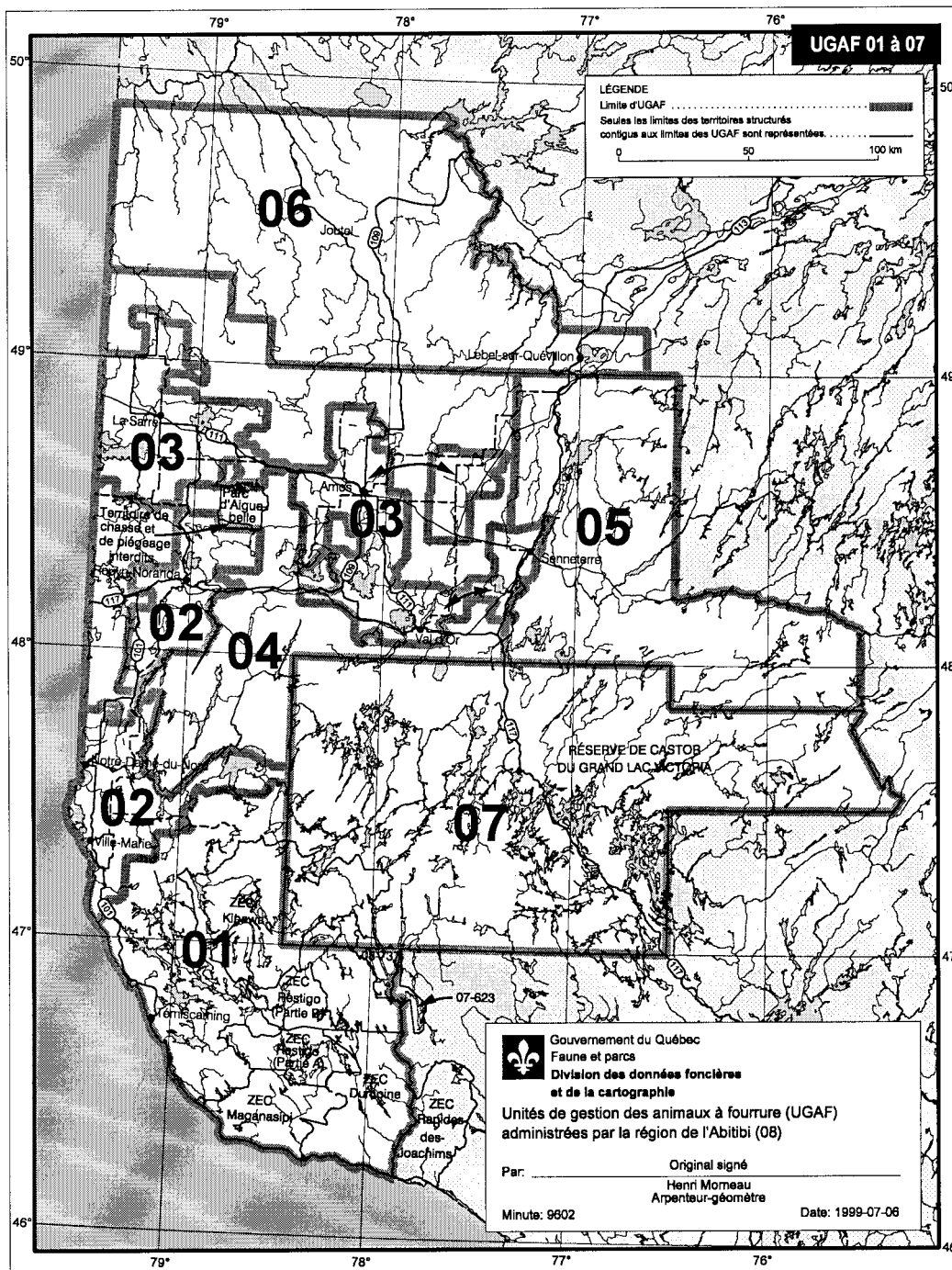
The parts of Areas 8, 10 and 13 that are included in Area 25 are excluded from their respective area in the case of fishing”.

This Order come into force on the day of its publication in the *Gazette officielle du Québec*.

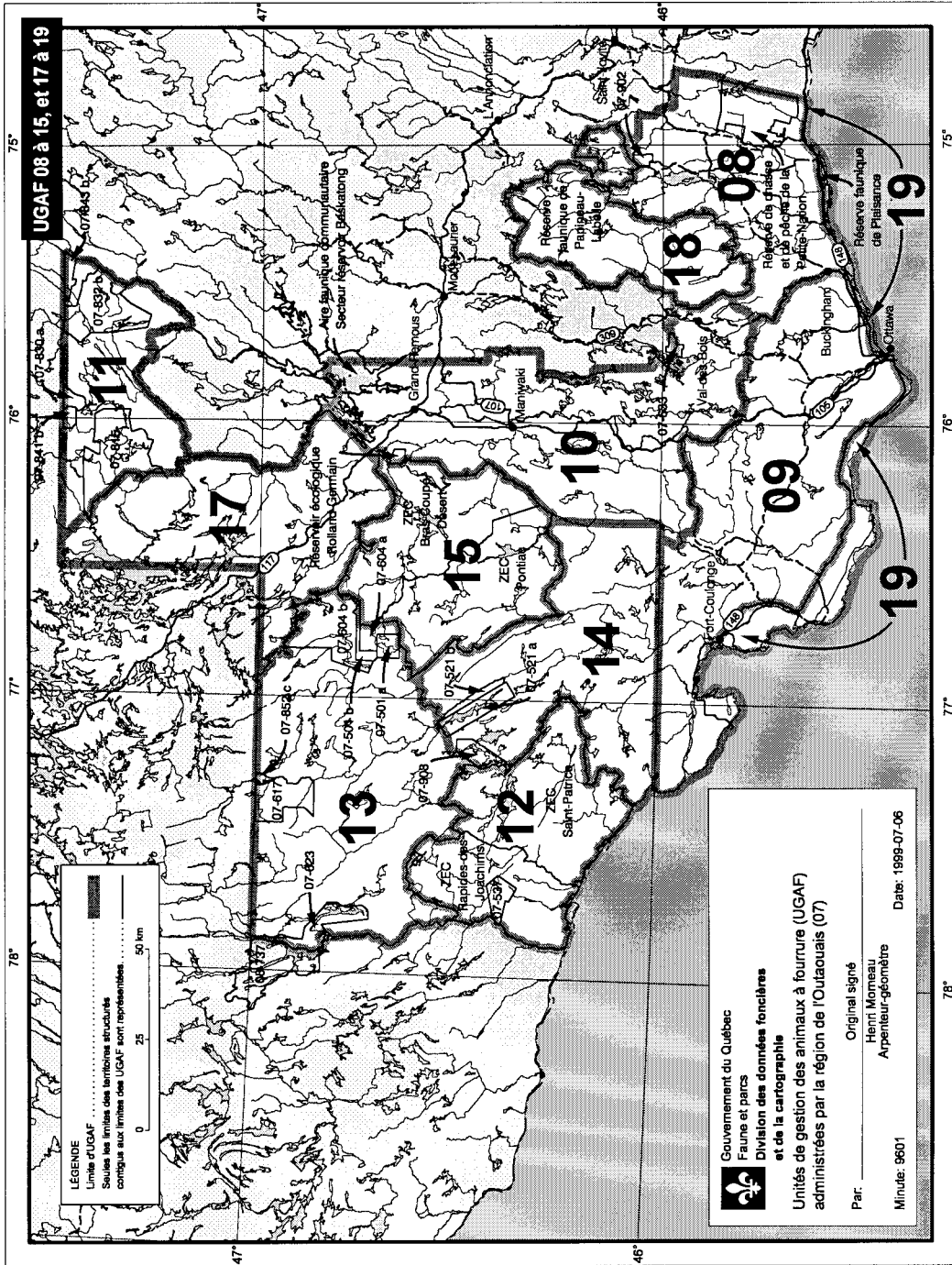
Québec, 31 August 1999

GUY CHEVRETTE,
*Minister responsible
for Wildlife and Parks*

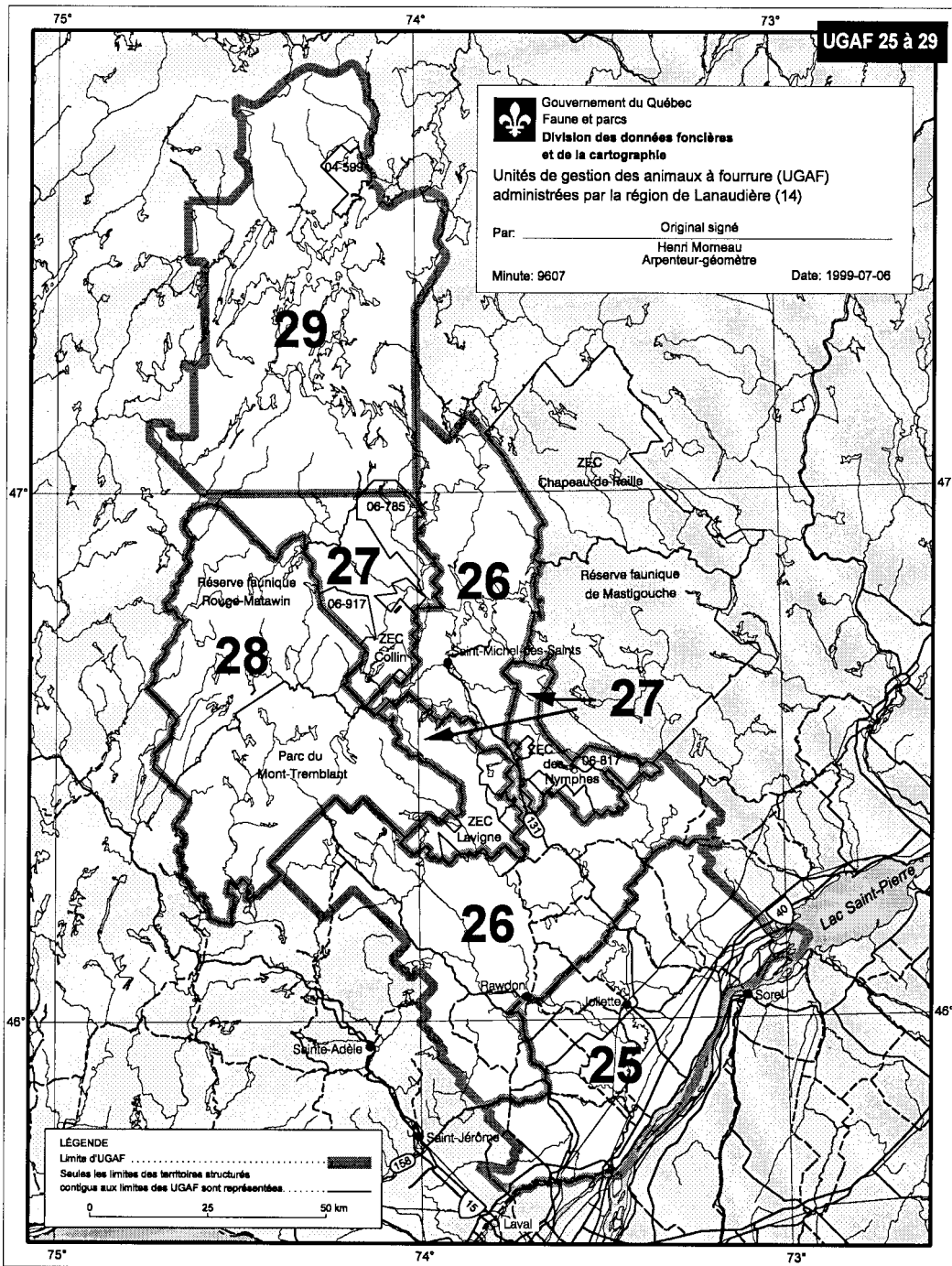
SCHEDULE I



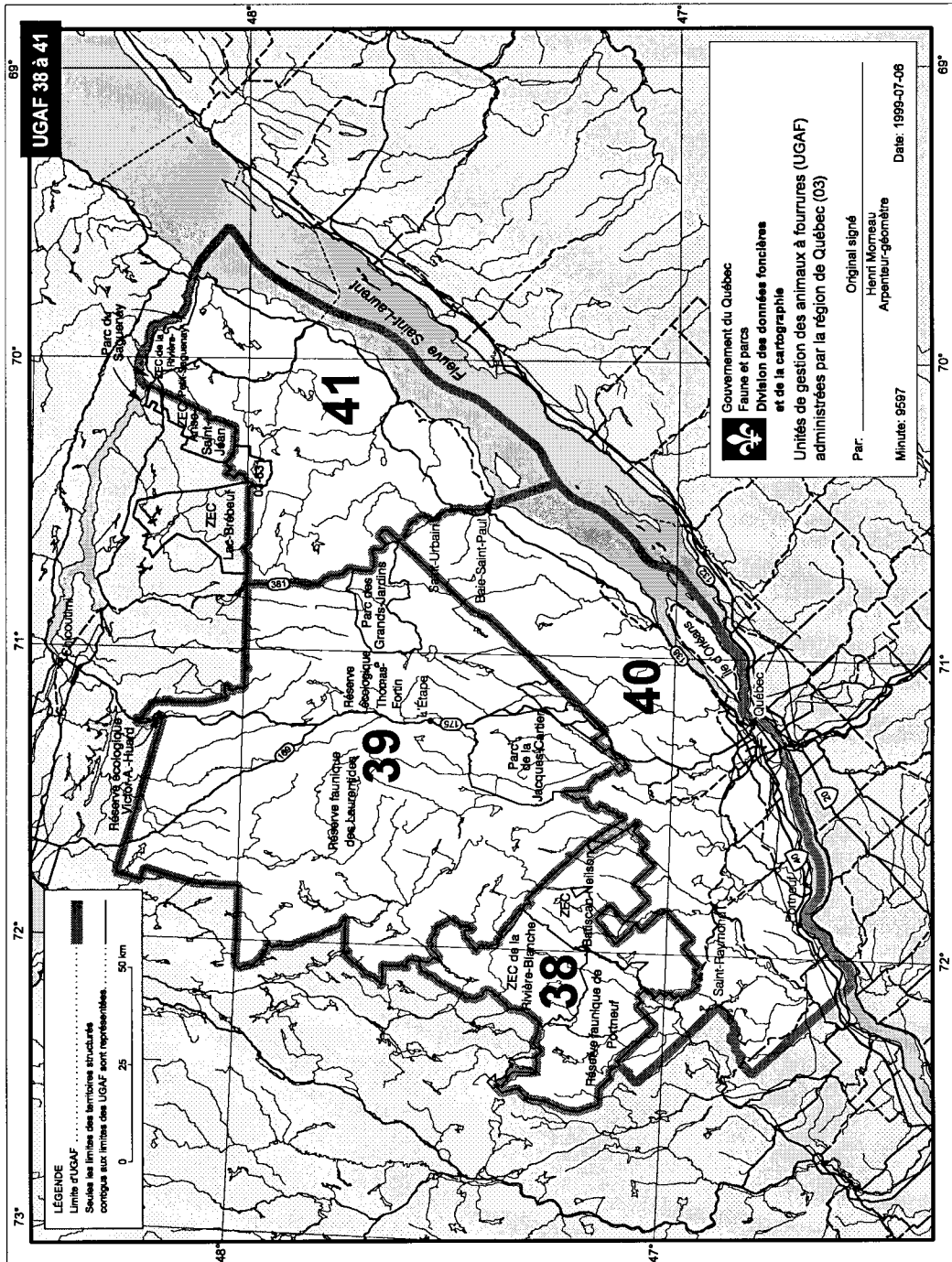
SCHEDULE II



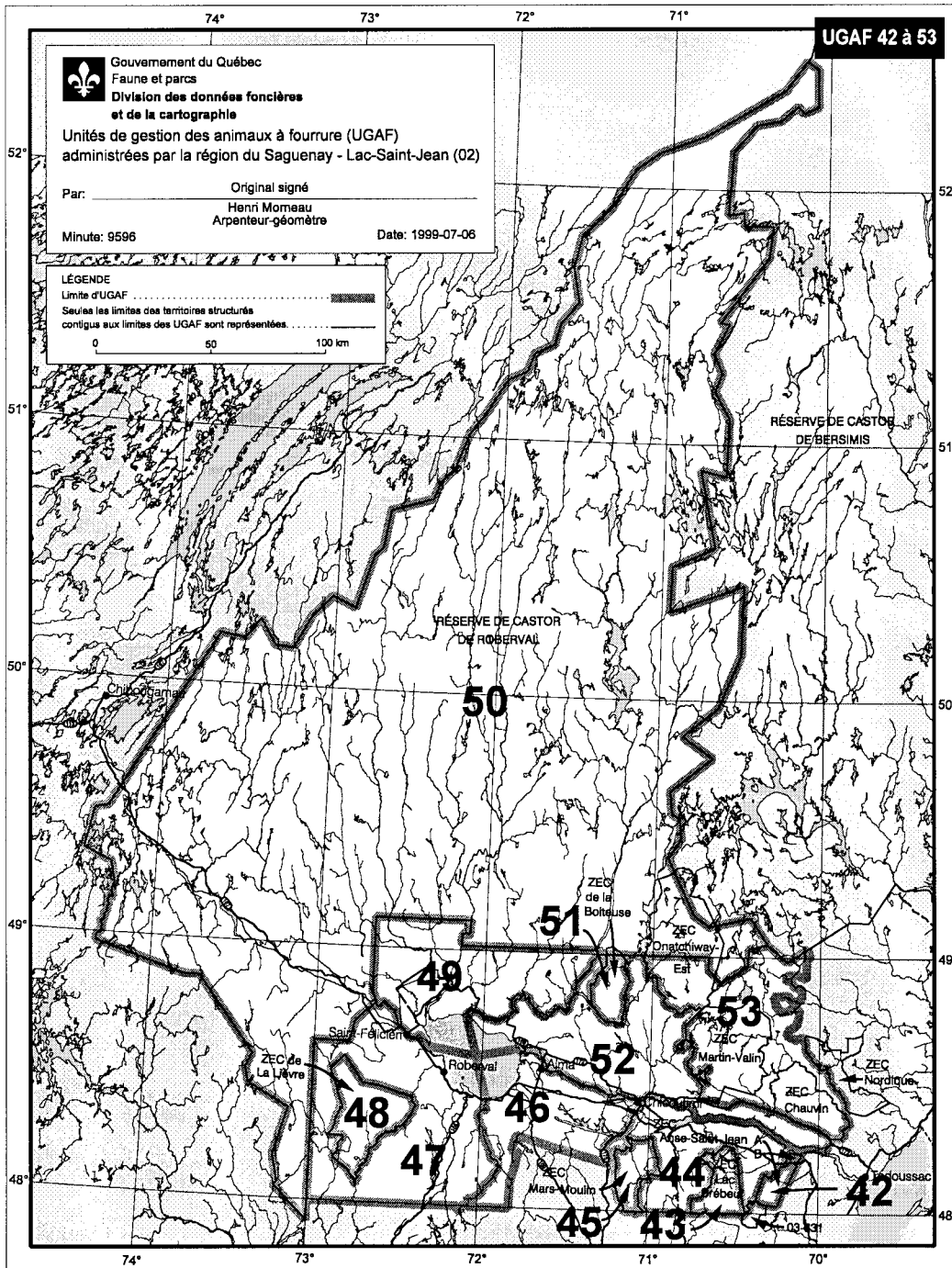
SCHEDULE IV



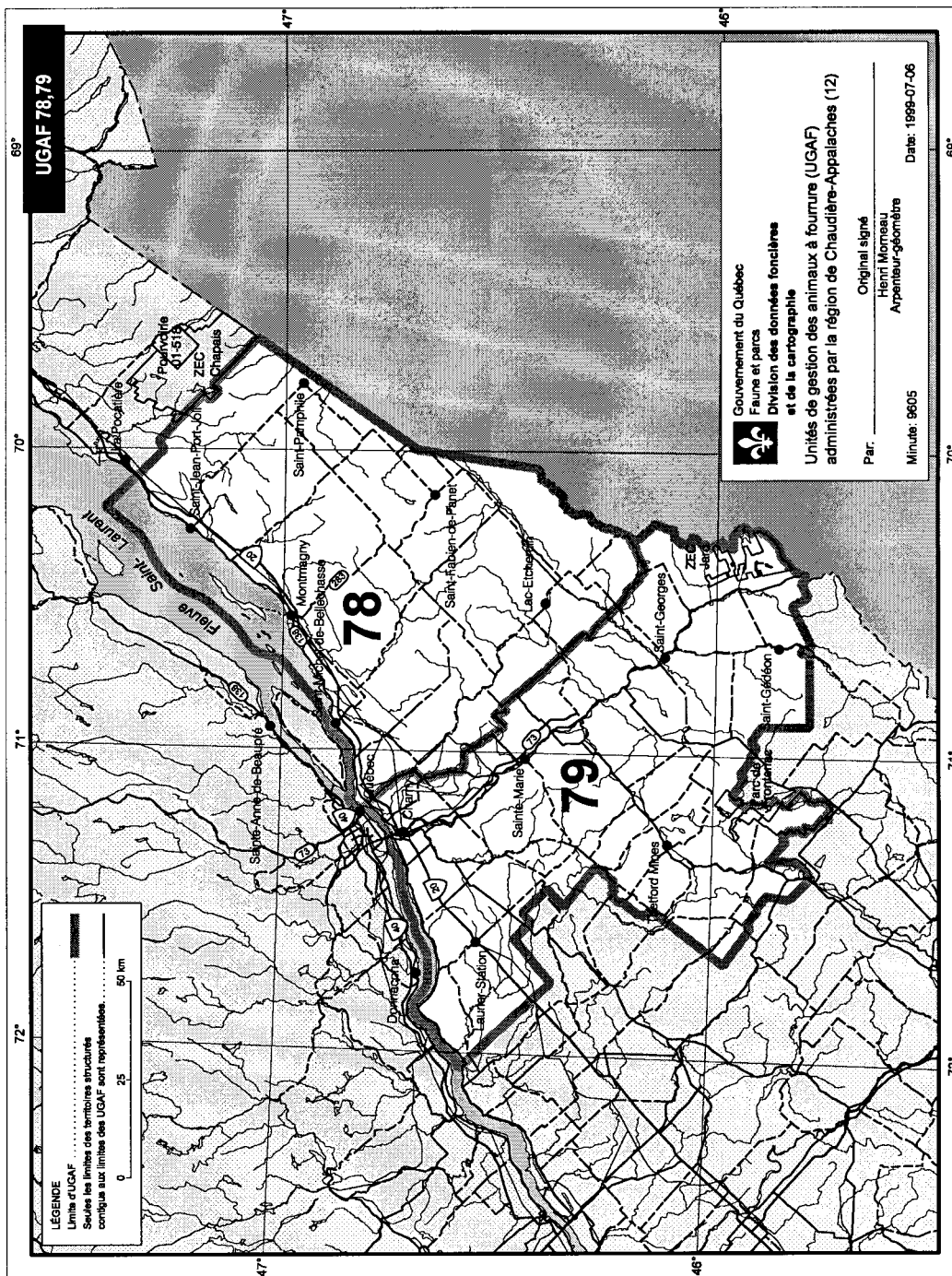
SCHEDULE VI



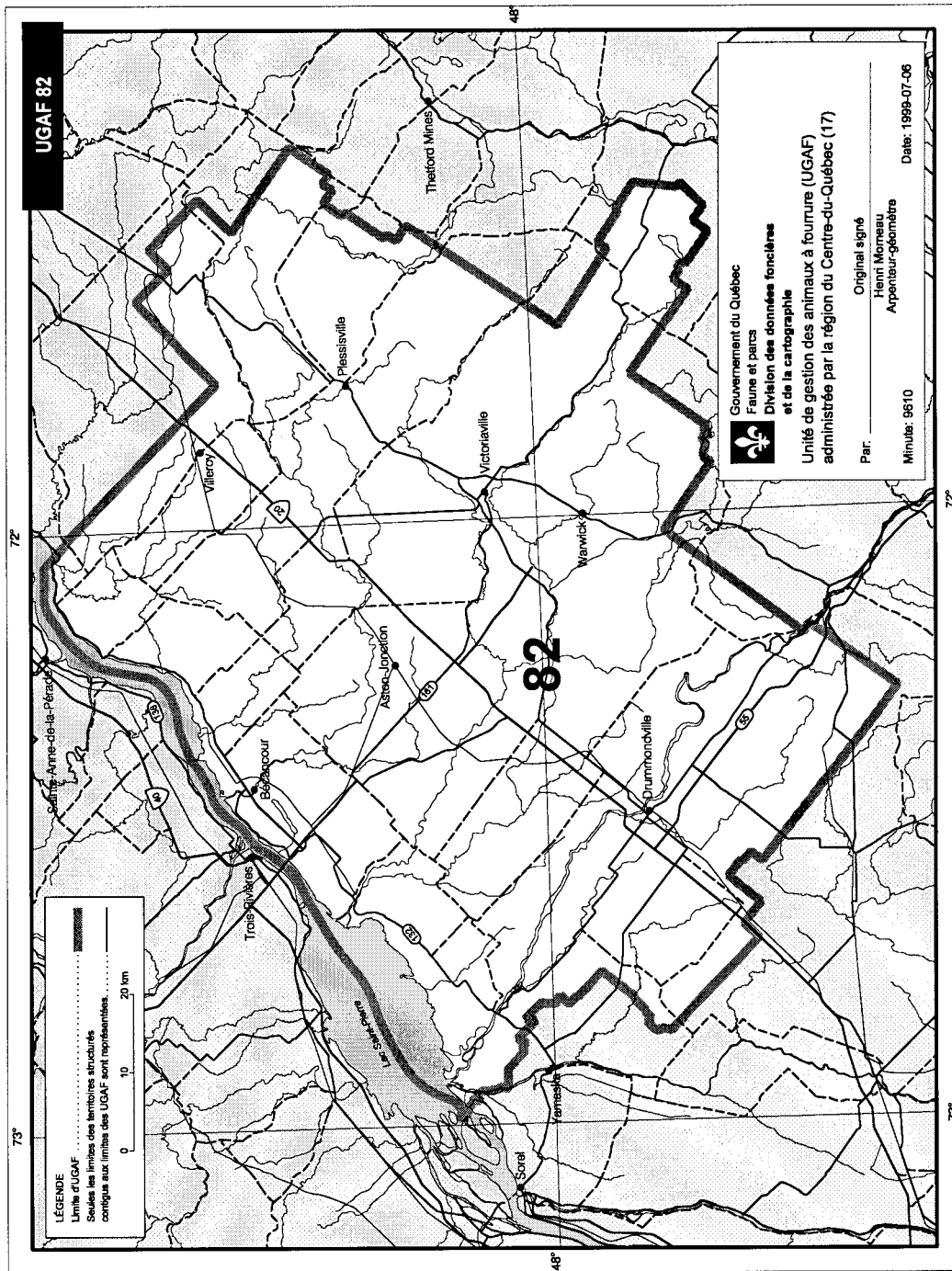
SCHEDULE VII



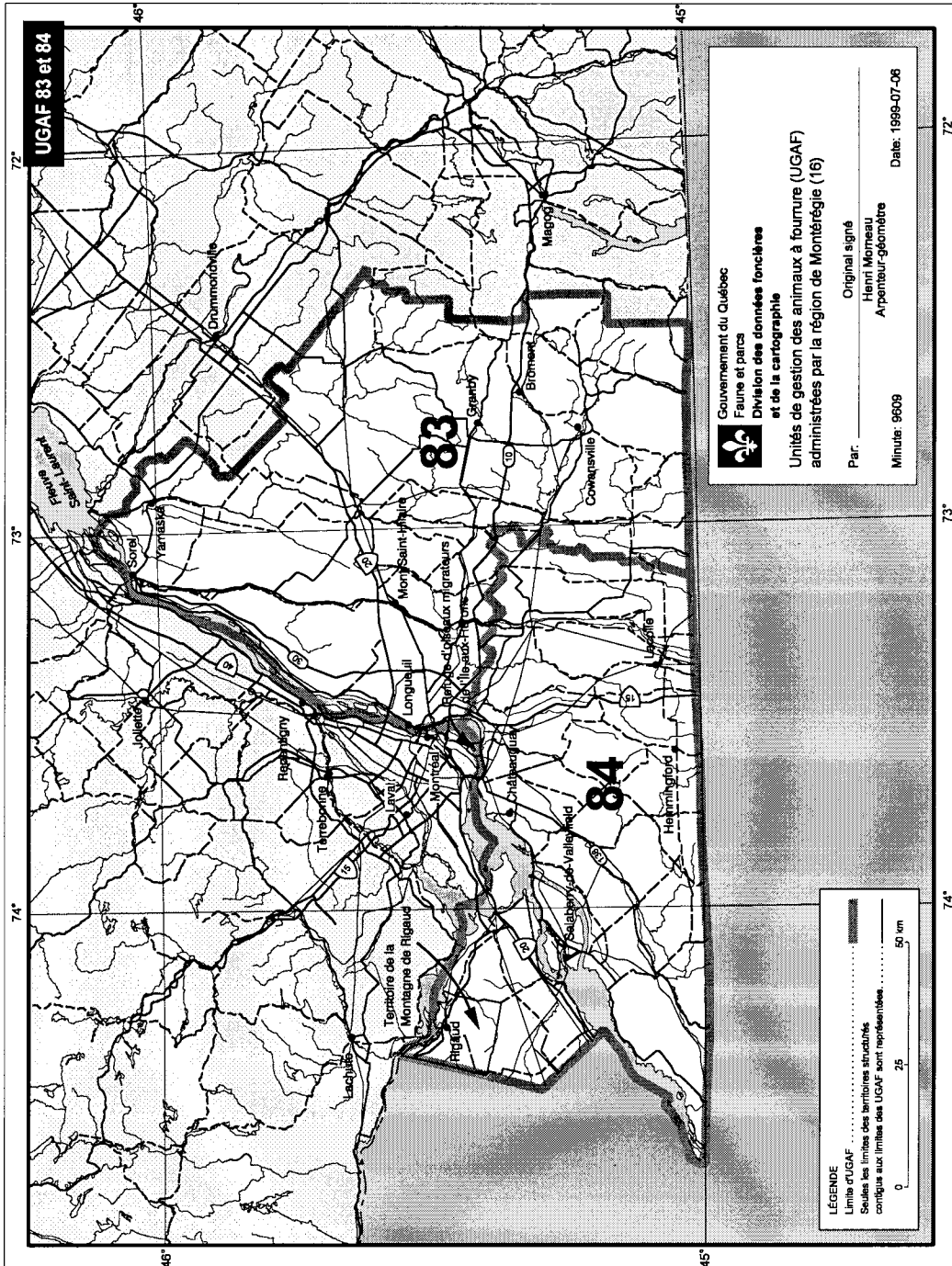
SCHEDULE XI



SCHEDULE XIII



SCHEDULE XIV



UGAF 83 et 84

Gouvernement du Québec
 Faune et parcs
 Division des données foncières
 et de la cartographie
 Unités de gestion des animaux à fourrure (UGAF)
 administrées par la région de Montérégie (16)

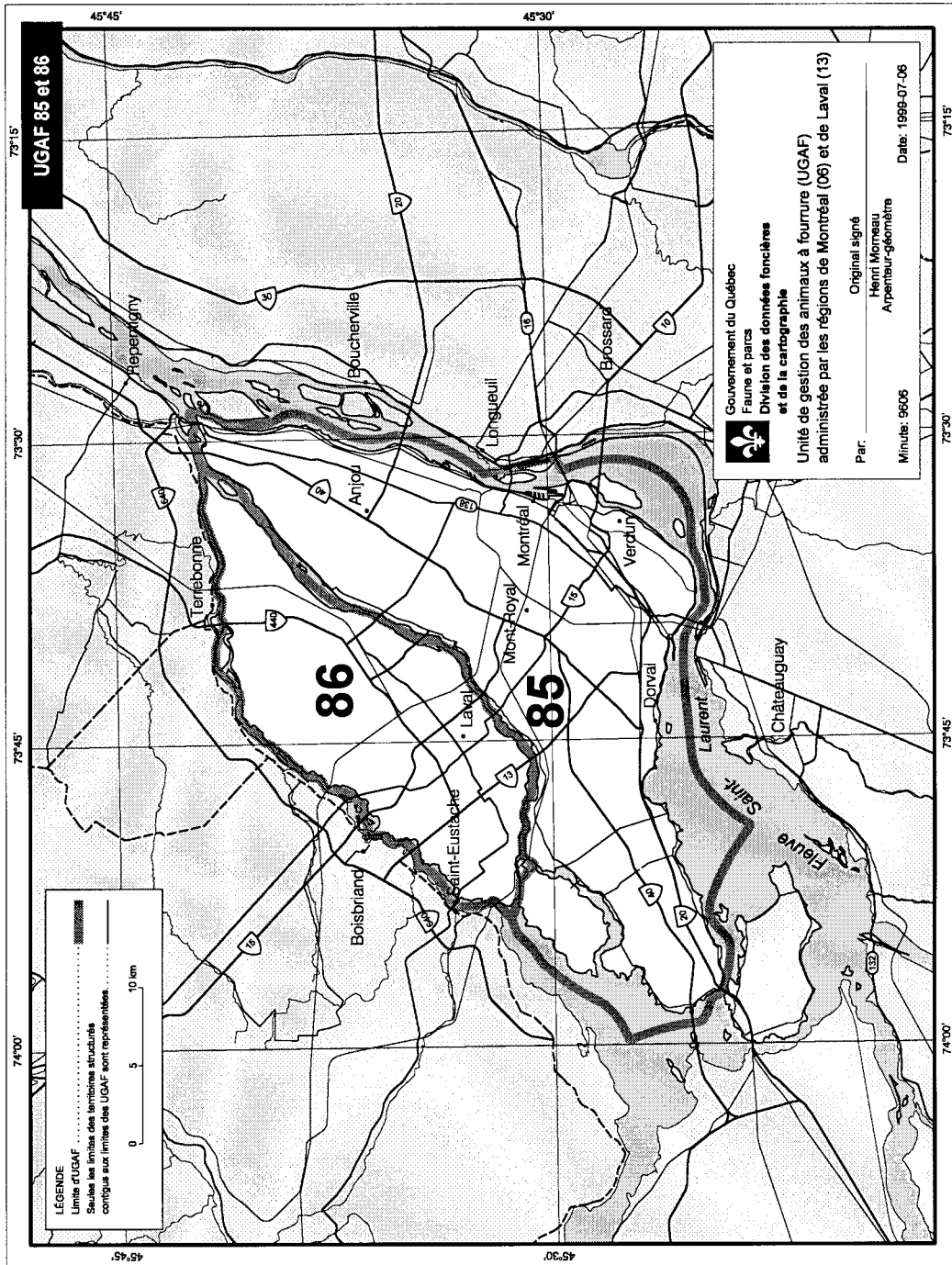
Par: Original signé
 Henri Morneau
 Arpenteur-géomètre

Minuts: 9609 Date: 1999-07-06

LÉGENDE
 Limite d'UGAF
 Seules les limites des territoires structurés
 contigus aux limites des UGAF sont représentées

0 25 50 km

SCHEDULE XV



M.O., 99024**Order of the Minister for Wildlife and Parks dated
2 September 1999**

An Act respecting the conservation and development
of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Maison-de-Pierre Controlled Zone

THE MINISTER FOR WILDLIFE AND PARKS,

GIVEN that the Government adopted Order in Council 568-87 dated April 8, 1987, concerning the replacement of certain regulations establishing controlled zones, the establishment of certain controlled zones and the amendment of the Regulation respecting controlled zones, which established the Maison-de-Pierre Controlled Zone;

GIVEN that under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) amended by section 17 of Chapter 29 of the Acts of 1998, the Minister for Wildlife and Parks may, after consultation with the Minister of Natural Resources, establish controlled zones on lands in the public domain for the development, harvesting and conservation of wildlife or a species of wildlife and, moreover, include any private land subject to an agreement between its owner, including a municipality or urban community, and the Minister;

GIVEN that under section 33 of the Act modifying the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29), every order in council made by the Government under section 104 of the Act respecting the conservation and development of wildlife before June 17, 1998 continues to be in force until it is replaced or repealed by an Order of the Minister;

CONSIDERING that it is expedient to alter the territory of the Maison-de-Pierre Controlled Zone described in Schedule 10 of Order in Council 568-87 dated April 8, 1987;

ORDERS THAT:

The territory, the map of which is attached hereto, be established as a controlled zone for hunting and fishing under the name "Maison-de-Pierre Controlled Zone";

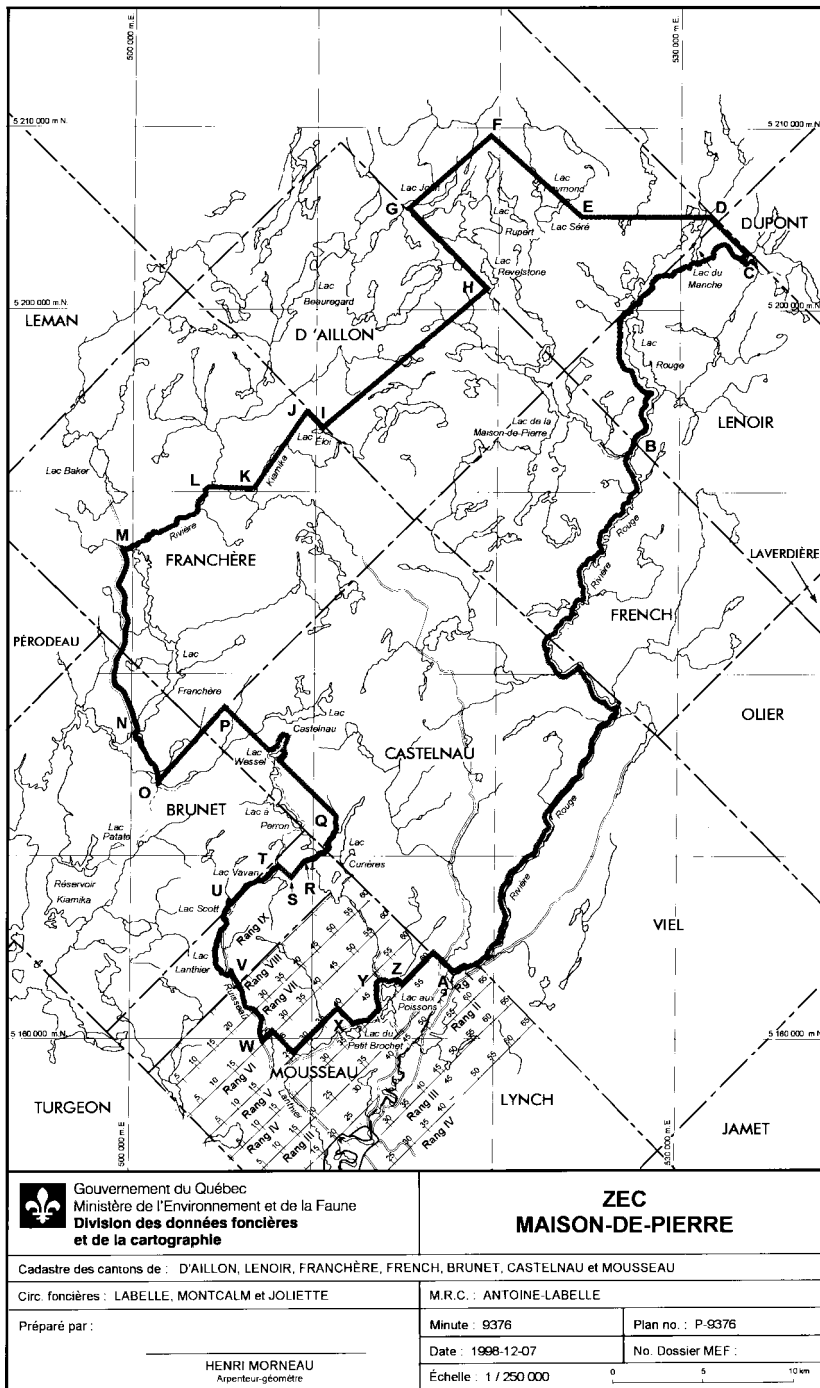
This Order be substituted for Schedule 10 of Order in Council 568-87 dated April 8, 1987;


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

Québec, 2 September 1999

GUY CHEVRETTE,
*Minister for Wildlife
and Parks*

SCHEDULE 1



 Gouvernement du Québec Ministère de l'Environnement et de la Faune Division des données foncières et de la cartographie	ZEC MAISON-DE-PIERRE	
	Cadastre des cantons de : D'AILLON, LENOIR, FRANCHÈRE, FRENCH, BRUNET, CASTELNAU et MOUSSEAU	
Circ. foncières : LABELLE, MONTCALM et JOLIETTE	M.R.C. : ANTOINE-LABELLE	
Préparé par : <p style="text-align: center;">HENRI MORNEAU Arpenteur-géomètre</p>	Minute : 9376	Plan no. : P-9376
	Date : 1998-12-07	
	Échelle : 1 / 250 000	

TECHNICARTE INC

M.O., 99027**Order of the Minister responsible for Wildlife and Parks dated 2 September 1999**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Replacement of Schedule 37 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the public domain

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

GIVEN section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 13 of Chapter 29 of the Statutes of 1998, which provides that the Minister, after consultation with the Minister of Natural Resources, designate and delimit areas on land in the public domain;

GIVEN that the Government, by Order in Council 573-87 dated 8 April 1987, as amended by Orders in Council 497-91 dated 10 April 1991, 534-93 dated 7 April 1993, 904-95 dated 28 June 1995, 25-96 dated 10 January 1996, 952-97 dated 30 July 1997, 1439-97 dated 5 November 1997, 98-98 dated 28 January 1998, 245-98 dated 4 March 1998 and 739-98 dated 3 June 1998, designated and delimited the areas on land in the public domain described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

GIVEN section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

GIVEN the making by the Government of Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the public domain;

CONSIDERING that it is expedient to replace schedule 37 of Order in Council 573-87 dated 8 April 1987;

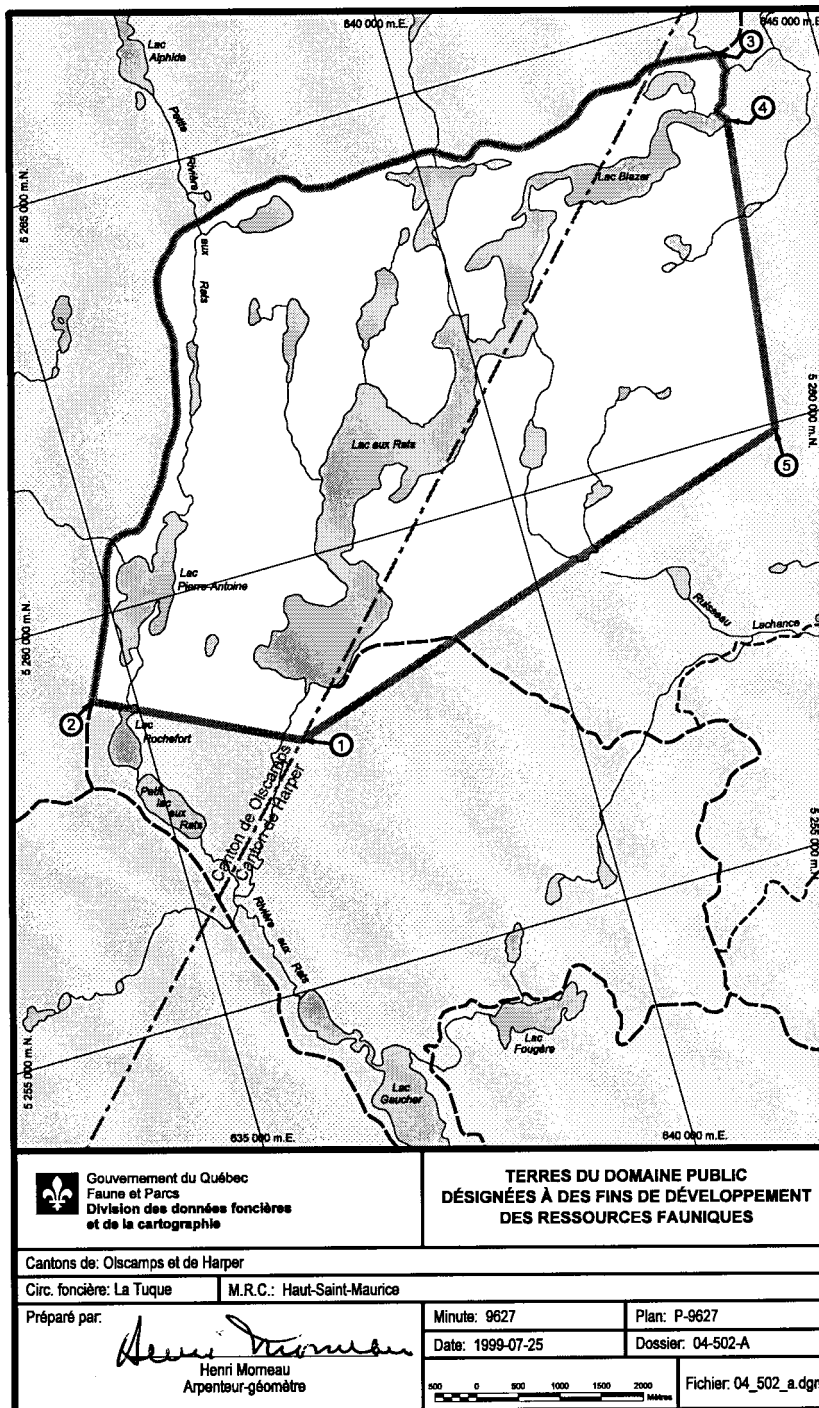
ORDERS that:


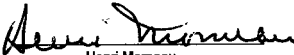
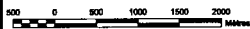
Schedule 37, attached hereto be substituted for Schedule 37 to Order in Council 573-87 dated 8 April 1987.

This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 2 September 1999

GUY CHEVRETTE,
*Minister responsible for
Wildlife and Parks*



 Gouvernement du Québec Faune et Parcs Division des données foncières et de la cartographie		TERRES DU DOMAINE PUBLIC DÉSIGNÉES À DES FINS DE DÉVELOPPEMENT DES RESSOURCES FAUNIQUES	
Cantons de: Orléans et de Harper			
Circ. foncière: La Tuque		M.R.C.: Haut-Saint-Maurice	
Préparé par:  Henri Morneau Arpenteur-géomètre		Minute: 9627	Plan: P-9627
		Date: 1999-07-25	Dossier: 04-502-A
			Fichier: 04_502_a.dgn

M.O., 99028**Order of the Minister responsible for Wildlife and Parks dated 2 September 1999**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Replacement of Schedule 39 to Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the public domain

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

GIVEN section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 13 of Chapter 29 of the Statutes of 1998, which provides that the Minister, after consultation with the Minister of Natural Resources, designate and delimit areas on land in the public domain;

GIVEN that the Government, by Order in Council 573-87 dated 8 April 1987, as amended by Orders in Council 497-91 dated 10 April 1991, 534-93 dated 7 April 1993, 904-95 dated 28 June 1995, 25-96 dated 10 January 1996, 952-97 dated 30 July 1997, 1439-97 dated 5 November 1997, 98-98 dated 28 January 1998, 245-98 dated 4 March 1998 and 739-98 dated 3 June 1998, designated and delimited the areas on land in the public domain described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

GIVEN section 33 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides that orders made by the Government under section 85 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced by an order of the Minister;

GIVEN the making by the Government of Order in Council 573-87 dated 8 April 1987 concerning the designation and delimitation of land in the public domain;

CONSIDERING that it is expedient to replace schedule 39 of Order in Council 573-87 dated 8 April 1987;

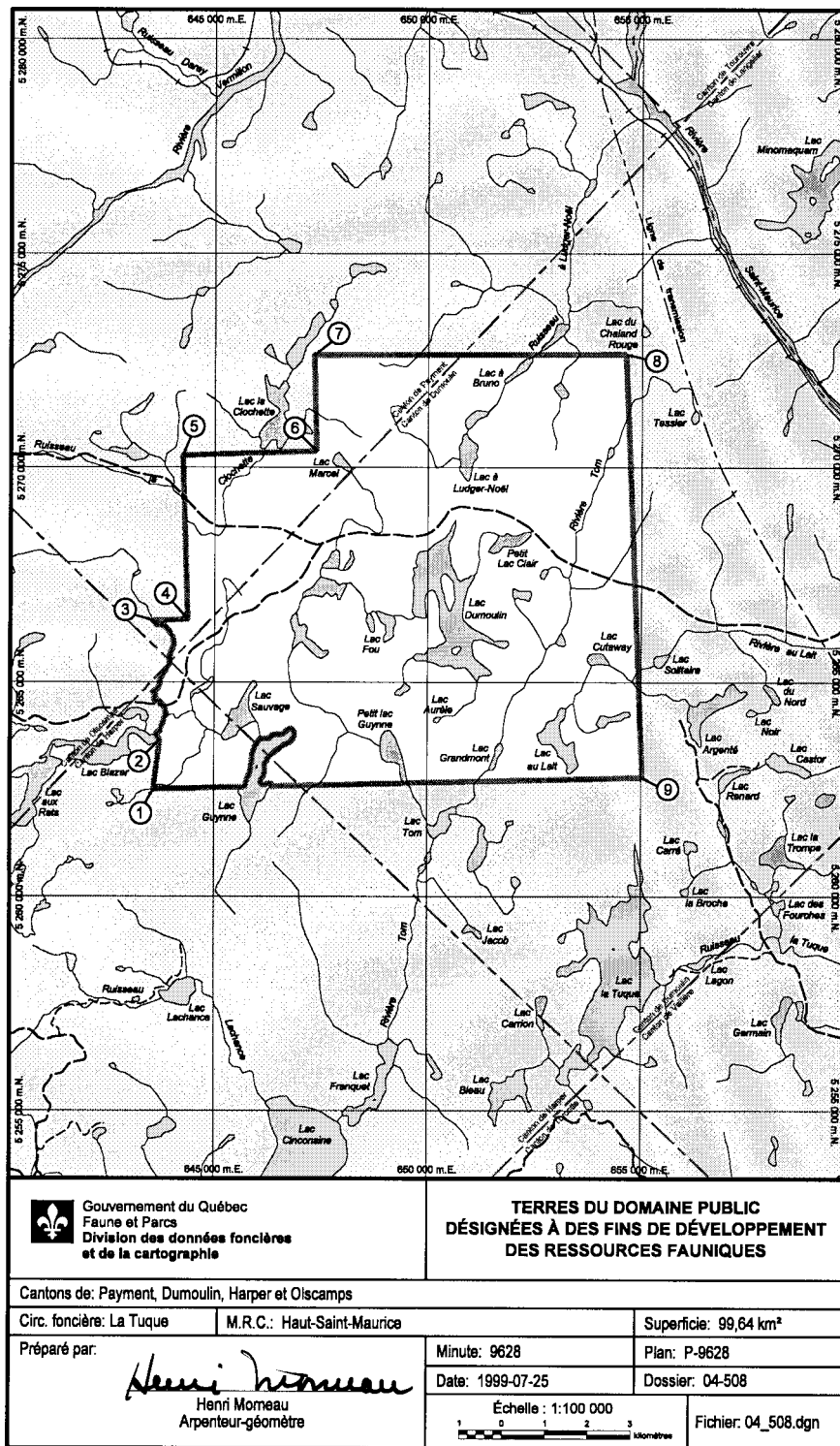
ORDERS that:


Schedule 39, attached hereto be substituted for Schedule 39 to Order in Council 573-87 dated 8 April 1987.

This Minister's Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

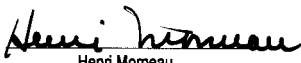

Québec, 2 September 1999

GUY CHEVRETTE,
*Minister responsible for
Wildlife and Parks*



 Gouvernement du Québec
Faune et Parcs
Division des données foncières
et de la cartographie

**TERRES DU DOMAINE PUBLIC
DÉSIGNÉES À DES FINS DE DÉVELOPPEMENT
DES RESSOURCES FAUNIQUES**

Cantons de: Payment, Dumoulin, Harper et Oiscamps		
Circ. foncière: La Tuque	M.R.C.: Haut-Saint-Maurice	Superficie: 99,64 km ²
Préparé par:  Henri Morneau Arpenteur-géomètre	Minute: 9628	Plan: P-9628
	Date: 1999-07-25	Dossier: 04-508
Échelle: 1:100 000 		Fichier: 04_508.dgn

M.O., 99026**Order of the Minister responsible for Wildlife and Parks dated 31 August 1999**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Regulation respecting trapping and the fur trade

CONSIDERING that section 26.1, section 54.1 and the second, third and fourth paragraphs of section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended respectively by sections 1, 7 and 8 of Chapter 29 of the Statutes of 1998, provide that the Minister may make regulations on the matters contained therein;

CONSIDERING that section 18 of the Regulations Act (R.S.Q., c. R-18.1) provides that a regulation may come into force within a shorter time limit than that prescribed in section 17 of the Act, where the authority making it is of the opinion that the urgency of the situation requires it;

CONSIDERING that section 18 of the Act provides that the reasons justifying such coming into force must be published with the Regulation;

CONSIDERING that the Minister responsible for Wildlife and Parks is of the opinion that the urgency due to the following circumstances justifies such coming into force:

— it is expedient to create as soon as possible the trapping licences for the new fur-bearing animal management units, since the licences must be available before the fall trapping season;

CONSIDERING that it is expedient to make the Regulation respecting trapping and the fur trade, attached to this Order;

ORDERS:

THAT the Regulation respecting trapping and the fur trade, attached hereto, be made.

Québec, 31 August 1999

GUY CHEVRETTE,
*Minister responsible for Wildlife
and Parks*

Regulation respecting trapping and the fur trade

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 26.1, 54.1 and 56, 2nd to 4th pars.; 1998, c. 29, ss. 1, 7 and 8)

**CHAPTER I
SCOPE AND DEFINITIONS**

1. This Regulation governs trapping in Québec, subject to any special provisions of other regulations made under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) that apply to specific territories, and the fur trade.

2. In this Regulation,

“fur-bearing animal” means a species listed in Schedule I to the Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999;

“trapping implement, implement or type of implement” means one of the trapping implements described in Schedule I;

“fur-bearing animal management unit” or “FAMU” means any fur-bearing animal management unit established by Minister’s Order 99025 dated 31 August 1999.

**CHAPTER II
TRAPPING****DIVISION I
TRAPPING LICENCES**

3. The types and classes of trapping licence are the following:

- (1) resident’s general trapping licence;
- (2) non-resident’s general trapping licence;
- (3) resident’s trapping licence for a new FAMU;
- (4) non-resident’s trapping licence for a new FAMU;
- (5) professional trapping licence;
- (6) assistant trapper’s licence.

4. The general trapping licence and the trapping licence for a new FAMU are valid from 1 April to 15 May of the following year. The professional trapping licence and the assistant trapper’s licence are valid from 1 August to 31 July of the following year.

5. The trapping licence shows the holder's name and date of birth and, in the case of a resident, the hunter's or trapper's certificate number which attests that the holder has the required skills to trap, and the code "P".

It is also numbered.

6. The general trapping licence and the trapping licence for a new FAMU also show the date, time and minute of issue and the FAMU number given upon application for the licence.

The general trapping licence includes two detachable transportation coupons that bear the licence number.

7. The professional trapping licence for a lessee of exclusive trapping rights also shows the territories referred to in paragraphs 1 and 4 of section 16 of the Regulation respecting trapping activities and the fur trade and the number of the FAMU in which is located the territory covered by the lease of exclusive rights of that lessee.

The professional trapping licence issued for the Plaisance Wildlife Sanctuary also shows the part of the territory referred to in paragraph 2 of section 17 of the Regulation respecting trapping activities and the fur trade.

Two transportation coupons bearing the licence number are also attached to the professional trapping licence.

8. The assistant trapper's licence shows, in addition, the territory and the number of the FAMU which is the same as that specified on the professional trapping licence with which it is associated.

9. Any trapping licence bears the signature of the holder and of the issuer, except for the professional trapping licence and the assistant trapper's licence.

Any assistant trapper's licence bears the signature of the holder of a professional trapping licence with which it is associated.

10. A lost, stolen or unusable trapping licence may be replaced upon the holder's request and on payment of the fees prescribed for that licence in the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991.

DIVISION II

TRAPPING CONDITIONS

11. The trapping of fur-bearing animals is permitted for the animals and under the conditions prescribed in Schedule III, except in the Île d'Anticosti Wildlife Sanctuary and the territories shown on the plans in Schedules IV to XII where trapping remains prohibited.

12. Trapping is permitted using the following instruments:

(1) bait, either food or odorous substances to attract an animal for the purpose of trapping it;

(2) decoys, that is, inanimate objects or artificial reproductions of the shape of an animal or stuffed animals used to attract an animal or to gain its confidence for the purpose of trapping it;

(3) a trapping implement shown in Column II of Schedule II for each of the species provided for in Column I of the Schedule.

However, the trapping of black bears is permitted with a Type 2 trapping implement except from 15 May to 30 June.

The holder of a trapping licence who uses a Type 2, 3 or 5 trapping implement must install it so that the trapped animal is never in an entirely suspended position.

13. The holder of a trapping licence may, 30 days before the beaver trapping period starts and during that period, damage a beaver dam to locate a beaver; the licence holder may also, during the beaver trapping period, damage the dam to install a trap.

Furthermore, the holder of a trapping licence may, during the muskrat trapping period, open a muskrat's den to install a trap, except from 25 October to 1 March in the FAMUs number 16, 24, 25, 37 and 79 to 86; however, the licence holder must close up the den immediately after setting the trap.

14. Notwithstanding section 11 and subparagraph 3 of the first paragraph of section 12, muskrat and American mink trapping is permitted with a Type 7 trapping implement in the FAMUs specified in Schedule III, from the starting dates of the trapping periods for these species, determined for each FAMU up to 31 December or an earlier date, where the end date of the trapping period for a species is prior to 31 December.

However, the trapping of the species referred to in the first paragraph with a Type 7 trapping implement is not permitted from 1 January to 15 May.

15. For trapping purposes, a dog may be used to locate a muskrat.

16. The holder of a trapping licence may use a fire-arm to kill a black bear, lynx, wolf, fox, raccoon, coyote or a striped skunk that is caught in a trap.

17. The holder of a general trapping licence or the holder of a professional trapping licence may, in one year, capture two black bears. The bears captured by the holder of a trapping licence for a new FAMU are counted as bears captured by a holder of a general trapping licence.

In each of the FAMUs number 8 to 15, 17 to 22, 26 to 66 and 70 to 78, the holder of a general trapping licence or the holder of a professional trapping licence may, in one year, capture two Canadian lynx. The Canadian lynx captured by the holder of a trapping licence for a new FAMU are counted as lynx captured by a holder of a general trapping licence.

However, a professional trapping licence holder who traps on a territory referred to in paragraph 4 of section 16 of the Regulation respecting trapping activities and the fur trade may use the bag limit of another holder of a professional trapping licence who has given such authorization and has also not reached the bag limit specified in the first and second paragraphs.

For the purposes of this section, the bears and lynx captured by assistant trappers of a professional trapping licence holder are counted as bears and lynx captured by the professional trapping licence holder.

CHAPTER III FUR TRADE

18. The types and classes of licences for the activities referred to in section 53 of the Act are the following:

- (1) a trader's or intermediary's licence to sell or trade undressed pelts for residents or non-residents;
- (2) a licence to dress raw pelts for taxidermy purposes;
- (3) a licence to dress raw pelts;
- (4) a public auction licence to sell raw pelts.

19. The licences provided for in section 18 are valid from 1 October to 30 September of the following year.

CHAPTER IV FINAL

20. This Regulation replaces the Regulation respecting trapping and the fur trade made by Order in Council 1289-91 dated 18 September 1991.

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

SCHEDULE I

(s. 2)

TRAPPING IMPLEMENTS

(1) "Type 1": spring traps designed to kill the animal quickly, and whose jaws do not have teeth, hooks, claws, barbs or other projections;

(2) "Type 2": neck snares equipped with a locking device;

(3) "Type 3": spring leg-hold traps whose jaws do not have teeth, hooks, claws, barbs or other projections;

(4) "Type 4": spring leg-hold traps equipped with a device that drowns the animal, and whose jaws do not have teeth, hooks, claws, barbs or other protections, or snares equipped with a device that drowns the animal;

(5) "Type 5": foot snare equipped with a locking device;

(6) "Type 6": spring leg-hold traps equipped with a device to prevent self-mutilation and a second device that drowns the trapped animal, and whose jaws do not have teeth, hooks, claws, barbs or other projections;

(7) "Type 7": a cage equipped with a valve at each opening and that may be equipped with wings or a lead, intended to be submerged by a minimum of 2.5 cm of water; the length of the cage shall be not more than 80 cm. Where the cage is round, the diameter shall be not more than 35 cm; where it is of another shape, the sides shall be not more than 20 cm. The wire netting of the cage may not have a diameter less than 2.5 cm where the meshes are round and it may not have an inside diagonal less than 3.6 cm where the meshes are of another shape.

SCHEDULE II

(s. 12)

TYPE OF TRAPPING IMPLEMENT ACCORDING TO SPECIES OF FUR-BEARING ANIMAL

Column I Species		Column II Implement type
Common name	Scientific name	
1. Long-tailed weasel	<i>Mustela frenata</i>	1, 2
2. Least weasel	<i>Mustela nivalis</i>	1, 2
3. Wolverine	<i>Gulo gulo</i>	None permitted
4. Beaver	<i>Castor canadensis</i>	1, 4
5. Coyote	<i>Canis latrans</i>	1, 2, 3, 5
6. Red squirrel	<i>Tamiasciurus hudsonicus</i>	1, 2
7. Grey squirrel	<i>Sciurus carolinensis</i>	1, 2
8. Ermine	<i>Mustela erminea</i>	1, 2
9. Wolf	<i>Canis lupus</i>	1, 2, 3, 5
10. River otter	<i>Lutra canadensis</i>	1, 4
11. Canadian lynx	<i>Lynx canadensis</i>	1, 2, 3, 5
12. Bobcat	<i>Lynx rufus</i>	None permitted
13. American marten	<i>Martes americana</i>	1, 2
14. Striped skunk	<i>Mephitis mephitis</i>	1, 2
15. Polar bear	<i>Ursus maritimus</i>	None permitted
16. Black bear	<i>Ursus americanus</i>	5
17. Fisher	<i>Martes pennanti</i>	1, 2
18. Muskrat (Note 1)	<i>Ondatra zibethicus</i>	1, 4, 6
19. Raccoon	<i>Procyon lotor</i>	1, 2
20. Red fox (silver, crossbred or red)	<i>Vulpes vulpes</i>	1, 2, 3, 5
21. Arctic fox (white or blue)	<i>Alopex lagopus</i>	1, 2, 3, 5
22. Grey fox	<i>Urocyon cinereoargenteus</i>	None permitted
23. American mink	<i>Mustela vison</i>	1, 4, 6

Note 1: Only implement types 1 and 6 may be set in the muskrat's den.

SCHEDULE III

(s. 11)

TRAPPING PERIODS IN THE FAMUs

FAMU	Black bear	Muskrat	Long-tailed weasel, least weasel, coyote, grey squirrel (grey or black), red squirrel, ermine, wolf, striped skunk, raccoon, arctic fox (white or blue), red fox (silver, crossbred or red)	Beaver, river otter, American mink	American martens, Fisher	Canadian lynx
1, 2, 3, 4, 5, 6, 7 (Note 1), 11, 13, 30, 31, 41	15 05/30 06 18 10/15 12	18 10/30 04	18 10/01 03	18 10/15 03	18 10/01 03	15 11/15 12
8, 9, 10, 12, 14, 15	15 05/05 06 25 10/15 12	25 10/30 04	25 10/01 03	25 10/01 03	25 10/01 03	15 11/15 12
16, 79, 80, 81, 82	15 05/30 06 25 10/15 12	25 10/15 04	25 10/01 03	15 11/01 03	25 10/31 01	
17	18 10/15 12	18 10/30 04	18 10/01 03	18 10/15 03	18 10/01 03	15 11/15 12
18	15 05/05 06 25 10/15 12	25 10/30 04	25 10/01 03	25 10/01 03	15 11/01 12	15 11/15 12
19 (Note 2)	15 05/05 06 25 10/15 12	25 10/25 11 01 03/15 04	25 10/01 03	25 10/01 03	25 10/01 03	15 11/15 12
20, 21, 22, 26, 27, 28, 29, 33, 34, 35	15 05/30 06 25 10/15-12	25 10/30 04	25 10/01 03	25 10/01 03	25 10/01 03	01 12/31 12
23	15 05/30 06 25 10/15 12	25 10/30 04	25 10/01 03	25 10/01 03	25 10/01 03	
24, 85, 86	15 05/30 06 25 10/15 12	25 10/15 04	25 10/01 03	08 11/01 03	08 11/31 01	
25, 83, 84	15 05/30 06 25 10/15 12	25 10/15 04	25 10/01 03	08 11/01 03	25 10/31 01	
32, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56	15 05/30 06 18 10/15 12	18 10/30 04	18 10/01 03	18 10/15 03	18 10/01 03	01 12/31 12
36	25 10/15 12	25 10/30 04	25 10/01 03	25 10/01 03	25 10/01 03	01 12/31 12
37	15 05/30 06 25 10/15 12	25 10/15 04	25 10/01 03	25 10/01 03	25 10/01 03	01 12/31 12
38 (Note 1), 40	15 05/30 06 25 10/15 12	25 10/30 04	25 10/01 03	25 10/01 03	25 10/01 03	15 11/15 12
39	18 10/15 12	18 10/30 04	18 10/01 03	18 10/15 03	18 10/15 12	15 11/15 12
57, 58, 59 (Note 3), 60 (Note 3), 61, 62, 63, 64, 65, 66	15 05/30 06 15 09/15 12	11 10/15 05	11 10/01 03	11 10/15 03	11 10/01 03	15 12/15 01

FAMU	Black bear	Muskrat	Long-tailed weasel, least weasel, coyote, grey squirrel (grey or black), red squirrel, ermine, wolf, striped skunk, raccoon, arctic fox (white or blue), red fox (silver, crossbred or red)	Beaver, river otter, American mink	American marten, Fisher	Canadian lynx
68 (Note 4)		01 11/30 04	01 11/01 03	01 11/15 03		
69			01 12/15 12 (Note 5)			
70, 71, 72 (Note 1), 73	15 05/30 06 18 10/15 12	01 11/30 04	18 10/01 03	01 11/01 03	15 11/15 01	15 11/15 12
74 (Note 1), 75, 76 (Note 1), 77	15 05/30 06 18 10/15 12	25 10/30 04	18 10/01 03	25 10/01 03	25 10/31 12	15 11/15 12
78	15 05/30 06 25 10/15 12	25 10/30 04	25 10/01 03	25 10/01 03	25 10/31 01	15 11/15 12

Note 1: In the wildlife sanctuaries of the FAMUs number 7, 38, 72, 74 and 76, bear trapping is permitted only in the fall.

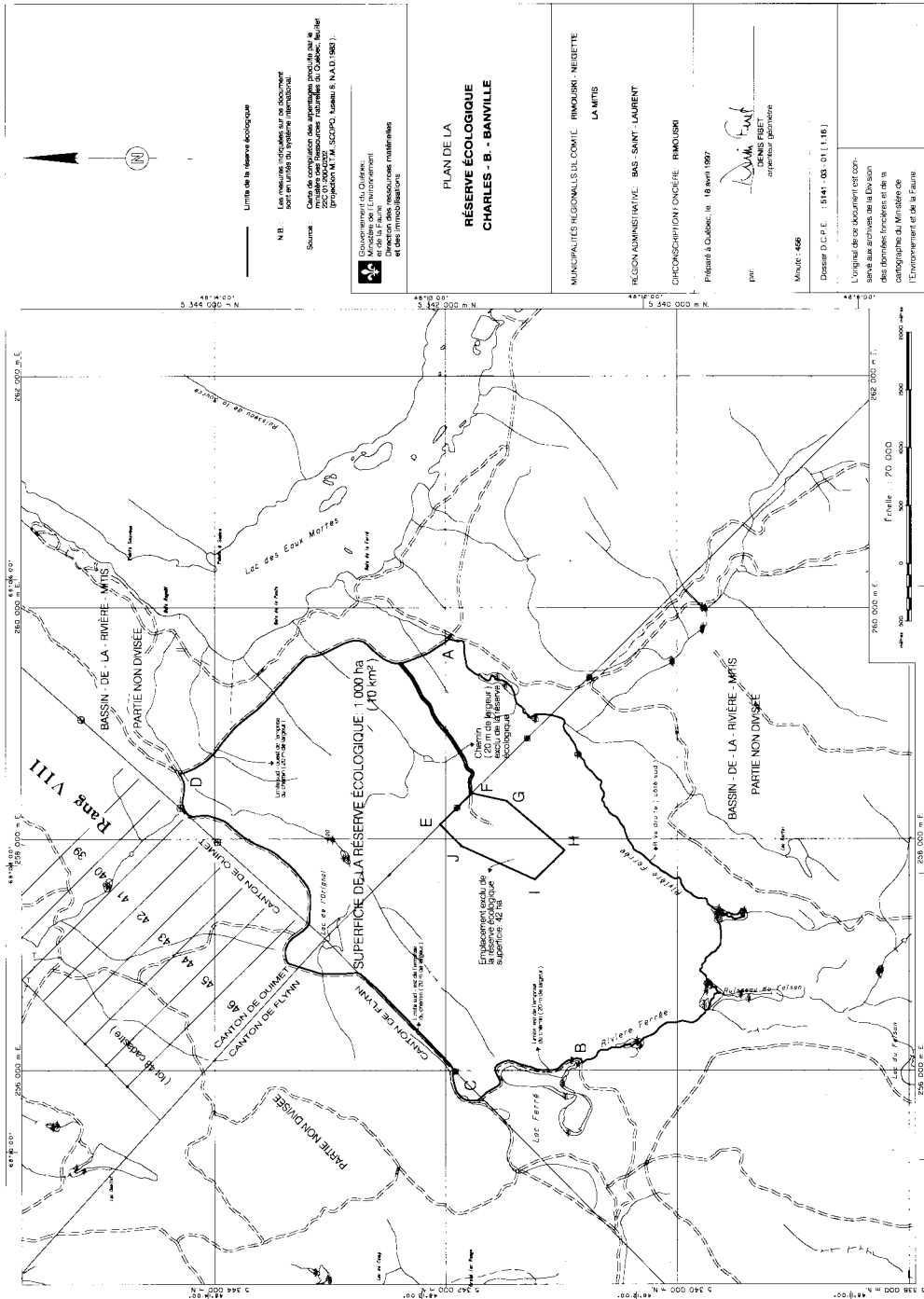
Note 2: In the Plaisance Wildlife Sanctuary (FAMU 19), only the trapping of muskrat, beaver and American mink is permitted.

Note 3: In the Port-Cartier-Sept-Îles Wildlife Sanctuary (FAMUs 59 and 60), the bear trapping period in the fall is from 11 October to 15 November.

Note 4: In FAMU 68, only the trapping of muskrat, river otter, beaver and red fox is permitted; trapping in the wildlife sanctuary is prohibited.

Note 5: In FAMU 69, only the trapping of red fox is permitted.

SCHEDULE IV



Limite de la réserve écologique

N.B. : Les valeurs indiquées sur ce document sont un extrait du système d'information.

Source : Carte de consultation des approuvés (projet de loi 202) (1994-1995) et du projet de loi 100 (1998) (projet de loi 100) (SCDPQ, tome 8, NAD 1983).

Gouvernement du Québec
 Ministère de l'Environnement
 Direction des ressources naturelles
 et des immobilisations

PLAN DE LA
**RÉSERVE ÉCOLOGIQUE
 CHARLES-B. - BANVILLE**

MUNICIPALITÉS RÉGIONALES DU COMITÉ : RIMOUGI - NEGETTE
 LA MITIS

RÉGION ADMINISTRATIVE : BAS-SAINTE-LOURENT

CIRCOSCRPTION ÉLECTORALE : RIMOUGI

Préparé à Québec, le 18 avril 1997

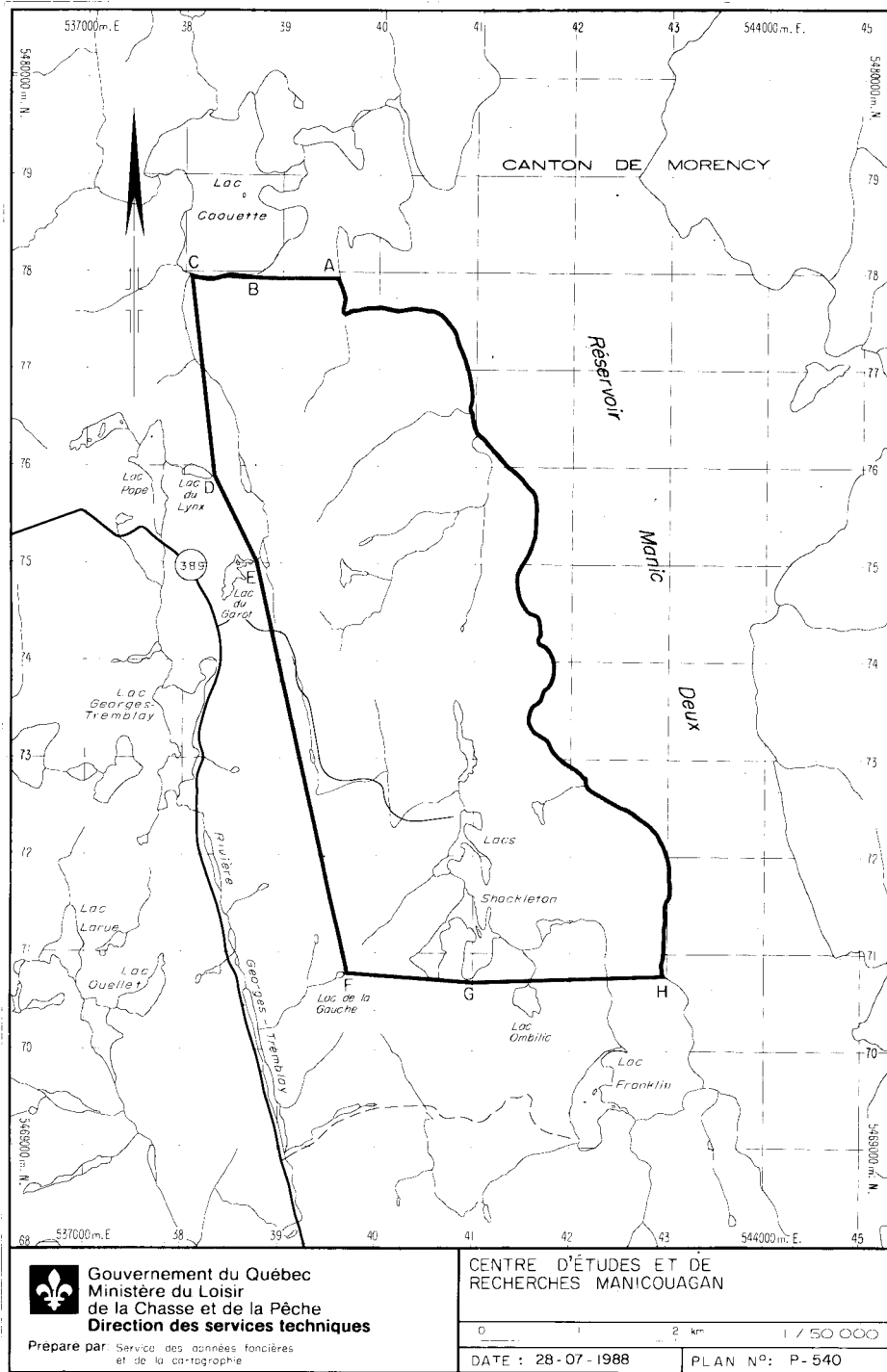
par
 Denis Fiset
 architecte géomètre


Musée : 466

Dossier D.C.P.E. : 5141_03_01 (1,186)

L'original de ce document est conservé aux archives de la Division des données topographiques de l'Environnement et de la Faune.

SCHEDULE VI



 **Gouvernement du Québec**
Ministère du Loisir
de la Chasse et de la Pêche
Direction des services techniques

Prépare par : Service des années foncières
 et de la cartographie

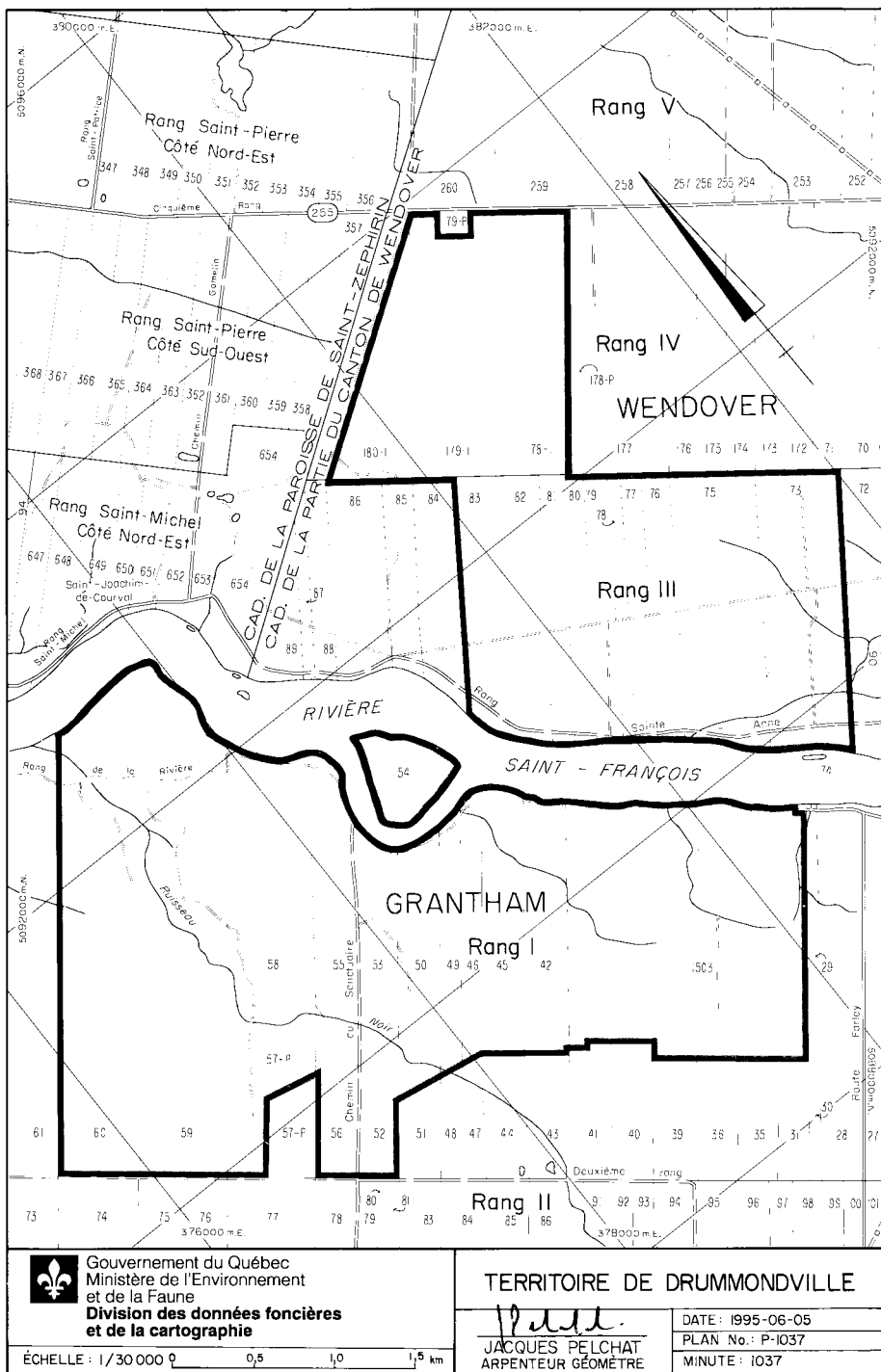
CENTRE D'ÉTUDES ET DE RECHERCHES MANICOUAGAN

0 1 2 km 1 / 50 000

DATE : 28 - 07 - 1988

PLAN N° : P - 540

SCHEDULE VII



Gouvernement du Québec
 Ministère de l'Environnement
 et de la Faune
**Division des données foncières
 et de la cartographie**

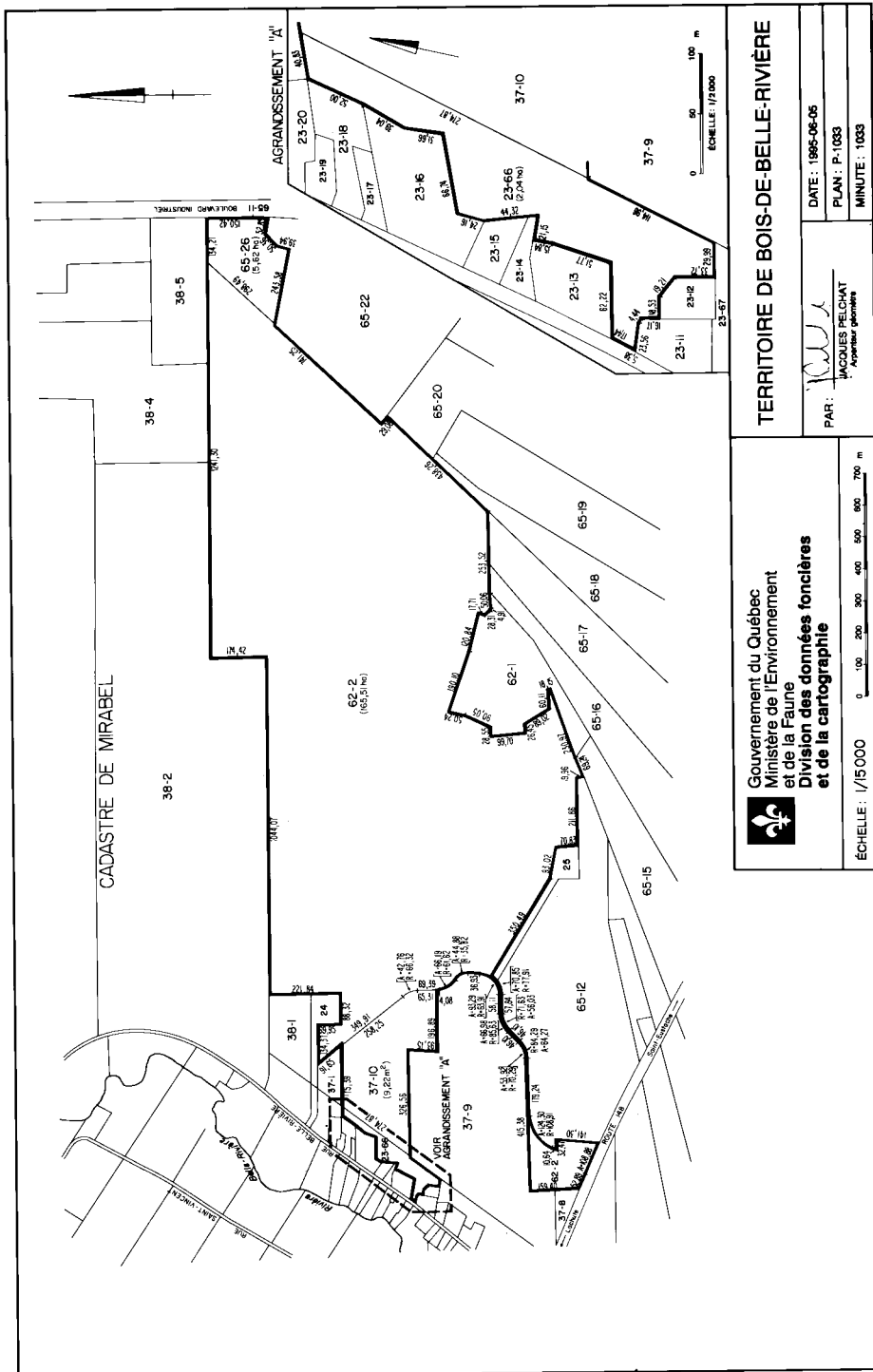
TERRITOIRE DE DRUMMONDVILLE

Jacques Pelchat
 JACQUES PELCHAT
 ARPENTEUR GÉOMÈTRE

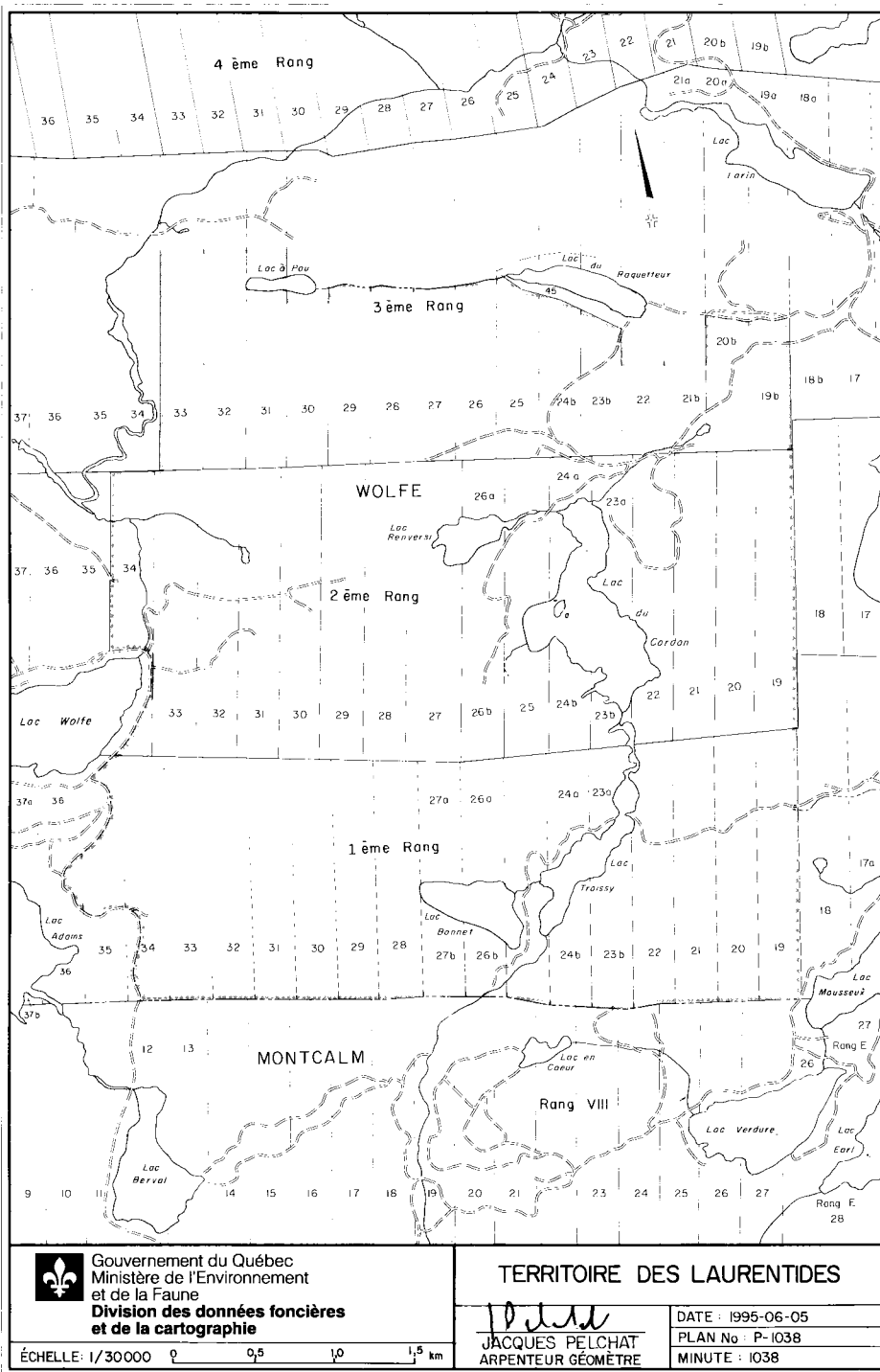
DATE: 1995-06-05
 PLAN No: P-1037
 MINUTE: 1037

ÉCHELLE: 1/30 000 0 0,5 1,0 1,5 km

SCHEDULE VIII



SCHEDULE IX



Gouvernement du Québec
 Ministère de l'Environnement
 et de la Faune
**Division des données foncières
 et de la cartographie**

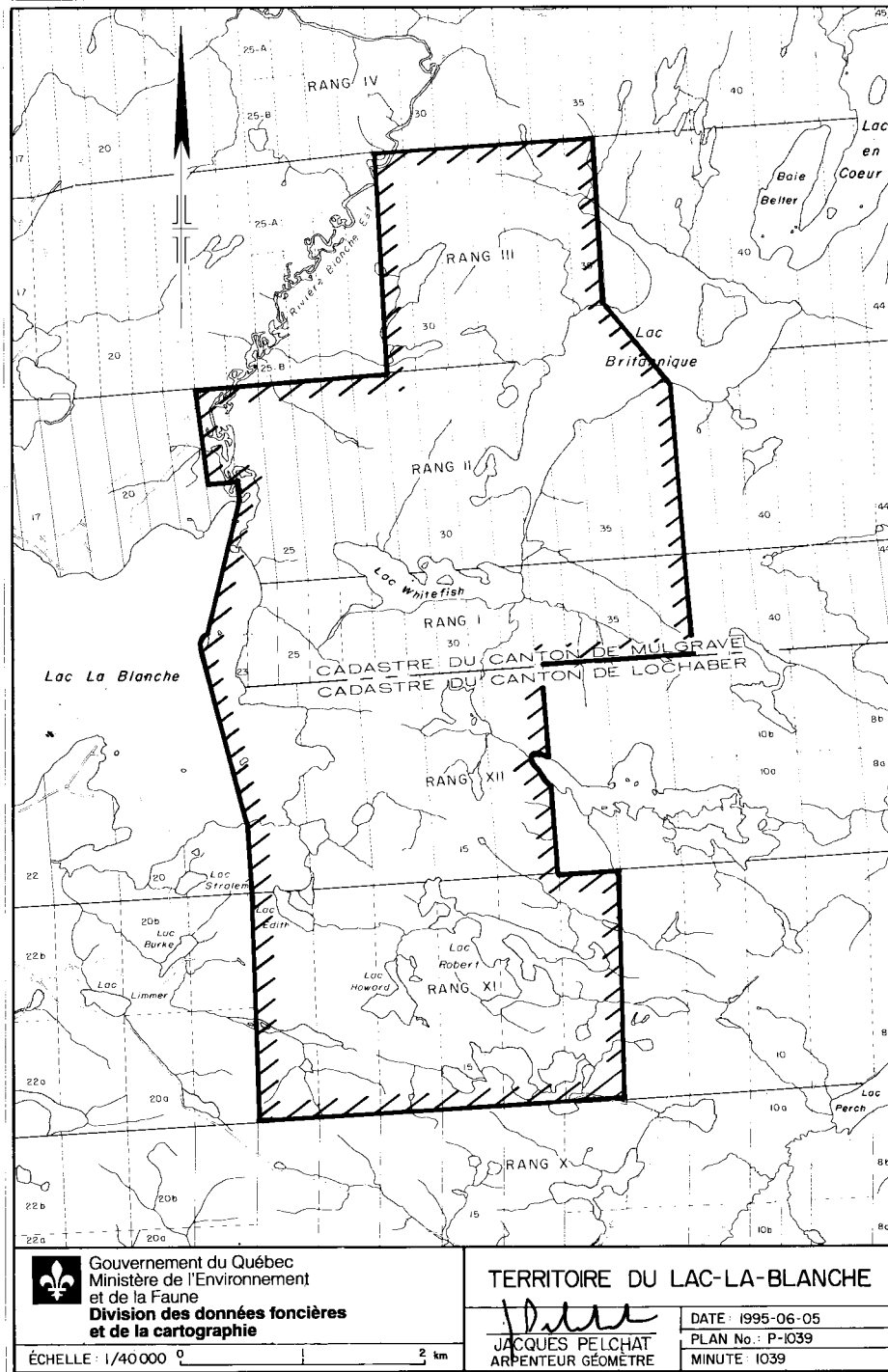
TERRITOIRE DES LAURENTIDES

Jacques Pelchat
JACQUES PELCHAT
 ARPENTEUR GÉOMÈTRE

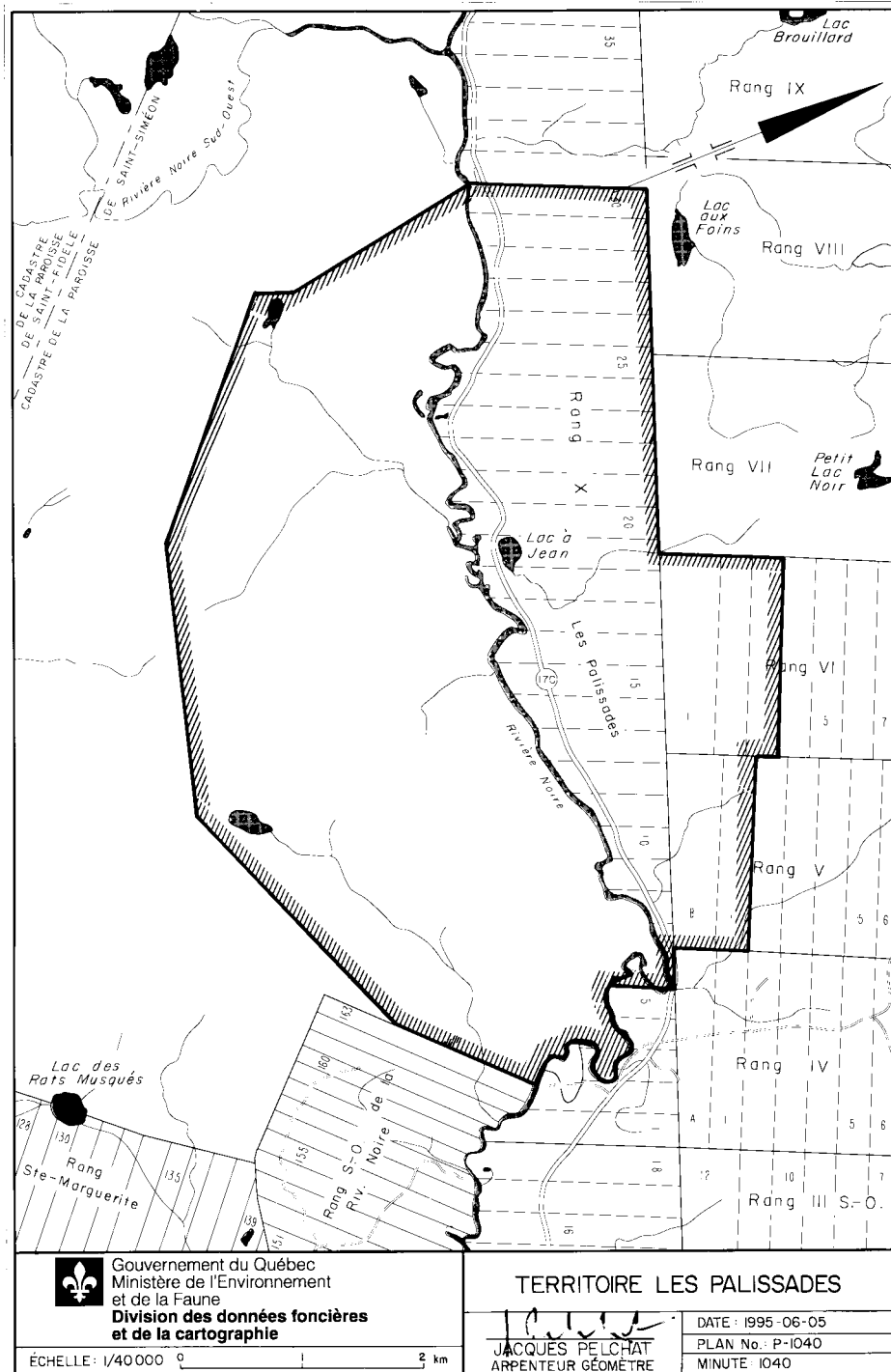
DATE : 1995-06-05
 PLAN No : P-1038
 MINUTE : 1038


ÉCHELLE: 1/30000 0 0,5 1,0 1,5 km

SCHEDULE X

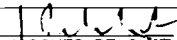


SCHEDULE XI (1040)





 Gouvernement du Québec
 Ministère de l'Environnement
 et de la Faune
**Division des données foncières
 et de la cartographie**

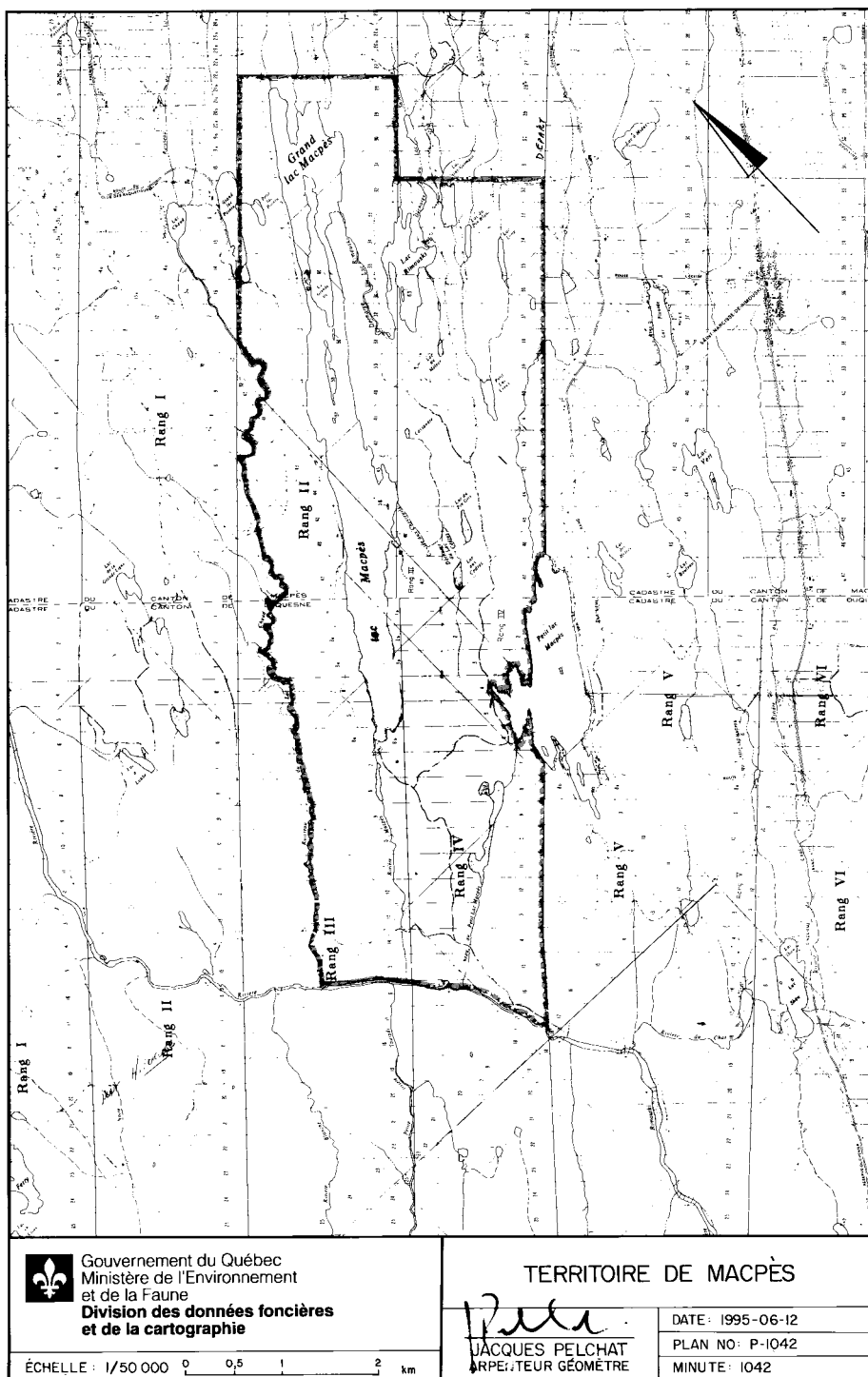
TERRITOIRE LES PALISSADES


JACQUES PELCHAT
 ARPENITEUR GÉOMÈTRE

DATE: 1995-06-05
PLAN No. P-1040
MINUTE 1040

ÉCHELLE: 1/40 000  2 km

SCHEDULE XII



Regulations and other acts

Gouvernement du Québec

O.C. 987-99, 1 September 1999

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

Order in Council 245-92 dated 26 February 1992 — Amendments

Amendments to the Order in Council respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may establish, notwithstanding any inconsistent provision of the plan, except the provisions of Chapter VII.1 of the Act, special provisions with respect to classes of employees it designates;

WHEREAS the Government made Order in Council 245-92 dated 26 February 1992 respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend that Order in Council;

WHEREAS under the second paragraph of section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, an order under the first paragraph may have effect 12 months or less before it is made;

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

THAT the Amendments to the Order in Council concerning the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Order in Council, be made;

THAT this Order in Council have effect from 1 January 1999.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Amendments to Order in Council 245-92 dated 26 February 1992 respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 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. 10.1)

1. The heading of Chapter III of Order in Council 245-92 dated 26 February 1992, respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan, is amended by deleting the words “AND TRANSITIONAL”.

2. The following is substituted for the fourth paragraph of section 14.1:

“Any amount paid to the Commission pursuant to the second or third paragraph shall be paid into the consolidated revenue fund.”.

3. The following Chapter is inserted after section 25:

“CHAPTER IV FINANCIAL PROVISIONS

25.1 The Commission shall pay into the consolidated revenue fund, with respect to employees covered by this Order in Council, the funds, contributions or contribu-

* Order in Council 245-92 dated 26 February 1992 (1992, G.O. 2, 1051) respecting the designation of classes of employees and the determination of special provisions pursuant to section 10.1 of the Act respecting the Government and Public Employees Retirement Plan was last amended by Order in Council 146-99 dated 24 February 1999 (1999, G.O. 2, 219). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

tory amounts referred to in subparagraphs 1 to 4 of the first paragraph of section 127 of the Act, except for contributions or funds paid or transferred to purchase pension credits.

25.2 The sums necessary for the payments referred to in the first paragraph of section 130 of the Act and made with respect to a beneficiary or an employee covered by this Order in Council, except payments relating to pension credits, shall be taken out of the consolidated revenue fund.

25.3 Where an employee becomes covered by this Order in Council, the Commission shall transfer to the consolidated revenue fund the sums paid into the employees' contribution fund at the Caisse de dépôt et placement du Québec with respect to that employee, in accordance with subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act, except for contributions or funds paid or transferred to purchase pension credits.

The sums transferred under the first paragraph shall include the interest accrued until the date of the transfer.”.

4. The following Chapter is inserted after section 27:

**“CHAPTER V
TRANSITIONAL AND FINAL PROVISIONS**

27.1 The balance remaining in the employees' contribution fund at the Caisse de dépôt et placement du Québec in accordance with subparagraphs 1, 2 and 4 of the first paragraph of section 127 of the Act on 31 December 1998 with respect to employees covered by this Order in Council on that date or before, except for contributions or funds paid or transferred to purchase pension credits, shall be transferred to the consolidated revenue fund.

The sums transferred under the first paragraph shall include the interest accrued until the date of the transfer.”.

5. The Amendments in this Order in Council come into force on 1 January 1999.

3099

Gouvernement du Québec

O.C. 995-99, 1 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Independent representatives and representatives

— **Claims adjustment**

— **Minimum experience required**

Regulation respecting the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment

WHEREAS under subparagraphs 2 and 3 of the first paragraph of section 223 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 mentioned therein;

WHEREAS under that section, the Bureau made the Regulation respecting the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in the *Gazette officielle du Québec* of 2 June 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 the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the minimum experience required of independent representatives and of representatives who are partners in independent partnerships in the sector of claims adjustment

An Act respecting the distribution of financial products and services (1998, c. 37, s. 223, par. 1, subpars. 2 and 3)

1. To register as an independent representative in the sector of claims adjustment referred to in the second paragraph of section 13 of the Act respecting the distribution of financial products and services (1998, c. 37), a representative must have been in the employ of a firm or independent partnership in the sector of claims adjustment at least five of the seven years preceding his application to register.

2. To become a partner in an independent partnership certified in the sector of claims adjustment, a representative must have been in the employ of a firm or an independent partnership in the sector of claims adjustment at least five of the seven years preceding the date on which he was made partner.

A representative who is the partner of a representative who has at least five years of experience in the sector of claims adjustment is exempted from the requirements set forth in the above paragraph.

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

3097

Gouvernement du Québec

O.C. 1011-99, 1 September 1999

An Act respecting income support, employment assistance and social solidarity (1998, c. 36)

Income support

Regulation respecting income support

WHEREAS under sections 154, 155, 156, 158, 159 and 160 of the Act respecting income support, employment assistance and social solidarity (1998, c. 36), the Government may make regulations on the matters referred to therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting income support was published on page 1319 of Part 2 of the *Gazette officielle du Québec* of 26 May 1999, with a notice that it could be made by the Government upon expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting income support, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting income support

An Act respecting income support, employment assistance and social solidarity (1998, c. 36, ss. 154, 155, 156, subpars. 1 to 6, 8 to 23, 25, 26, 28 to 30, 158, 159, subpars. 4 to 8, 160 and 224)

CHAPTER I GENERAL PROVISIONS

1. For the purposes of this Regulation, any reference to an employment-assistance measure or program or a wage subsidy refers to a measure or a program provided for in Title I of the Act respecting income support, employment assistance and social solidarity (1998, c. 36), and any reference to an employment-assistance allowance refers to such allowance granted under this title.

An adult is deemed to be admitted to shelter as soon as a contribution is exigible for that person under section 512 of the Act respecting health services and social services (R.S.Q., c. S-4.2), under section 159 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), or as a beneficiary or a user sheltered in a facility maintained by an institution referred to in either one of those statutes.

An adult is deemed to be admitted to shelter for the time he is in held custody for observation under section 672.11 of the Criminal Code (R.S.C., 1985, c. C-46).

The expressions “child and youth protection centre”, “rehabilitation centre”, “hospital centre”, “residential and long-term care centre” and the word “institution”, when used in conjunction with any of those expressions, have the meaning assigned to them by the Act respecting health services and social services. The foregoing also applies to the expressions “foster home” and “foster family”.

Those expressions and that word also include and mean, respectively, within the meaning of the Act respecting health services and social services for Cree Native persons, a “social service centre”, a “reception centre of the class of rehabilitation centres”, a “hospital centre of the class of short-term care hospital centres”, a “reception centre of the class of residential centres” or a “hospital centre of the class of residential and long-term care centres”, an “institution”, a “foster family for adults” and a “foster family for children”.

CHAPTER II

EMPLOYMENT-ASSISTANCE MEASURES, PROGRAMS AND SERVICES

2. The amount granted as an employment-assistance allowance to a recipient of the Employment-Assistance Program under the third paragraph of section 5 of the Act respecting income support, employment assistance and social solidarity may not be less than \$30 per week of participation in an employment-assistance measure or program.

3. The provisions of the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to a work activity carried out under an employment-assistance measure or program, where such activity is not governed by the Code or the statute in question, or where the activity is part of a measure or program focused on training or acquiring skills.

In addition, the Code or the statute in question does not apply to a work activity under the measures “Jeunes volontaires” or “Insertion sociale”, implemented under 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), or activities as a volunteer recognized by the Minister pursuant to section 6 of the Act respecting income support, employment and social solidarity (1998, c. 36).

CHAPTER III

EMPLOYMENT-ASSISTANCE PROGRAM

DIVISION I

ELIGIBILITY

4. An adult not residing in Québec is eligible for the Employment-Assistance Program where

(1) he receives treatment required by his physical or mental condition, on the written recommendation of a physician entered on the roll of the Ordre des médecins du Québec and for the duration indicated by that physician;

(2) he must accompany, for a period of not more than six months, the person who provides him with the constant care required by his physical or mental condition;

(3) he participates, under an Individualized Plan and for the specified duration, in an employment-assistance measure or program; or

(4) he must carry out remunerated employment, for its duration, where he is a member of a family residing in Québec.

The adult accompanying the person referred to in subparagraph 1 of the first paragraph and to whom applies the temporarily limited capacity for employment allowance provided for in subparagraph 5 of the first paragraph of section 24 of the Act or under the second paragraph of section 30 due to the presence of such person is also eligible for the program.

Likewise, an adult who, owing to a superior force, is withheld outside Québec for a period of not more than six months is eligible for the program.

5. An adult who is not legally authorized to live in Canada is also eligible for the program, where

(1) he is claiming the status of refugee within the meaning of the Immigration Act (R.S.C., 1985, c. I-2);

(2) he was claiming the status of refugee but such status has not been recognized and his presence on the territory is authorized; or

(3) he is the subject of an application for permanent residence based on humanitarian grounds or for reasons of public interest which is in compliance with the Act, he holds a selection certificate under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and his spouse is a Canadian citizen, a permanent resident or a refugee recognized in Canada in accordance with the Immigration Act.

6. For the purpose of subparagraph 3 of the first paragraph of section 15 of the Act respecting income support, employment assistance and social solidarity, attending an educational institution means, for an adult:

(1) attending an institution at the secondary level in a vocational program on a full-time basis;

(2) attending an institution at the college or university level

(a) on a full-time basis;

(b) for more than 2 courses or for courses giving entitlement to more than 6 credits or units per term; or

(c) for one course giving entitlement to credits or units corresponding to a total of more than 6 periods or hours of instruction per week, including laboratories and supervised practical work; or

(3) being registered for his master's thesis or doctoral dissertation at the graduate level of university for more than 6 credits per term.

7. The spouse of a student who is ineligible under subparagraph 3 of the first paragraph of section 15 of the Act is eligible for the program provided that the latter

(1) is eligible for financial assistance under the Act respecting financial assistance for students (R.S.Q., c. A-13.3);

(2) is ineligible for such assistance by reason of his parents' contribution; or

(3) is ineligible for such assistance for a reason other than that provided for in subparagraph 2 and until the decision of the Minister of Education referred to in section 44 of the Act respecting financial assistance for students is rendered.

For that purpose, the spouse is deemed to cease to be part of the family from the month in which the student becomes ineligible for the program, except for the application of sections 56, 71, 81 to 83, 102, and 104 to 126.

8. An independent adult required to live in an establishment with a view to his reintegration into society shall be eligible for the program from the month in which he begins to live there

(1) if he is released on supervised probation under section 5 of the Act respecting correctional services (R.S.Q., c. S-4.01);

(2) if he is authorized to be absent temporarily from a house of detention under section 22.2 of that Act, where a certificate from the Director General within the meaning of paragraph *b* of section 1 of that Act attests that his absence will likely be renewed; or

(3) if he is released on parole under section 21 of the Act to promote the parole of inmates (R.S.Q., c. L-1.1).

For the purposes of this section, an "establishment" means a community residential centre, a community shelter or a foster home bound by a services contract entered into with the Minister of Public Security to facilitate the reintegration into society of the persons required to live therein.

9. An independent adult or a family who possessed, on the date of application, liquid assets in excess of the amounts established as follows, is ineligible for the program:

Adult(s)	Dependent child(ren)	Amount
1	0	\$726
1	1	\$1 051
1	2	\$1 251
2	0	\$1 079
2	1	\$1 296
2	2	\$1 496

Each amount shall be increased by \$200 for the third dependent child and for each subsequent child.

However, the liquid assets of a family including an adult member referred to in section 7 may not exceed \$330, which shall be increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each dependent child who receives an allowance for a handicapped child under the Act respecting family benefits (1997, c. 57).

In the case of an independent adult who is sheltered, the adult referred to in section 8, or the family referred to in section 20, the liquid assets possessed on the date of the application may not exceed \$149.

10. Notwithstanding section 9, an independent adult or a family referred to in section 12 who files an application in the period provided for therein or during the following month, where the liquid assets possessed exceed, as of the date of the application, the amount as established hereunder, is ineligible for the program:

Adult(s)	Dependent child(ren)	Amount
1	0	\$2 500
1	1	\$5 325
1	2	\$5 525
2	0	\$5 000
2	1	\$5 217
2	2	\$5 417

Each amount shall be increased by \$200 for the third dependent child and for each subsequent child.

However, the liquid assets of the family of the adult referred to in section 7 may not exceed \$2 500, which shall be increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

In the case of an independent adult who is sheltered, the adult referred to in section 8, or the family referred to in section 20, the liquid assets possessed on the date of the application may not exceed \$2 500.

11. For the purposes of sections 9 and 10, the following is excluded:

(1) the increases in the liquid assets provided for in sections 106, 107 and 109;

(2) liquid assets referred to in sections 110 to 113; and

(3) the amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating or other form of energy, provided that they are cashable in the month of the application.

12. An independent adult or a family who no longer qualifies for the program may continue to receive the dental and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29) in the cases and conditions as set out hereunder:

(1) for not more than 6 consecutive months, where non-qualification is attributable to the work income earned as part of the independent adult's participation, or that of an adult member of the family, in a wage subsidy measure or program;

(2) for not more than 6 consecutive months where a family including only one adult ceases to be eligible due to the work income earned;

(3) for not more than 3 consecutive months for any nine-month period, where non-qualification is attributable to the work income earned by the independent adult or by an adult member of the family from seasonal work;

(4) for the entire period for which an employment-assistance allowance is granted, where non-qualification is attributable to the payment of such allowance for the participation of the independent adult or an adult member of the family in an employment-assistance measure or program; and

(5) for more than 48 consecutive months, in the case of an independent adult or a family including only one adult whose capacity is severely limited and who no longer qualifies due to his work income, if his gross monthly income does not exceed \$1 500.

This section applies to an adult who continues, without interruption, to meet the eligibility requirements prescribed in subparagraphs 1 to 5 of the first paragraph and whose financial resources and those of his family, where applicable, are below the amount required to meet their needs in accordance with the calculation prescribed in section 27 of the Act respecting income support, employment assistance and social solidarity, without taking into account the income that disqualified the adult. Furthermore, subparagraph 5 of the first paragraph ceases to apply if, after the first month of non-qualification and for more than 3 consecutive months, the adult's gross monthly work income or benefits under the Employment Insurance Act (R.S.C. (1996), c. 23) exceed \$1 500.

13. For the purposes of calculating the consecutive months of eligibility required by this Regulation, the independent adult or the family is, during the period described in section 12, a recipient of the program.

The special benefits provided for in sections 52 and 53, in paragraphs 1, 2 and 4 of section 54, in paragraphs 2 to 6 of section 55, and in sections 62 to 66, except those provided for the installation or repair of a heating system, are also granted to the independent adult or the family described in subparagraph 5 of the first paragraph of section 12.

DIVISION II INTERPRETATION

14. A child who is the dependant of a brother, a sister, an uncle, an aunt, a grandparent or an adult where the adult has custody of the child under a court order, except in the case of a foster family, is the dependant of an adult other than his father or mother.

15. A child whose income from work or from a public income security plan would reduce his family's benefits below the amount to which it would be entitled if he were not part of the family is not the dependant of a person if that person so applies to the Minister.

16. A child who does not reside in Québec is not the dependant of a person, unless he must be absent for one of the reasons and for the duration provided for in subparagraphs 1 and 2 of the first paragraph as well as the third paragraph of section 4, or to pursue full-time studies for those durations.

17. A dependent child who becomes a member of the family is deemed to be a dependent child from the preceding month.

18. A dependent child sheltered in an institution operating a rehabilitation centre or placed in a foster family ceases to be a member of a family from the third month following the month he is placed, unless the child's return to or gradual reintegration into his family begins during that period under an intervention plan set up by the institution operating a child and youth protection centre.

Accordingly, that child is deemed to become a member of the family in the month preceding such return or reintegration.

19. An adult ceases to be a member of the family from the third month following the month of his admission to shelter.

However, an adult who has been hospitalized for at least 45 days in a facility maintained by an institution operating a hospital centre at the time of his admission to shelter by that institution is considered admitted to shelter from the 45th day preceding the day of the admission.

20. A minor adult is deemed to form a family with a dependent child if they are sheltered in the same facility maintained by an institution operating a rehabilitation centre or a hospital centre.

21. An adult incarcerated in a penitentiary, in a house of detention or in any other prison or who is required to reside in a halfway house for the purpose of his reintegration into society ceases to be part of a family from the third month following that of incarceration or detention.

22. An adult or a dependent child who dies ceases to be part of a family from the third month following that of the death.

DIVISION III ESTABLISHMENT OF BENEFITS

§1. *Basic benefits, allowances and increases*

23. Except in the cases provided for in sections 25 to 28, the basic benefit of an independent adult and of a family including only one adult is \$481. That of a family composed of 2 adults is \$745.

24. The basic benefit stipulated in section 23 shall be increased to account for the advance Québec sales tax credit referred to in Division II.16 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act (R.S.Q., c. I-3). The increase is established as follows:

(1) for an independent adult or a family including only one adult: \$13;

(2) for a family including two adults: \$26.

The amount prescribed in subparagraph 1 above shall be increased by \$8 if the adult does not share a dwelling unit within the meaning of section 123.

25. The basic benefit of an adult referred to in section 7 is \$132. That benefit is increased by \$13 to account for the advance Québec sales tax credit referred to in Division II.16 of Chapter III.1 of Title III of Book IX of Part I of the Taxation Act. It is also increased by \$101 when the temporarily limited capacity allowance applies, or \$224 when the severely limited capacity allowance applies.

26. The basic benefit of an independent adult referred to in section 8 is \$149.

27. The basic benefit of an independent sheltered adult is \$149.

28. The basic benefit for a family referred to in section 20 is \$149.

29. The basic benefit provided for in sections 26 to 28 shall be increased on 1 January of each year according to the adjustment rate provided for in the first paragraph of section 119 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), to the nearest dollar.

30. The temporarily limited capacity for employment allowance applies

(1) for the purposes of subparagraph 3 of the first paragraph of section 24 of the Act respecting income support, employment assistance and social solidarity, to an adult member of a family having the care of a child

under 5 years of age on the last 30 September or 5 years old on that date, where no full-time kindergarten class is available for the child;

(2) to an independent adult or an adult member of the family who must provide constant care to a person whose autonomy is significantly reduced within the meaning of subparagraph 5 of section 24 of the Act.

31. The temporarily limited capacity for employment allowance does not apply to an adult referred to in section 5.

32. The basic benefit provided for in section 23 shall be increased by the following amounts where the temporarily or severely limited capacity for employment allowance or the mixed allowance applies:

Adult(s)	Mixed allowance	Temporarily limited capacity for employment	Severely limited capacity for employment
1 adult		\$101	\$224
1 capable adult and 1 adult with a temporarily limited capacity		\$101	
1 capable adult and 1 adult with a severely limited capacity			\$308
1 adult with a temporarily limited capacity and 1 adult with a severely limited capacity	\$308		
2 adults with a temporarily limited capacity	\$176		
2 adults with a severely limited capacity	\$308		

33. The amount of a mixed allowance shall be \$101 where the spouse of an adult whose capacity for employment is temporarily limited cannot apply for the temporarily limited capacity for employment allowance applicable under the first paragraph of section 26 of that Act or section 31.

34. In the case of a family composed of only one adult and at least one dependent child, the basic benefit provided for in section 23 shall be increased by \$108.33.

35. The basic benefit provided for in section 23 shall be increased by \$66.25 for each minor dependent child in the family.

36. The basic benefit provided for in section 23 shall also be increased by the following amounts for each minor dependent child: \$65.41 for the first child; \$48.75 for the second; and \$42.50 for each subsequent child.

37. The basic benefit provided for in section 23 shall be increased by \$8.58 for each dependent minor child aged 12 or over, if that child is the first or second child in the family.

That increase does not apply if the dependent child is placed in a foster family or sheltered in an institution operating a rehabilitation centre.

38. The basic benefit provided for in section 23, in the case of a family composed of at least one dependent child of full age who attends an educational institution at the secondary level in vocational education, or at the college or university level, shall be increased by the following amounts:

(1) if the family is composed of one independent adult: \$136.67 for the first child and \$121 for the second;

(2) if the family is composed of 2 adults who are not severely limited: \$121 for the first child and \$96 for the second;

(3) if the family is composed of 2 adults, at least one of whom is severely limited: \$130 for the first child and \$102 for the second.

39. The basic benefit provided for in section 23 shall be increased by the following amounts for any dependent child of full age who attends an educational institution at the secondary level in general education: \$225.67 for the first child; and \$209 for the second and each subsequent child.

Those amounts shall be increased by \$119.22 where the child is handicapped within the meaning of the Act respecting family benefits.

40. The basic benefit provided for in section 23 shall be increased by \$100 for each dependent child who resides with the family while attending an educational institution at the secondary level in vocational education, or at the college or university level.

41. In the case of a family composed of only one adult and at least 3 dependent children, where the third child and any subsequent child are of full age and attend an educational institution at the secondary level in vocational education, or at the college or university level, the basic benefit provided for in section 23 shall be increased by \$8.33 for the first child and \$22.83 for the second.

42. For the purposes of sections 35 to 39 and 41, the youngest dependent child is deemed to be the first child.

43. The increases provided for in section 35 to 41 do not apply to a family including only one adult or 2 adults as referred to in paragraphs 1 and 2 of section 5. In such a case, the basic benefit provided for in section 23 shall be increased as follows:

(1) if the family is composed of only one adult: \$136.67 for the first dependent child and \$121 for the second;

(2) if the family is composed of 2 adults: \$121 for the first dependent child and \$96 for the second.

44. Where a family includes a dependent child whose custody is shared by virtue of a judgment or, failing that, a written agreement, the amount of any increase provided for in sections 35 to 41 and applicable for that child shall be established on a monthly basis by multiplying that amount by the annual percentage of custody time if that percentage is less than 20 %.

§2. *Special benefits*

45. Special benefits shall be granted where

(1) the need is acknowledged by the Minister;

(2) advance authorization to meet that need is given by the Minister; and

(3) the costs or fees correspond to the actual cost of goods acquired or services rendered, up to the amount normally required to obtain them but without exceeding the amount indicated for those benefits.

The authorization referred to in subparagraph 2 of the first paragraph is not required from an independent adult or a family including an adult with a severely capacity for employment, except in the case of benefits referred to in section 49.

This authorization does not apply in the case of an emergency or in the case of benefits referred to in section 62, but the application for payment must be made

not later than 30 days after the costs or fees were incurred or as soon as possible where the applicant demonstrates that it was impossible for him to act within that period. If the service rendered was transportation by ambulance, this period is extended to 90 days.

46. In the case of benefits referred to in sections 52 and 53, paragraphs 1 and 2 of section 54, sections 55, 58 and 62 to 65, the need shall be attested to by a medical certificate from a physician or a dentist, as the case may be.

The foregoing also applies where a benefit referred to in section 66 is granted for health reasons.

47. In the case of benefits referred to in paragraph 1 of section 55, the medical certificate signed by a physician shall indicate the name and date of birth of the recipient, the number of weeks of pregnancy and the expected date of delivery. That medical certificate may be replaced by a certificate written by a midwife.

48. A sheltered independent adult or family as referred to in section 20 shall cease to be eligible for special benefits from the month following that of admission to shelter.

The foregoing also applies to an adult member of a family from the third month following that of his admission to shelter.

Notwithstanding the first paragraph herein, the sheltered adult or family shall be eligible for the special benefits referred to in sections 70 and 73 and, in the case of an independent adult sheltered in a facility maintained by an institution operating a hospital centre, for special benefits other than those referred to in sections 55 and 56.

49. Special benefits for the cost of purchasing or replacing dental prostheses, eyeglasses, lenses, or for the cost of moving for health reasons shall be granted only if the recipient has been receiving benefits under a program for at least 6 consecutive months or, in the case of a dental prosthesis, 24 consecutive months.

50. The dental, pharmaceutical and optometrical services referred to in sections 70 and 71.1 of the Health Insurance Act and in Schedule I shall be granted as special benefits.

Special benefits shall also be granted to defray the cost of a medical report issued under subparagraph 1 of section 24 or under section 25 of the Act respecting income support, employment assistance and social solidarity.

Those benefits shall be reimbursed in accordance with the standards and practices of the Régie.

Section 45 does not apply to such benefits. However, subparagraph (2) of the first paragraph of that section applies to the purchase, replacement or relining of a dental prosthesis.

51. Special benefits shall be granted to defray the cost of eyeglasses and lenses in accordance with Schedule II.

52. Special benefits shall be granted to defray the cost of orthopedic shoes or plantar orthoses in accordance with Schedule III.

53. Special benefits shall be granted to defray the cost of prostheses, orthoses and accessories in accordance with Schedule IV.

54. Special benefits shall be granted to defray the cost of

(1) accessories required in the first month, up to a maximum of \$100, in the case of temporary urostomy, ileostomy or colostomy;

(2) installing at home a hemodialysis machine, up to a maximum of \$300;

(3) an intra-uterine device, up to a maximum of \$25; and

(4) replacing batteries for a hearing aid, the cost of which is covered by the Régie de l'assurance-maladie du Québec, in the lump-sum amount of \$5 per hearing aid per month.

55. Continuous special benefits shall be granted in the following cases, from the month during which the Minister receives the certificate provided for in section 46 or 47, as the case may be:

(1) \$40 per month in the case of pregnancy;

(2) \$100 per month in the case of hemodialysis, where the family includes only one adult;

(3) \$100 per month in the case of paraplegia, if such benefits were granted for August 1992 and have been granted on a continuous basis ever since;

(4) \$20 per month in the case of diabetes;

(5) \$55 per month from the month following the first month in which accessories were required, in the case of temporary urostomy, ileostomy or colostomy;

(6) to defray the cost of oxygen used for medical purposes.

56. Continuous special benefits of \$50 per month shall be granted for breast-feeding a dependent child under 12 months of age, from the month during which the Minister receives a written declaration signed by the recipient and indicating the expected period of breast-feeding.

57. Special benefits shall be granted to defray the cost of liquid concentrate milk formulas, liquid concentrate formulas made from soya protein or lactose-free liquid concentrate formulas for a dependent child under 9 months of age.

58. Special benefits shall be granted to defray the cost of liquid concentrate formulas made from soya protein or lactose-free liquid concentrate formulas, for a dependent child 9 months or over but less than 12 months old, upon receipt by the Minister of a medical certificate.

59. The benefits referred to in section 57 shall be granted up to 35 cases of 12 385-ml cans for the entire period covered. The benefits referred to in section 58 shall be granted up to 9 cases of 12 385-ml cans for the entire period covered.

These benefits are determined as follows:

(1) if the dependent child is less than 7 months of age: \$32 per purchase of 2 cases of 12 385-ml cans, up to 48 cans per month;

(2) if the dependent child is at least 7 months but less than 12 months of age: \$16 per purchase of one case of 12 385-ml cans, up to 36 cans per month.

60. The benefits referred to in sections 57 and 58 shall be refunded to a pharmacist who is a member of the Ordre des pharmaciens du Québec and is covered by an agreement between the Minister and the person designated by the Minister to administer the payment of those benefits.

The benefits shall be granted for the purchase, from that pharmacist, of cases of formula covered by an agreement between the Minister and formula suppliers, entered into under section 13 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail.

61. The benefits provided for in section 56 and those provided for in section 57 or 58 may not be granted

simultaneously, except during a single month, to allow for the change in diet of the dependent child.

62. Special benefits shall be granted to pay the transportation and living expenses incurred by a recipient in order to be treated by a physician or a dentist, or at the request of a physician or a dentist, up to a maximum of \$250 per trip. That maximum shall be \$275 if transportation is by ambulance and \$350 if transportation is by air.

Those expenses shall be paid only up to the amount that would normally be incurred for treatment provided at the closest place to the recipient's residence where such treatment is offered.

63. For the purposes of section 62, the least expensive means of transportation in the circumstances shall be used.

If transportation is by private vehicle, the special benefits are granted to pay for parking fees and use of the vehicle, up to \$0.135 per kilometre travelled. However, the expenses incurred for the use of a motor vehicle when such transportation is supplied by a volunteer driver as part of a charitable undertaking supported by a community organization, are fixed in accordance with the rates prescribed by the Commission des transports du Québec, pursuant to a regulation made under subparagraph 2.1 of the first paragraph of section 68 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1).

64. The need for transportation by taxi shall be attested to by a medical certificate, unless it is the most economical means of transportation. This certificate shall establish that the urgency of the situation or the nature of the treatment prevented the use of a more economical means.

In respect of an independent adult or a family where no adult has a severely limited capacity for employment, the special benefits for the expenses for each occasion where an adult is transported by taxi shall be granted, minus \$20 or 20 % of the transportation cost, whichever is less. The maximum for that deduction shall be \$20 per month but shall not exceed \$100 per year per adult. It shall be computed on the basis of the date of receipt of the application for payment or on the basis of any advance authorization given by the Minister.

65. Where such transportation is by ambulance, the benefits provided for in section 62 shall be granted, in the case of an adult, if the need for transportation by ambulance is attested to by a certificate signed by a physician or by a person designated for that purpose by an institution referred to in the Act respecting health

services and social services or in the Act respecting health services and social services for Cree Native persons and maintaining a facility to which the recipient is taken, or if such transportation is authorized by a centre for the coordination of emergency calls set up pursuant to section 149.26 of the Act respecting health services and social services for Cree Native persons.

An application for payment may be made by the carrier. It shall be accompanied by a document proving that the transportation took place and indicating, except for a centre referred to in the first paragraph, whether transportation by ambulance was needed. The Minister shall then pay the carrier for such transportation and, where the need is not attested to, the benefits thereby granted must be refunded to the Minister by the adult concerned.

66. Special benefits shall be granted to pay the cost of moving for health reasons or of installing or repairing a heating system, up to a maximum of \$200 for any 12-month period.

67. Special benefits shall be granted to pay the transportation and living expenses incurred by a recipient to return to his point of origin.

Those benefits shall not exceed a total of \$250 for any 12-month period.

68. Special benefits shall be granted in August of each year in the following cases and for the following amounts:

(1) a dependent child attending an elementary-level educational institution, a kindergarten class or a pre-kindergarten class, in which case the benefits shall be \$46; or

(2) a dependent child attending a secondary-level educational institution, except in a full-time vocational education, in which case the benefits shall be \$93.

69. Special monthly benefits of \$100 shall be granted to a person who has taken refuge in a shelter for victims of violence.

70. Special benefits shall be granted to a sheltered independent adult or a family as referred to in section 20 to pay for the lodging, up to \$325 per month for any 12-month period, from the month following that of admission to shelter.

71. Special benefits shall be granted to pay the lodging expenses for a family with at least one minor dependent child, unless it concerns a family referred to in

section 20, or at least one dependent child of full age who attends a secondary-level educational institution in general education.

Those benefits shall be equal to 66 2/3 % of the amount by which the lodging expenses exceed the following minimum costs fixed on the basis of the number of people in the family, but may not exceed the corresponding maximum costs:

Number of people in family	2	3	4	5 or more
Minimum cost	\$398	\$434	\$460	\$486
Maximum cost	\$518	\$554	\$580	\$606

The amounts of special benefits shall be reduced by the allowance granted to the family under the housing allowance program for the elderly and for the family, approved by Décret 1094-98 dated 26 August 1998, as amended. The amount of that reduction shall be established by dividing the annual amount of that housing allowance by 12.

This section does not apply to a family residing in a dwelling in low-rental housing within the meaning of article 1984 of the Civil Code.

72. If special benefits provided for in section 71 are granted to a family where the only adult or both adults are referred to in paragraphs 1 and 2 of section 5, the percentage is set at 50 %.

73. Special benefits shall be granted to pay the funeral expenses for an adult or a dependent child, up to a maximum of \$2 500 per deceased person.

Nevertheless, such benefits are reduced by the amount of benefits payable upon death, received under a contract for the advance arrangement of funeral services or received for the advance purchase of a sepulchre and, in the case of an independent adult,

(1) by the total of his liquid assets; and

(2) by the value of all his other assets, minus his debts at the time of his death.

This section does not apply in the case of an unclaimed body within the meaning of section 57 of the Public Health Protection Act (R.S.Q., c. P-35), unless delivery of the body was authorized under that Act to the foster family or the reception centre in which the deceased person had been placed, to a clergyman or to the Public Curator.

74. In the event of a fire or other disaster, special benefits shall be granted as compensation for the following losses suffered by an independent adult or a family already receiving benefits under the program:

(1) the cost of repairing or replacing furniture and essential household articles, in accordance with customary insurance practices, up to an amount of

(a) \$1 000, plus \$500 per person, up to a maximum of \$4 000 for a family, or

(b) \$1 500 for an independent adult, and

(2) the living expenses of an independent adult or of a family during the restoration or relocation period, up to a maximum of 10 % of the special benefits applicable under subparagraph 1.

Those benefits shall be reduced by any indemnity paid by an insurer as compensation for losses.

75. Special benefits shall be granted to pay the cost of a move made necessary by a separation of spouses, up to a maximum of \$200.

Except where a move is ordered by a court, the cost of only one move may be paid for a 12-month period.

76. Special benefits up to a maximum of \$250 for one case shall be granted to pay the transportation and living expenses incurred by a recipient who travels more than 50 kilometres from his place of residence to have a support order enforced.

The expenses for the use of a private vehicle shall be \$0.135 per kilometre travelled.

§3. Month of Application

77. For the month of application, the basic benefit, the amount of the allowances and the increases provided for in this Regulation, except for those that are in stead of the advance Québec sales tax credit, shall be established pro rata to the number of days remaining in the month on the date of application, in relation to the number of days in that month.

The income received or to be received during the month of the application, regardless of the period for which it is due, shall be considered in calculating the benefit for that month. However, in the case of benefits to be received under the Employment Insurance Act, subparagraph *c* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity also applies for the month of the application.

The family allowances paid under the Act respecting family benefits and the national child benefit supplement, and determined under C of the formula appearing in subsection 1 of section 122.61 of the Income Tax Act (R.S.C. (1985), 5th Supplement, chapter I), shall be considered only if they are received during the month of the application and owed for that month.

In addition, if the application is submitted by the independent adult or the family as described in section 12, during the period provided for or in the following month, the employment-assistance allowance and, as the case may be, any work income are considered only where they are owed for the month of application.

78. Liquid assets possessed on the date of application, unless otherwise excluded under sections 106 to 113, shall be considered in calculating benefits for the month of application.

The amount of the cheques outstanding on the date of the application and intended to pay the rent, electricity and heating, or any other form of energy, provided that those cheques are cashable in the month of the application, shall be subtracted therefrom, as well as income considered pursuant to the second paragraph and to the fourth paragraph of section 77, provided that they have been deposited with a financial institution.

79. For the purposes of section 78, the following amounts shall be subtracted from the liquid assets possessed on the date of application by a family with at least one minor dependent child, except where it concerns a family referred to in section 20:

Adult(s)	Dependent child(ren)	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

That amount shall be increased by \$200 for the third minor dependent child and each subsequent child.

Notwithstanding the foregoing, an amount of \$217 for the first minor dependent child and \$200 for each subsequent child shall be subtracted from the liquid assets possessed by a family including an adult member covered by section 7.

An amount of \$119 shall also be subtracted from liquid assets for any minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

80. The first paragraph of section 77 and section 79 do not apply if the application is submitted by the independent adult or the family referred to in section 12 during the period provided for or in the following month.

In such a case, in addition to the liquid assets excluded under the first paragraph of section 78, the amounts referred to in sections 103 to 105 shall be subtracted from the liquid assets possessed by such adult or family.

§4. Reduction for lodging costs

81. The basic benefit provided for in section 23 shall be reduced by the amount by which the minimum lodging costs fixed by this section exceed lodging expenses for an independent adult or a family. The minimum cost is determined as follows:

Adult(s)	Dependent child(ren)	Minimum cost
1	0	\$139
1	1	\$196
1	2 or more	\$224
2	0	\$204
2	1	\$236
2	2 or more	\$257

However, that reduction may not exceed \$100.

82. Monthly lodging expenses comprise

(1) in the case of an owner, real estate taxes, fire insurance premiums, hypothecary payments or any other dwelling-related loan, \$35 for maintenance and repairs, \$35 for heating and \$25 for electricity or any other form of energy; or

(2) in the case of a tenant, the monthly rent, rental taxes and, if not included in the rent, \$35 for heating and \$25 for electricity or any other form of energy.

83. For the purposes of paragraph 1 of section 82,

(1) a “hypothec” includes a borrowed amount used to purchase, build, repair or renovate a dwelling;

(2) a “dwelling-related loan” includes

(a) a borrowed amount used to purchase, put in place, renovate or repair a mobile home that serves as a principal residence; and

(b) the reimbursement of a loan authorized by a financial institution, a municipality or the Government to purchase, build, repair or renovate a dwelling.

The owner's expenses are in proportion to the space that he occupies in a building consisting of a number of dwellings.

§5. Income, earnings and pecuniary benefits

84. The following income, earnings and pecuniary benefits shall be excluded for benefit calculation purposes:

(1) amounts granted as tax benefits for children under subdivision *a.1* of Division E of Part I of the Income Tax Act, other than those granted as a national benefit supplement for children;

(2) family benefits paid under the Act respecting family assistance allowances (R.S.Q., c. A-17);

(3) the allowances for handicapped children paid under the Act respecting family benefits;

(4) amounts received by a reception centre to take charge of an adult or by a foster family to take charge of a child, as well as amounts received by such a foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995;

(5) amounts earned by a dependent child incidentally to his studies and the loans and scholarships that he receives as a student;

(6) support paid to an independent adult by his father or mother, up to a maximum of the parental contribution that he is deemed to receive under subparagraph *h* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity;

(7) a premium paid by an institution that operates a rehabilitation centre to a recipient in order to facilitate his attending that centre or paid by an institution operating a residential and long-term care centre or a hospital centre to a recipient to follow a therapy program;

(8) income from a succession, a trust or a gift devolved on a dependent child, before that income can be used for his maintenance;

(9) income that ceases during a month in which an applicant not already receiving benefits files an application, for the purpose of establishing the benefits for the following month;

(10) income earned in the previous period of at least three months or, in the case of a self-employed worker,

income attributed to such a period, insofar as that income ceases; however, this exclusion does not apply in respect of family allowances received under the Act respecting family benefits or to amounts received as a national child benefit supplement;

(11) interest income;

(12) amounts received as tax refunds or credits;

(13) the benefit granted under the Parental Wage Assistance Program (PWA) provided for in Chapter III of Title II of the Act respecting income support, employment assistance and social solidarity;

(14) allowances received under section 3.1 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8);

(15) amounts paid as additional expenses related to participation in an employment-assistance measure or program;

(16) up to \$130 per month, per adult, in employment-assistance allowance;

(17) amounts received under a program of the Ministère de la Santé et des Services sociaux for home care and assistance services;

(18) amounts received by a person responsible for a foster home bound by a services contract concluded with the Minister of Public Security to facilitate the social reintegration of those who are required to lodge therein;

(19) income from room or board received by a recipient who shares a dwelling unit within the meaning of the first paragraph of section 123;

(20) income from room or board received from a recipient of a program as long as the recipient is an immediate relative, brother or sister;

(21) income earned as an enumerator, as a polling officer or, if he has been so designated and been given a power of attorney, as a mandatary of a candidate;

(22) up to \$100 per month, the periodic payments of support received by a family including at least one dependent child under 5 years of age on 30 September;

(23) the part of the periodic payments of support exceeding \$305 per month, where those payments are made as payment of a residence in which the creditor resides, but which belongs to the debtor of support;

(24) the amount of periodic payments made by a third party, up to \$305 per month, to allow a recipient to reside in a facility maintained by a private institution not under agreement that operates a residential and long-term care centre or a private residence for retirees or persons with a slight loss of autonomy;

(25) the part of the monthly instalment for a hypothecary debt on the residence exceeding \$305, when these payments are made directly by a third party under a disability insurance contract;

(26) payment of a debt other than that covered in paragraph 25 paid directly by a third party under a disability insurance contract; and

(27) supplementary family income paid to a family with more than two dependent children by the Service d'aide aux réfugiés et aux immigrants du Montréal métropolitain;

85. For the purposes of subparagraph 2 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity, family allowances received by the family under the Act respecting family benefits shall be deducted:

(1) from the sum of the increases provided for in sections 34 and 35, where the family includes only one adult;

(2) the sum of the increases provided for in section 35, where the family includes two adults.

In addition, the amounts received as a national child benefit supplement shall be subtracted from the increases provided for in section 36, unless the dependent child is placed in a foster family or sheltered in an institution that operates a rehabilitation centre.

86. For the purposes of section 85, the family is deemed to receive the annual amount of the family allowance or the annual amount of the national child benefit supplement, divided by 12. Where such amount is paid to a person who is not a family member, but used by that person for the needs of the dependent child, that amount is deemed to be received by the family. In addition, the family is presumed to receive, for July of each year, the maximum amount of the national child benefit supplement.

87. Work income, income from employment insurance benefits granted under the Employment Insurance Act and that from the amounts paid as employment assistance allowances shall be calculated by deducting the following amounts from that income or, in the case of income from self-employment, from net income:

(1) amounts to be deducted or withheld under section 1015 of the Taxation Act (R.S.Q., c. I-3) or provisional accounts to be paid under sections 1025 and 1026 of that Act for the preceding period divided by three, and any such amount to be deducted, withheld or paid under the Income Tax Act;

(2) the employee's premium payable under the Employment Insurance Act;

(3) contributions payable by a worker under the Act respecting the Québec Pension Plan or by virtue of his participation in an obligatory retirement plan; and

(4) union dues.

Work income shall also be reduced by the expenses connected with the fact of holding employment, in the amount of \$25 or 6 % of monthly income from employment, whichever is less, except in the case of the income of a self-employed worker, of a volunteer fireman and income referred to in sections 92 and 93.

88. The following amounts shall be excluded from work income:

(1) in the case of an independent adult or a family including only one adult: \$200, unless that adult has a severely limited capacity for employment, in which case that amount is set at \$100; and

(2) in the case of a family including two adults: \$300, unless one of them has a severely limited capacity for employment, in which case that amount is set at \$100.

For the purposes of this section, an amount granted under section 22 or 23 of the Employment Insurance Act or paid by the Minister as an allowance for a maternity or parental leave is deemed to be work income.

89. Net income from self-employment shall be established according to the accrual accounting method, in accordance with generally recognized accounting principles. However, net income from self-employment in agriculture may be established according to the cash method.

In the calculation of net income, the depreciation of property used by a business shall be excluded and the repayment of principal shall not be considered an operating expense.

90. In the case of seasonal self-employment, the amount by which net income from such employment or from other sources exceeds the amount by an amount calculated as follows is deemed to be work income for the period of inactivity.

Adult(s)	Dependent child(ren)	Minimum cost
1	0	\$726
1	1	\$1 051
1	2	\$1 251
2	0	\$1 079
2	1	\$1 296
2	2	\$1 496

Those amounts shall be increased by \$200 for the third dependent child and for each subsequent child.

However, in the case of an adult referred to in section 7, that amount is \$330, which is increased by \$217 for the first dependent child and \$200 for each subsequent child.

Those amounts shall also be increased by \$119 for each dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

In the case of an independent adult sheltered or referred to in section 8, or a family referred to in section 20, the amount is \$149.

91. For the purposes of section 90,

(1) the period of activity begins in the month in which work begins and ends in the month in which work ceases; and

(2) the period of inactivity begins in the month following that during which the work ceases and ends 12 months after the beginning of the last period of activity, or as soon as work resumes, whichever comes first.

92. Income from the office of mayor, municipal councillor or school commissioner is deemed to have been received during the period in which it was earned.

The expense allowances inherent in those offices shall be excluded from that income, but only up to half the amount paid for the same period in the form of salary or other remuneration.

93. Income from babysitting at the recipient's domicile shall be calculated in the proportion of 40 %.

94. Income from providing room and board shall be calculated in the proportion of 40 %, with a minimum of \$85 for one person and \$50 for each additional person in that person's family.

95. Periodic support payments paid in arrears shall be applied first and foremost to periods subsequent to 30 April 1998.

96. Income derived from an immovable shall be calculated in accordance with Title III of Book III of Part I of the Taxation Act before any deduction is made for depreciation as provided for in section 130 of that Act and before the deduction provided for in section 130.1 of that Act is made.

97. The period referred to in subparagraph *c* of subparagraph 3 of the first paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity begins on the date on which work ceased and ends at one of the following:

(1) in the case of an initial claim for benefits, at the end of the fourth week following the date on which the benefit period began;

(2) in the case of a subsequent claim for those benefits, at the end of the third week following the date on which a subsequent claim for those benefits took effect;

(3) in the case of a decision not rendered by the Canada and Employment and Immigration Commission, at the end of the fourth week following the date on which the claim for those benefits was filed;

(4) in the case of a predated claim for those benefits, at the end of the second week following the date on which a request to predate an initial claim was accepted; or

(5) in the case of interruption in the regular payment of those benefits, at the end of the week in which payment of those benefits was due.

98. Weekly income, earnings and fringe benefits that apply to the entire month shall be converted to a monthly basis by multiplying them by 4.333.

99. Where the income earned for at least 3 months or, in the case of a self-employed worker, the income attributed to such a period ceases, the benefits shall be recalculated for that month on the basis of the income for the current month, where that income is lower than in the preceding month.

100. Where a recipient earns an income that affects his benefits and informs the Minister thereof too late for the benefits of the following month to be adjusted, the income shall affect the benefits of the next month.

101. Paragraph 10 of section 84 and section 99 apply insofar as the income had been diligently declared to the Minister.

§6. Liquid assets

102. Liquid assets shall comprise everything that an independent adult or a family possesses in cash or in an equivalent form and the value of assets that they can convert into cash in the short term, such as

(1) amounts, whether demand deposits or term deposits, that a financial institution holds on deposit for an independent adult or a family, or funds that it holds in their favour if they have ready access to those funds;

(2) securities that they own, if those securities are regularly quoted on the market on which they are traded;

(3) debts of which they can obtain immediate payment; and

(4) any assets negotiable at sight.

They shall comprise the total amount of a term deposit made in favour of an independent adult or a member of a family, even if they do not have ready access to that amount, where that deposit is made when that adult or family is receiving benefits under a last resort financial assistance program or in such a manner as to render them eligible for such a program.

103. Liquid assets shall be excluded for benefit calculation purposes, up to a maximum of

(1) in the case of an independent adult, an adult referred to in section 7, or a family referred to in section 20: \$2 500 if his capacity for employment is severely limited and \$1 500 in other cases;

(2) in the case of a family: \$5 000 if the capacity for employment of at least one adult member is severely limited and \$2 500 in other cases.

104. The amount provided for in paragraph 2 of section 103 shall be increased by the following amounts for any minor dependent child, unless it concerns a family referred to in section 20:

Adult(s)	Dependent child(ren)	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

That amount shall be increased by \$200 for the third minor dependent child and each subsequent child.

Notwithstanding the foregoing, in the case of a dependent child of an adult referred to in section 7, the amount provided for in paragraph 1 of section 103 shall be increased by \$217 for the first minor dependent child and \$200 for each subsequent child.

The amount provided for in section 103 shall also be increased by \$119 for every minor dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

105. The amount provided for in section 103 shall be increased by \$147 for any child of full age who attends a secondary-level educational institution in general education.

106. The amounts provided for in section 103 shall be increased by an amount equal to the total value of the amounts paid by the governments of Canada or Québec:

(1) under the Japanese-Canadian Redress Agreement concluded between the Government of Canada and the National Association of Japanese Canadians;

(2) under a statement made to the House of Commons on 14 December 1989 by the Minister of Health and Welfare Canada regarding persons infected with the human immunodeficiency virus following a blood transfusion or by absorbing blood-derived products;

(3) under a humanitarian fund created by the Gouvernement du Québec for hemophiliacs and other persons HIV-infected as a result of a blood transfusion, except where the amounts are paid as compensation for loss of income or loss of support;

(4) under the extraordinary assistance plan created by the Government of Canada for persons who are victims of thalidomide;

(5) under a Government of Canada program respecting *ex gratia* payments to persons depatterned at the Allan Memorial Institute between the years 1950 and 1965; or

(6) under a financial assistance program created by the Gouvernement du Québec for persons Hepatitis C-infected following a blood transfusion or by absorbing blood-derived products in Québec before 1 January 1986 or between 2 July 1990 and 28 September 1998.

107. The amounts provided for in section 103 shall also be increased by an amount equal to the total value of the amounts paid

(1) to a person entitled thereto under the judgment of the Supreme Court of Canada: Public Curator of Québec vs. Syndicat national des employés de l'hôpital St-Ferdinand, rendered on 3 October 1996;

(2) to a person entitled thereto under an agreement resulting from class actions pertaining to breast implants; or

(3) to a person entitled thereto following the recommendations contained in the report required by the mandate entrusted by the Gouvernement du Québec under Décret 931-98 dated 8 July 1998, amended by Décret 1281-98, dated 30 September 1998, pertaining to damages sustained by certain persons represented by the Public Curator.

108. The increases provided for in sections 106 and 107 shall be applied as of the date of the payment of those amounts and solely with regard to the recipient personally.

109. The amount provided for in section 103 shall be increased for a period of 12 consecutive months by an amount equal to a retroactive adjustment of benefits paid by reason of an administrative error, a review decision, a decision handed down by the Administrative Tribunal of Québec or pursuant to section 141.

That increase shall be applied as of the date of the payment and solely with regard to the recipient concerned.

110. The following liquid assets shall be excluded for benefit calculation purposes:

(1) those accumulated by a dependent child through his own work;

(2) those owned by a dependent child, where they are administered by a tutor, a liquidator of successions or a trustee, before an accounting is rendered, and where they have been placed in a term deposit which does not allow them to be freely disposed of;

(3) the amount of loans and scholarships that an adult or a dependent child receives as a student where, within 6 months of its receipt, it is used for the purposes for which it was obtained;

(4) the cash surrender value of a life insurance policy;

(5) the amounts received to pay for additional expenses related to a recipient's participation in an employment-assistance measure or program, provided those amounts are used for the purposes for which they were obtained; and

(6) the amount from a succession up to the amounts of debts and charges for which the recipient is responsible.

111. The amount of advance family allowance payments received under the Act respecting family benefits shall be excluded for benefit calculation purposes for the month following those payments.

112. The amount of a loan taken out in order to consolidate debts or to purchase property referred to in paragraphs 1 to 3 and 8 of section 116 shall be excluded for benefit calculation purposes where

(1) it is deposited without delay into a separate account with a financial institution; and

(2) it is used within 30 days of its receipt for the purposes for which it was obtained.

113. Liquid assets shall be excluded for benefit calculation purposes up to a maximum value of \$60 000 for all the following amounts that are part thereof:

(1) the value of the amounts or pension credits referred to in paragraph 4 of section 116, which, under the retirement instrument or plan in question or by law, can be returned to the participant;

(2) a sum received in the form of an amount or a pension credit referred to in subparagraph 1, where it is used within 30 days of its receipt as a contribution to another retirement plan or retirement savings instrument;

(3) the amount of a grant or a loan to be used to repair a residence, where it is used within 6 months of its receipt for the purposes for which it was obtained; and

(4) the amount of a grant or a loan to be used to start a business or to create one's own employment, where it is used within 6 months of its receipt for the purposes for which it was obtained.

The exclusions provided for in subparagraphs 2 to 4 of the first paragraph apply only where the amounts referred to are deposited without delay into a separate account with a financial institution.

114. Any part of an amount referred to in paragraph 3 of section 110, section 112 and subparagraphs 2 to 4 of the first paragraph of section 113 shall constitute liquid assets for the entire month in which it is used contrary to those provisions or not deposited in accordance with those provisions, and the exclusion provided for in section 103 is not applicable thereto.

§7. Property

115. The value of property shall be its market value.

The net value of property shall be its value less the value of the real rights with which it is encumbered.

The value of a residence shall correspond to that of the house and of the land on which it is built.

The value of a farm shall correspond to that of the land, the buildings, the livestock and the implements.

Notwithstanding the first paragraph, the value of any immovable listed on the assessment roll of a municipality shall be equal to the value indicated thereon, multiplied by the comparative factor of the roll, in accordance with the provisions of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

116. The following shall be excluded for benefit calculation purposes:

(1) the total value of movables and household articles;

(2) the value of a motor vehicle up to a maximum of \$5 000;

(3) books, instruments and tools needed for employment or for a trade or craft;

(4) the value of pension credits that have accumulated in a retirement plan other than the plan instituted by the Act respecting the Québec Pension Plan or an equivalent plan within the meaning of that Act, as well as the amounts that have accrued with interest as a result of the recipient's participation in another retirement savings instrument which, under the plan, the savings instrument or the Act, cannot be returned to the recipient before the age of retirement;

(5) property owned by a dependent child, where the property is administered by a tutor, a liquidator of successions or a trustee, before an accounting is rendered;

(6) property acquired by a dependent child through his own work;

(7) equipment adapted to the needs of a recipient who has functional limitations, including a vehicle adapted for transportation and not used for commercial purposes; and

(8) the value of a contract for the advance arrangement of funeral services or for the advance purchase of a sepulchre, where those contracts are in force.

117. The value of all the following property shall be excluded for benefit calculation purposes, up to a maximum of a total net value of \$80 000:

(1) the value of a residence or of a farm operation;

(2) the value of a residence or a farm belonging to an independent adult who no longer lives in that residence or operates that farm since having been placed in a foster home or sheltered in a facility maintained by an institution operating a rehabilitation centre, a residential and long-term care centre or a hospital centre, during the first year spent there;

(3) the value of a residence belonging to an independent adult or to a family who no longer lives therein for health reasons, for a period of one year from the time of moving;

(4) the value of a residence belonging to an adult who no longer lives in that residence because of a separation, for a period of not more than 18 consecutive months, extending from the date on which he undertakes a family mediation process or legal proceedings to the date on which the court decides on the right of property or, as the case may be, to the date on which the court ratifies or homologates the agreement between the parties;

(5) the net value of property used in self-employment or in the operation of a farm;

(6) the amount of an indemnity paid as compensation for immovable property following an expropriation or a disaster, where that amount is used within two years of its receipt to replace property with a view to permanent relocation or to operate a business;

(7) the amount of an indemnity paid as compensation for movable property following a fire or another disaster, where it is used within 45 days of its receipt to repair or replace that property; and

(8) the amount from the sale of a residence, where that amount is used to purchase or build another residence within six months of the sale.

In the case of an independent adult or a family in which at least one adult member has a seriously limited capacity for employment, the amount provided for in the first paragraph is increased by \$1 000 for each complete year of occupation as the owner of the residence.

118. The exclusions provided for in subparagraphs 6 to 8 of the first paragraph of section 117 apply only where the amounts referred to are deposited without

delay into a separate account with a financial institution or, in the case provided for in subparagraph 6 of the first paragraph of that section, if those amounts are the subject of an investment that a trustee is permitted to make under the Civil Code.

Any part of an amount referred to in those subparagraphs shall constitute liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph, and the exclusion provided for in section 103 is not applicable thereto.

119. Property acquired using an amount referred to in sections 106 and 107 is excluded for benefit calculation purposes.

That exclusion applies from the date of payment of the amount and solely in respect of the recipient personally.

120. The aggregate value of property shall comprise the value of all property, except that of the liquid assets and of the property excluded for benefit calculation purposes.

If only part of the value of property is excluded for the purpose of that calculation, the remainder of the value shall be included in the aggregate value.

121. The percentage applicable to the aggregate value of property for benefit calculation purposes shall be 2 % of their aggregate value. Except for the property referred to in section 117, that percentage shall apply to the aggregate value of assets in excess of \$1 500 in the case of an independent adult or a family referred to in section 20, or \$2 500 in all other cases.

§8. Sharing of dwellings

122. The benefits of an independent adult or a family sharing a dwelling shall be reduced by an amount equal to the difference between \$100 and the amount subtracted under section 81.

A housing unit shall be considered a dwelling where it has a separate exit leading outdoors or to a common corridor, self-contained sanitary facilities and a separate area for the preparation of meals.

123. An independent adult or a family shares a dwelling where, in any of the following cases, the dwelling is shared with

(1) a co-tenant or co-owner; or

(2) an independent adult or a family where fewer than three rooms are rented out or offered for rent to different tenants.

When three rooms in a dwelling are rented or offered for rent to different tenants, an independent adult or a family shares that dwelling where they occupy it with a recipient with whom they do not form a family and who is an immediate relative, brother or sister.

In cases not otherwise covered by the first paragraph, an independent adult or a family shares a dwelling where the former occupies a room with an independent adult or a family.

A dwelling shall be considered to be shared even where the housing expenses are not actually shared.

124. However, notwithstanding section 123, a dwelling is not considered to be shared in the following cases:

(1) between a recipient who acts as a residence or foster family and the persons entrusted to him;

(2) in a shelter for victims of violence, with respect to persons who have taken refuge therein;

(3) in a foster home bound by a services contract concluded with the Minister of Public Security to facilitate the social reintegration of persons who are placed therein, with respect to the recipient in charge of the foster home, except if he shares it with a person other than those placed with him; and

(4) with respect to an independent adult who shares a room with another person in a community residence, which is not covered in paragraph 3, offering room and board, assistance and rehabilitation services for a given amount.

125. The sharing of a dwelling unit due to the necessity of providing constant care to a person within the meaning of subparagraph 5 of the first paragraph of section 24 of the Act shall not entail the reduction provided for in section 122 for those persons. The same applies to a recipient to whom a temporarily limited capacity for employment allowance applies due to the presence of such person.

126. The reduction in benefits provided for in section 122 does not apply to a family that includes only one adult member.

§9. Parental contribution

127. The parental contribution that an adult is deemed to receive under subparagraph *h* of subparagraph 3 of the first paragraph of section 27 of the Act shall be determined for a 12-month reference period on 1 July of each year by taking into account the income for the taxation year preceding the reference period or for the current year where the income for that year is less by 10 % or more than that of the preceding year.

The incomes of the father and mother of the adult are established as follows:

(1) net income within the meaning of section 28 of the Taxation Act; and

(2) the following amounts, where not already covered by paragraph 1:

(a) amounts received as compensation under a statute respecting occupational accidents of Canada, another province or a territory of Canada;

(b) amounts received as social assistance payments based on an investigation of resources and needs under a statute of another province or territory of Canada;

(c) amounts received as monthly Guaranteed Income Supplement or spouse's allowance under the Old Age Security Act (R.S.C., (1985), c. O-9) and amounts received as such under a statute of another province or a territory of Canada;

(d) amounts received as tax benefits for children under subdivision *a.1* of Division E of Part I of the Income Tax Act;

(e) family allowances received under the Act respecting family benefits up to an amount of \$131 for the first child, \$174 for the second, \$218 for the third, and \$261 for each subsequent child;

(f) amounts received under the Act respecting real estate tax refund (R.S.Q., c. R-20.1); and

(g) allowances paid under section 3.1 of the Act respecting the Société d'habitation du Québec.

128. The incomes of the father and mother calculated in accordance with section 127 shall be reduced by the following amounts:

(1) where the incomes of both the father and the mother are considered, the aggregate of the following amounts:

(a) for both parents: \$11 800;

(b) for each dependent child who resides with the father and mother and is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university: \$ 1 200;

(c) for dependent children:

i. for the first: \$ 2 600;

ii. for each subsequent child: \$ 2 400;

(2) where the income of a single parent is considered, the aggregate of the following amounts:

(a) for the parent: \$ 9 862;

(b) for each dependent child who resides with the parent and is in full-time attendance in vocational education at a secondary-level educational institution or in full-time attendance at a college or university: \$ 1 200;

(c) for dependent children:

i. for the first: \$ 2 600

ii. for each subsequent child: \$ 2 400.

129. The incomes of the father and mother taken into account for the purposes of calculating the parental contribution shall be 40 % of the income calculated in accordance with sections 127 and 128.

130. The parental contribution shall be determined by dividing by 12 the amount of the income obtained for section 129. That amount, where applicable, is divided by the number of adults deemed to have received a parental contribution from the same parent or parents.

DIVISION IV PAYMENT OF BENEFITS

131. An application for eligibility under the program is deemed to have been made on the day the prescribed form, duly completed and signed, is received by the Minister.

However, where the Minister has already received from the applicant a writing showing his intent to file an application, the date of the application is the date on which the Minister received the writing, if the form prescribed by the Minister is completed and signed within a reasonable time.

132. An application for eligibility under the program or for a benefit provided therefor may also be submitted by a responsible person on behalf of the independent adult or the family.

133. An application may not be refused on the grounds of faulty drafting or an irregular procedure that has no bearing on entitlement to benefits or the amount thereof.

134. The statement made by a sheltered adult so as to be exempted from paying the price of his shelter shall stand in lieu of a validly formulated application for eligibility if that statement contains the information relevant to such application.

135. Any notice delivered to the person to whom it is addressed or to a person representing him, or mailed to the last known address is deemed to be validly given.

136. Benefits granted under the program, including the special benefits provided for in section 71, shall be paid on the first day of the month, except under exceptional circumstances. The special continuing benefits provided for in sections 55 and 56 shall be paid at the same time. However, the other special benefits shall be paid in the normal course of the applications.

137. A recipient shall submit to the Minister a full statement of his situation as well as a short statement.

A full statement shall be submitted every 12 months.

A short statement shall be submitted every month, except for an independent adult or a family including an adult member whose capacity for employment is severely limited, in which case the short statement shall be submitted only if a change of situation occurs.

The Minister shall cease paying benefits to a recipient who does not submit the duly completed and signed short statement, unless he demonstrates that he was unable to return it.

138. An independent adult or a family referred to in section 12 must also submit the statements provided for in section 137. However, the full statement must be submitted, as the case may be, 12 months after the start of the period referred to in such section, and the short statement when a change of situation occurs.

139. For the purposes of section 140 of the Act, the Minister is bound to pay interest on the amount of benefit that should have been granted as of the date of the initial decision or the date on which the decision took effect, if later. The rate shall be that set under the second paragraph of section 28 of the Act respecting the

Ministère du Revenu (R.S.Q., c. M-31) and such interest shall form part of the benefit.

In the event that the decision concerns a special benefit other than those provided for in sections 55, 56 and 69, interest is payable where the recipient certifies in writing that he received, prior to the date of the review or appeal decision, the goods or services covered by the special benefit claimed and such interest shall be computed as of the date on which the recipient received them.

140. The Minister is not bound to pay interest in cases where

(1) the amount owed is less than \$1;

(2) the decision concerns the special benefit referred to in section 50;

(3) the independent adult or family received benefits under sections 16 and 134 of the Act respecting income support, employment assistance and social solidarity; or

(4) the independent adult or family received benefits further to a decision rendered under the second paragraph of section 107 of the Act respecting administrative justice (1996, c. 54).

141. Where an application for benefits was rejected or where the benefits granted to an independent adult or a family have been reduced or cancelled because of amounts paid under another statute, and where the Minister or body that paid those amounts reclaims them in whole or in part, the amount of the benefits granted or that could have been granted for the months covered by that claim shall be re-calculated accordingly

(1) if the amounts claimed were paid by reason of an administrative error of the Minister or agency; or

(2) if the amounts claimed were paid as family allowances under the Act respecting family benefits, or a national supplement for children; however, the re-calculation shall be made only for the 6 months preceding the date of the claim.

For the purposes of this section and where applicable, any new statements required in relation to the months covered by the claim must be submitted within one month of the claim's receipt.

142. For the purposes of section 43 of the Act, the creditor of support shall inform the Minister of any agreement or judicial proceeding by sending a copy thereof to the following address, within the time allowed:

Ministère de la Solidarité sociale
Centre du recouvrement
Services des pensions alimentaires
800, place D'Youville
15^e étage
Québec (Québec)
G1R 5Z6

DIVISION V **BENEFITS ADMINISTERED BY A THIRD PARTY**

143. The Minister shall pay the benefits to a person or an organization designated by him under section 33 of the Act where the recipient or his representative agrees thereto.

144. A person or organization designated by the Minister shall use the amount of the benefits in a reasonable manner, solely for the advantage of the independent adult or the family in respect of whom they are paid, and may not derive any direct or indirect advantage for himself or itself therefrom.

Where the benefits accumulate, they must be invested in a reasonable manner, considering the amount in question, interest being added to the principal.

145. The staff of an institution that operates a rehabilitation centre, a residential and long-term care centre or a hospital centre and that shelters an adult, or persons practising their profession there, may not act as designated persons, except in the case of a person required to provide to that adult support payments within the meaning of the Civil Code. However, the institution may be designated by the Minister.

146. A designated person or organization may not use funds constituted by benefits to pay expenses connected with the services that an institution or a reception centre must provide as part of its mission or to pay expenses incurred by a person in the service of such institution or reception centre.

147. A designated person or organization may pay the reasonable cost of personal services that the institution or the reception centre provides to the recipient, without being required to do so, provided that it does not exceed the cost normally required for an equivalent service.

148. A designated person or organization shall keep separate accounts for each recipient of the funds constituted by benefits so that these funds may be identified and their existence verified, and he or it shall identify the deposits, withdrawals and accrued interest.

149. A designated person or organization shall submit annually to the Minister a report on the use of the administered benefits. Where the designated person or organization is an institution, it shall keep a register of accounts in the manner provided for in section 148 and shall make it available to the Minister.

DIVISION VI **ADMINISTRATIVE MEASURES**

150. The Minister shall, where there is an infringement of section 44 of the Act, reduce or refuse or cease to pay benefits, including in the calculation thereof, the value of rights, property or liquid assets, at the date of relinquishment, disposition or squandering, after having subtracted fair consideration received and, for each month that has elapsed since that date, for a period of not more than two years, an amount as follows:

(1) for each month of ineligibility for the benefit:

Adult(s)	Dependent child(ren)	Amount
1	0	\$726
1	1	\$1 051
1	2	\$1 251
2	0	\$1 079
2	1	\$1 296
2	2	\$1 496

(2) for each month of eligibility for the benefit:

(a) determine the basic benefit applicable to the adult or adult members of the family;

(b) add the amounts provided for in this Regulation as allowances and adjustments that replace the advance Québec sales tax credit; and

(c) add, for each dependent child, an amount determined as follows:

Adult(s)	Dependent child(ren)	Amount
1	1	\$325
1	2	\$525
2	1	\$217
2	2	\$417

The amount provided for in the first paragraph shall be increased by \$200 for the third dependent child and for each subsequent child. It shall also be increased by \$119 for any dependent child who receives an allowance for a handicapped child under the Act respecting family benefits.

151. For the purposes of paragraph 8 of section 50 of the Act respecting income support, employment assistance and social solidarity, an adult is deemed to have a serious reason to turn down or quit a suitable job if he is temporarily or severely limited for employment.

152. The benefits of an independent adult or of a family shall be reduced by \$150 per month for 12 months for each infringement of any provision in sections 45, 47 and 49 of the Act. However, that reduction shall be \$100 in the case of an adult referred to in section 7 or 8.

Where there is a subsequent infringement, the reduction shall apply as soon as the infringement is brought to the attention of the Minister and shall be applied concurrently. The application may not operate to reduce the benefits by an amount exceeding \$100 in the case of an adult referred to in section 7 or 8, \$150 in the case of a family that includes only one adult member, or \$300 in other cases.

153. The measure provided for in section 152 ceases to apply:

(1) in the event of an infringement of section 45 or 47 of the Act, where the adult no longer fails to comply with the instructions given by the Minister or receives an employment-assistance allowance; or

(2) in the event of an infringement of section 49 of the Act, where the adult accepts a job that he had refused, returns to a job that he had quit or lost through his own fault, or accepts a job that has characteristics similar at least in salary and in duration.

154. The reduction provided for in section 152 does not apply:

(1) in the event of an infringement of section 45, 47 or 49 of the Act for each month during which the adult is temporarily or severely limited for employment or whose spouse is temporarily or severely limited for employment;

(2) in the event of an infringement of section 49, for each month during which the adult receives an employment-assistance allowance, as of one month after the first month for which the allowance is granted; or

(3) for each month during which the adult is sheltered or placed in a reception centre.

CHAPTER IV **PARENTAL WAGE ASSISTANCE PROGRAM**

DIVISION I **ELIGIBILITY**

155. An adult not residing in Québec is eligible for the Parental Wage Assistance Program where he is in one of the situations described in the first and third paragraphs of section 4, for the duration provided therefor.

For a period not exceeding six months, an adult who must accompany a person described in subparagraph 1 of the first paragraph of that section to whom he provides constant care as required by such person's physical or mental condition is also eligible.

156. The value of property and liquid assets in the possession of the adult, his spouse and his dependent children must not exceed, for each month of eligibility, one of the following amounts:

(1) \$45 000; or

(2) \$90 000, provided the owner of the family residence is one of the members of that family.

In the case provided for in subparagraph 2 above, the value of property and liquid assets other than the residence must not exceed \$45 000.

157. For the purposes of section 156, the value of the following property shall not be included:

(1) any motor vehicle primarily intended for personal use;

(2) the furniture and household items of the main residence;

(3) any life insurance policy; and

(4) any right arising from a retirement plan or fund.

158. If the spouse of the adult for a given year was not his spouse for the entire year, the value of the property and liquid assets in the latter's possession shall be considered only for the months during which that person was his spouse.

159. The value of a property shall be equal to its market value.

However, the value of any immovable listed on the assessment roll of a municipality shall be equal to the value indicated thereon, multiplied by the comparative

factor of the roll, in accordance with the provisions of the Act respecting municipal taxation. Where the value of a residence which is part of an immovable is not specifically listed on the assessment roll, its value shall be equal to the portion of the value of the immovable it occupies that can reasonably be attributed to it.

160. When ascertaining the value of a residence, the real rights of which it is encumbered shall be deducted.

Where an immovable, including the residence or a set of immovables comprising the residence, is encumbered with real rights, the value of such rights is deducted from the value of the residence by applying, as the case may be, one of the percentages obtained by dividing the value of the residence by that of the immovable of which it is a part or by that of the set of immovables encumbered by those rights.

161. When ascertaining the value of the property used in the context of self-employment, the real rights encumbering such property are deducted therefrom.

162. For the purposes of subparagraph 5 of the second paragraph of section 68 of the Act respecting income support, employment assistance and social solidarity, the minimum amount that the adult and, where applicable, his spouse, must earn during one month is \$100.

163. The business income earned by a person for a given month is equal to the portion of his business income for the year, referred to in the first paragraph of section 79 of the Act, attributable to that month after it has been divided as follows, where the fiscal year

(1) begins and ends in the year, the business income of the year is divided into equal amounts for each month in which that person operated his business during the fiscal year; or

(2) ending in the year began in the previous year, the business income of the year is divided into equal amounts, as of January, over a number of months corresponding to the number of months during which that person operated his business in the fiscal year.

DIVISION II **INTERPRETATION**

164. A child who is the dependant of a brother, a sister, an uncle, an aunt, a grandparent or an adult, where that adult has custody of the child under a court order, except in the case of a foster family, is deemed to be the dependant of an adult other than his father or mother.

165. A child who is not legally authorized to live in Canada is deemed not to be a dependant, except in the case of a refugee within the meaning of the Geneva Convention recognized in Canada by the competent Canadian authority.

166. A child who does not reside in Québec is deemed not to be a dependant, unless he must be absent for one of the reasons and for the duration provided for in subparagraphs 1 and 2 of the first paragraph and the third paragraph of section 4 or to pursue his studies on a full-time basis for their duration.

167. A child who is sheltered in an institution operating a rehabilitation centre or placed in a foster home is deemed to no longer be a part of his family from the third month following that of his placement, unless his return to or gradual reintegration into that family begins within such period under an intervention plan set up by an institution operating a child and youth protection centre.

168. A child whose total income exceeds \$5 900 is deemed not to be a dependant, except where all the dependent children have such an income. In such case, the child with the lowest total income is deemed to be a dependant.

169. Where the custody of a dependent child is shared between two adults by virtue of a judgment or, failing that, a written agreement, the child is deemed to be a dependant of the adult who is eligible for the program if the percentage of the monthly custody time is 30 % or more.

DIVISION III **ESTABLISHMENT AND PAYMENT OF BENEFITS**

170. For the purposes of section 73 of the Act, the percentage shall be 35 %.

For the purposes of subparagraphs 1 and 2 of the first paragraph of section 75 of the Act, the percentages are set at 43 % and 23 %, respectively.

171. The amount of the family's needs determined in respect of the adult for one year is equal to:

(1) \$11 370 where the adult has a spouse for that year; or

(2) \$7 790 where the adult has no spouse.

172. The excluded amounts in respect of an adult or the adult's spouse, for the purposes of paragraph *a* of subparagraph 2 of the first paragraph of section 75 of the

Act, are the aggregate of the amounts received under the Employment Insurance Act as work sharing-benefits received under a regulation made under section 24 of the Act;

173. The amount of work income excluded for the purposes of ascertaining the net work income of the adult's family in accordance with the second paragraph of section 79 of the Act respecting income support, employment assistance and social solidarity is equal to \$100 per month of work.

174. The maximum amount of income of the dependent children referred to in subparagraph 1 of the third paragraph of section 79 of the Act is \$5 900.

175. For the purposes of subparagraph 3 of the third paragraph of section 79 of the Act, the amount of last-resort financial assistance benefits determined for a family corresponds to the sum obtained by adding, for each month of the year, the amounts established based on the following formula: $A - (B - C)$.

In this formula:

(1) "A" represents the total last-resort financial assistance benefits received during the month by the adult and his spouse;

(2) "B" represents the amount of the scale of family needs applicable to the adult, divided by 12; and

(3) "C" represents the family's total estimated income for the month, calculated without consideration for the portion attributable to the month for the amount stipulated in subparagraph 3 of the third paragraph of section 79 of the Act respecting income support, employment assistance and social solidarity, and the amount determined in subparagraph 1.

The operations $(B - C)$ and $A - (B - C)$ cannot produce a result lower than 0.

176. The amount of last-resort financial assistance benefits deemed to have been received for the purposes of the third paragraph of section 75 and the fourth paragraph of section 79 is calculated by adding, for each month of the year, the amount obtained by the surplus amount of family needs as provided for in 171, divided by 12, above and beyond the total family income estimated for the month, with the exception of the amount determined under subparagraph 1 of the first paragraph of section 175.

177. An adult may receive an advance payment when the estimated amount of benefits exceeds \$500, without considering the increase provided for in section 77 of the Act.

The amount of an advance payment for a given month is equal to the lesser of the two following quotients:

(1) $\frac{\text{M.A.} - \text{A.P.}}{\text{the potential number of months of eligibility remaining in the year; or}}$	(2) $\frac{\text{M.A.}}{\text{the potential number of months of eligibility for the entire year.}}$
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In these quotients, "M.A." represents the maximum amount of advance payments for the year established under this section and "A.P." represents the advance payments already made in the year.

The maximum amount of advance payments for a year is equal to the estimated benefit less the greater amount between \$500 and 25 % of this estimated benefit.

178. Insofar as an adult is entitled, for a given month, to an advance payment, the amount of increase provided for in section 77 of the Act is paid for that month. The amount is equal to \$3, multiplied by the number of days in daycare, during that month, for which a \$5 contribution per day of daycare is required under the Act respecting child day care (R.S.Q., c. S-4.1).

DIVISION IV **ADMINISTRATIVE RULES**

179. An application for eligibility under the program is deemed to have been made on the day the prescribed form, duly completed and signed, is received by the Minister.

However, where the Minister has already received from the applicant a writing showing his intent to file an application, the date of the application is the date on which the Minister received such writing, if the form prescribed by the Minister is completed and signed within a reasonable time.

180. A recipient shall submit to the Minister a full statement of his situation as well as a short statement in accordance with subparagraph 2 of the first paragraph of section 88 of the Act respecting income support, employment assistance and social solidarity.

A full statement shall be submitted every twelve months.

A short statement shall be submitted every year, in May and September, if there has been no change in the recipient's situation or, if there has been a change, on the date of the change in situation and, thereafter, every four months from that date until the end of the year, except in December.

The recipient who does not submit a short statement is deemed to have declared there has been no change in his situation.

181. For the purposes of the second paragraph of section 96 of the Act, any overpayment due to an unforeseen or involuntary change in situation is deemed to be an amount paid further to an administrative error that the adult could not have reasonably noticed, if the Minister is notified without delay of that change as stipulated by section 180.

182. An application may not be refused on the grounds of faulty drafting or an irregular procedure that has no bearing on entitlement to benefits or the amount thereof.

183. Any notice delivered to the person to whom it is addressed or to a person representing him, or mailed to the last known address is deemed to be validly given.

CHAPTER V RECOVERY

184. The recoverable amounts further to the possession of liquid assets that exceed those excluded for the purposes of calculating the amount of benefits shall be established up to the highest amount according to which such liquid assets are in surplus for a month included in the period.

A period comprises the consecutive months during which the liquid assets are in surplus and each period is deemed to be separate for ascertaining the recoverable amount.

185. The recoverable amount under section 107 of the Act shall be determined by considering the amount of last-resort financial assistance benefits granted to the persons covered by such undertaking during its duration.

The amount shall be calculated under the following conditions and rules:

(1) in the case of an independent adult or a family of which all members are covered by the undertaking of only one person or persons held severally liable, the recoverable amount shall be that of the benefits granted

during the term of the undertaking, from which, however, must be subtracted the amount of adjustments for dependent children provided for in sections 34, 200 and 201, and that of the special benefits other than those provided for in Schedules I through IV;

(2) in the case of an independent adult or a family of which all members are covered by the undertakings of several persons who are not held severally liable, the recoverable amount for each person shall be that of the benefits granted during the term of each undertaking, calculated in accordance with subparagraph 1, which is then apportioned by considering the amount of benefits, adjustments, allowances, special benefits, resources and reimbursements attributable to the persons covered by each undertaking;

(3) in the case of a family of which certain members are covered by the undertaking of only one person or persons held severally liable, the recoverable amount shall be that of the benefits granted during the term of the undertaking, calculated in accordance with subparagraph 1, from which must be subtracted the amount of benefits, adjustments, allowances and special benefits, attributable to the persons who are not covered by the undertaking and the amount of resources and reimbursements attributable to the persons who are covered by the undertaking; or

(4) in the case of a family of which certain members are covered by the undertakings of several persons who are not held severally liable, the recoverable amount shall be that of the benefits granted during the term of each undertaking, calculated in accordance with subparagraph 1, from which must be subtracted the amount of benefits, adjustments, allowances and special benefits, attributable to the persons who are not covered by the undertakings; the amount thus obtained is then apportioned by considering the amount of benefits, adjustments, allowances, special benefits, resources and reimbursements attributable to the persons covered by each undertaking.

For the purposes of calculating the amount of the second paragraph, the amount of special benefits granted to a person covered by an undertaking is considered only if that undertaking was signed after 31 October 1994.

For the purposes of subparagraphs 2 to 4 of the second paragraph, where an amount cannot be attributed to a specific member of the family, it shall be attributed to the only adult member of the family, apportioned in equal shares between the two adult members or among each dependent child.

186. Subject to an agreement or a withholding for the purposes of sections 113 or 117 of the Act, the debtor of a recoverable amount shall reimburse to the Minister every month, beginning on the date of issue of the certificate referred to in section 116 of the Act, a sufficient amount to allow for repayment of the debt within a maximum of 36 months.

The amount of the reimbursement may not be less than \$56 per month, except in the case of an independent adult admitted to shelter or placed in a reception centre or of a family referred to in section 20, in which case the amount cannot be less than \$22 per month.

Nevertheless, if the recoverable amount is owed as a result of misrepresentation, the reimbursed amount cannot be less than \$112 per month or, if it is due to more than one misrepresentation, \$224.

187. The recoverable amount must be reimbursed in full, without delay, and with no other formality or notice, as soon as the debtor fails to comply with section 186 or the agreement made with the Minister pursuant to section 113 of the Act.

188. For the purposes of section 117 of the Act, the Minister shall withhold a portion of the amount granted to the debtor under a last-resort financial assistance program up to a maximum of \$56 per month, except in the following cases:

(1) \$112 per month, where the recoverable amount is due to misrepresentation; or

(2) \$224 per month, where the recoverable amount is due to more than one misrepresentation; nevertheless, the withholding, or the withholding and the amount of the reduction set out in section 152, cannot reduce by more than 50 % the amount that would otherwise have been received by the adult or his family, in which case the withholding is decreased to, but is not less than, \$112 per month.

Notwithstanding the first paragraph, if the debtor is an independent adult admitted to shelter or placed in a reception centre, an adult referred to in section 7 or 8 or a family referred to in section 20, the withholding cannot exceed \$22 per month.

189. For the purposes of section 117 of the Act, the Minister shall withhold a portion of the amount granted to a debtor as an employment-assistance allowance, up to \$13 per week, except in the following cases:

(1) \$26 per week, where the recoverable amount is due to misrepresentation; or

(2) \$52 per week, where the recoverable amount is due to more than one misrepresentation.

190. For the purposes of section 117 of the Act, the Minister shall withhold the amount of the advance payment provided for in the second paragraph of section 82 of the Act, except for the portion of the payment attributable to the amount of increase determined under section 74 of the Act, up to 33 1/3 % of the payment or, if the recoverable amount is due to misrepresentation, the entire amount.

191. Only one of the withholdings as set out in sections 188, 189 and 190 may apply to the same month. In such a case, the amount shall be withheld in the following order:

(1) the amount set out in section 188;

(2) the amount set out in section 189;

(3) the amount set out in section 190.

192. The withholding referred to in section 190 shall be suspended for each month during which the debtor makes a reimbursement following an agreement made with the Minister pursuant to section 113 of the Act.

193. Subject to section 136 of the Act, the debtor of a recoverable amount shall be required to pay interest at the rate set under the first paragraph of section 28 of the Act respecting the Ministère du Revenu, beginning on the 98th day from the date on which the Minister sent a formal notice to the debtor under section 112 of that Act.

194. Except if the recoverable amount is due to misrepresentation, the debtor shall not be required to pay interest where he is in one of the following situations:

(1) he respects the agreement reached with the Minister under section 113 of the Act;

(2) he makes the reimbursement as set out in section 186;

(3) the amount granted to him is subject to a withholding, as provided for in section 188, 189 or 190; or

(4) he attends, on a full-time basis, an educational institution at the secondary level in vocational education, or at the college or university level.

195. The debtor of a recoverable amount shall pay recovery charges as follows:

(1) \$100 for any formal notice sent under section 112 of the Act, if the recoverable amount is \$100 or more and is owed as a result of misrepresentation;

(2) \$50 for the certificate filed under section 118 of the Act; and

(3) \$175 for each measure aimed at guaranteeing a debt under Title III of Book VI of the Civil Code and for each measure of execution taken under Title II of Book IV of the Code of Civil Procedure (R.S.Q., c. C-25).

These charges are part of the recoverable amount.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

196. An adult who, on 30 September 1999, takes part in a measure provided for in section 23 of the Act respecting income security (R.S.Q., c. S-3.1.1), which includes attendance at an educational institution and who received, for that month, the benefit set out in section 23 of the Regulation respecting income security, enacted by Order in Council 922-89 dated 14 June 1989, shall continue, beginning on 1 October 1999, to receive such benefit when he or his family recovers the financial resources sufficient to meet his needs until the deadline indicated for that measure in the action plan referred to in section 22 of that Act, for as long as he takes part in it.

Nevertheless, such benefit shall be reduced by any amount paid by the Minister under Title I of the Act respecting income support, employment assistance and social solidarity to cover the need targeted by such benefit.

197. An independent adult or a family who, on 30 September 1999, is referred to in subparagraphs 1 and 1.1 of section 24 of the Regulation respecting income security shall continue to receive, beginning on 1 October 1999 and until the expiry of the period stipulated therein, the dental and pharmaceutical services referred to in sections 70 and 71.1 of the Health Insurance Act (R.S.Q., c. A-29).

198. Until 1 January 2000, in the case where the custody of a dependent child belonging to a family comprising more than one child is shared between two adults, the adult eligible for the Parental Wage Assistance Program is deemed to have only one dependent child if the sum of the percentages representing the custody time for each child for the year is equal to or less than 100 % or to have two dependent children if that sum is greater than 100 %.

199. Until 1 January 2000, section 158 applies only if the adult's spouse for 1999 is no longer his spouse on 31 December 1999.

200. A family including only one adult and no more than two dependent children who, in September 1999, receives the increase provided for in section 132.2 of the Regulation respecting income security shall continue to receive, beginning on 1 October 1999, the adjustment of the basic benefit as provided for in section 23, in the amount of \$8.33 for the first dependent child and \$22.83 for the second.

In such case, the family retains the right to such adjustment for as long as it is entitled to receive, on an ongoing basis, last-resort financial assistance benefits and for as long as it comprises only one adult and no more than two dependent children.

For the purposes of this section, the youngest dependent child is deemed to be the first.

201. A family who, in September 1999, receives the increase provided for in section 132.4 of the Regulation respecting income security shall continue to receive, beginning on 1 October 1999, and for each dependent child under six years of age born prior to 1 September 1997, the adjustment of the basic benefit as provided for in section 23, in the amount of \$9.77 for the first child, \$19.53 for the second, and \$48.83 for each subsequent child.

In such case, each adult comprising the family shall retain the right to the adjustment for as long as he is entitled to receive, on an ongoing basis, last-resort financial assistance benefits and for as long as he has a dependent child under six years of age born prior to 1 September 1997.

For the purposes of this section, the eldest minor dependent child is deemed to be the first.

202. The rules regarding the shared custody of a dependent child and those regarding the calculation of the benefit for the month of the application shall apply, in accordance with sections 44 and 77, to the adjustments provided for in sections 200 and 201.

203. The excluded work income referred to in section 88 shall include the amounts paid by Emploi-Québec if the person was receiving, prior to 1 August 1998, an employment-assistance allowance for his participation in an employment assistance measure or program established by the Minister. Such exclusion applies for as long as the person continues to participate in such measure or program on an ongoing basis.

204. The basic benefit as provided in section 23 for October 1999, shall be increased through an adjustment for a dependent child equal to the amount of increase for a dependent child granted to the family in September 1999 under section 132.16 of the Regulation respecting income security.

205. Where the mother and father of the adult deemed to receive a parental contribution are divorced or separated, sections 127 and 128 may not, until the date of coming into force of the third paragraph of section 27 of the Act respecting income support, employment assistance and social solidarity, be applied to establish an amount of parental contribution greater than that which would have been established if the only income of the parent who had custody of such adult at the time he was no longer deemed to be a dependent child had been taken into consideration.

206. For the purposes of this Regulation, any benefit granted under the last-resort financial assistance program referred to in the Act respecting income security is deemed to be a benefit granted under a last-resort financial assistance program implemented by the Act respecting income support, employment assistance and social solidarity.

207. For the purposes of section 185, the recoverable amount is ascertained by taking into account the rules applicable to the calculation of last-resort assistance benefits under the Act respecting income security for the period covered by the claim, adapted as required.

208. Until 1 January 2000, the excluded amounts in respect of an adult or the adult's spouse, for the purposes of paragraph *a* of subparagraph 2 of the first paragraph of section 75 of the Act respecting income support, employment assistance and social solidarity, shall be the aggregate of the amounts received under section 22 or 23 of the Employment Insurance Act, as work-sharing benefits received under a regulation made under section 24 of the Act.

209. Until 1 January 2000, section 80 of the Act respecting income support, employment assistance and social solidarity, shall apply only if the adult's spouse for 1999 is no longer his spouse on 31 December 1999.

210. Until 1 April 2000, the provisions of the Labour Code (R.S.Q., c. C-27), the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Public Service Act (R.S.Q., c. F-3.1.1) and the Act respecting labour standards (R.S.Q., c. N-1.1) do not apply to a work activity carried out under the measure "Projets locaux de développement des compétences" established under 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).

211. Until 1 December 2000, the withholding under section 188 or 190 shall not apply with regard to an amount recoverable under Title I of the Act respecting income support, employment assistance and social solidarity.

212. An independent adult or a family who, on 1 October 1999, no longer qualifies for last resort financial assistance benefits due to the application of section 196 or to the abolition of the scale of participation provided for in the Act respecting income security, shall continue to receive the dental, pharmaceutical and optometrical services referred to in sections 70 and 71.1 of the Health Insurance Act.

In such cases, the independent adult or family may continue to receive those services for each month in which they receive an employment-assistance allowance or if they participate in the measure provided for in section 196, for a maximum of twelve months.

213. This Regulation replaces the Regulation respecting income security made by Order in Council number 922-89 dated 14 June 1989.

214. This Regulation comes into force on 1 October 1999 with the exception of sections 158, 169, 172 and 181, which will come into force on 1 January 2000, and section 189, which will come into force on 1 December 2000.

SCHEDULE I

(s. 50)

ACRYLIC DENTAL PROSTHESES

The special benefits cover the cost of a dental prosthesis supplied by a dentist or denturologist in accordance with the rules set out in this Schedule.

Division 1

Rules of application

1.1 The special benefits cover the cost of one complete dental prosthesis per maxilla provided that

1.1.1 the rates are those provided for in Division 2;

1.1.2 only one prosthesis is supplied for each eight-year period; and

1.1.3 in the case of the first prosthesis, it is supplied three or more months after extraction of the teeth.

1.2 The special benefits cover the cost of one partial prosthesis per maxilla with or without hooks or supports provided that

1.2.1 the rates are those provided for in Division 2,

1.2.2 only one dental prosthesis is supplied for each eight-year period, and

1.2.3 in the case of the first prosthesis, it is supplied three or more months after extraction of the teeth.

1.3 The special benefits cover the cost of replacement of a dental prosthesis in accordance with the rates provided for in Division 2 where replacement is due to oral surgery and upon recommendation in writing by a dentist or an oral surgeon.

The special benefits cover the cost of replacement due to loss or irreparable damage to a maximum of half the rate provided for.

1.4 The special benefits cover the cost of a repair or relining in accordance with the rates provided for in Division 2.

The special benefits cover the cost of relining only once for each five-year period, after one year has elapsed since obtaining the prosthesis.

Division 2

Rates

2.1 The rate structure shall be that stipulated in the agreement concluded on 9 April 1979 between the Minister of Health and Social Services and the Association des chirurgiens dentistes du Québec, as amended. The Minister shall inform the person concerned of it by any means he deems appropriate.

SCHEDULE II

(s. 51)

GLASSES AND LENSES

Division 1

Rules of application

§1.1 Lenses and supplements

1.1.1 The special benefits cover the cost of the lenses and supplements listed in Subdivision 2.3 of Division 2 in accordance with the rates provided for therein.

1.1.2 The cost of both lenses shall be reimbursed where the weaker eye requires a correction of at least

0.50 dioptres or use of a prism prescribed as a supplement. The prism must provide a correction of at least 1 dioptre in the weaker eye.

1.1.3 The cost of a lens shall not be reimbursed unless it was prescribed by an optometrist or a physician, except to replace a broken lens.

1.1.4 The cost of replacement of lenses shall be paid where the recipient's vision requires a correction of at least 0.50 dioptres and, in the case of a dependent child, where his growth so requires.

In the case of accidental breakage, damage or loss, the special benefit may not exceed 75 % of the amounts provided for in Subdivision 2.2 of Division 2.

1.1.5 A recipient who needs bifocal lenses but whose inability to wear them is certified by an optometrist or a physician shall be entitled to two pairs of glasses.

The special benefit may cover, for the purchase of those glasses, only the cost of the pair of bifocal lenses which the recipient is unable to wear, and the cost of one pair of frames in accordance with the rates provided for in Division 2.

§1.2 Contact lenses

1.2.1 The special benefits cover the cost of hard unifocal contact lenses, hard bifocal contact lenses, hard toric contact lenses, soft contact lenses furnished on prescription in accordance with the rates prescribed by Subdivision 2.4 of Division 2, on condition that they are provided

(a) upon medical or optometrical prescription, where the correction otherwise obtained is not adequate and in any case of

- i. myopia of at least 5 dioptres,
- ii. hypermetropia of at least 5 dioptres,
- iii. astigmatism of at least 3 dioptres,
- iv. anisometropia of at least 2 dioptres,
- v. keratoconus, or
- vi. aphakia, or

(b) upon medical prescription, for treatment of any acute or chronic pathology of the eyeball, such as ocular perforation, ulceration of the cornea or dry keratitis.

1.2.2 The special benefits cover the cost of replacement of contact lenses in accordance with the rates provided for in Subdivision 2.4 of Division 2

(a) where the recipient's vision requires a correction if at least 0.50 dioptres, and

(b) in the case of accidental breakage, damage or loss.

§1.3 Frames

1.3.1 The special benefits cover the cost of purchasing one pair of frames in accordance with the rates provided for in Subdivision 2.5 of Division 2, once per 24-month period for an adult and whenever necessary for a dependent child.

1.3.2 Where an adult's frames have been accidentally broken or lost, the special benefits cover the cost of replacement of the frames in accordance with the rates provided for in Subdivision 2.5 of Division 2; in such case, the cost of another pair of frames may be paid only 24 months after the date of replacement.

Division 2

Rates

§2.1 General

2.1.1 The rates provided for in this Division apply for one lens, except in the case of contact lenses.

2.1.2 The rates provided for in this Division for one bifocal lens apply to a round bifocal lens.

2.1.3 The cylinder must always be calculated in minus terms (-) to determine in which category a spherical or spherico-cylindrical lens belongs.

§2.2 Lenses

Spherical power	Cylindrical Power	Mineral lenses		Organic lenses	
		Unifocal	Bifocal	Unifocal	Bifocal
Plano to 4.00		\$14.50	\$23.00		
Plano to 4.00	-0.25 to -3.00	\$16.50	\$28.50		
Plano to 4.00	-3.25 to -6.00	\$26.00	\$38.50		
4.25 to 10.00		\$19.50	\$28.00		
4.25 to 10.00	-0.25 to -3.00	\$24.50	\$37.00		
4.25 to 10.00	-3.25 to -6.00	\$31.00	\$41.00		

Spherical power	Cylindrical Power	Mineral lenses		Organic lenses	
		Unifocal	Bifocal	Unifocal	Bifocal
10.25 to 20.00		\$26.00	\$44.00	\$52.50	\$71.50
10.25 to 20.00	-0.25 to -3.00	\$30.00	\$48.00	\$59.50	\$77.50
10.25 to 20.00	-3.25 to -6.00	\$36.50	\$52.50	\$62.00	\$83.50

§2.3 Supplements

Prism 1.00 to 7.00 dioptres	\$6.00
Prism 7.25 to 10.00 dioptres	\$9.00
Compensatory prism	\$25.00
Spherical exceeding 12.00 dioptres	\$11.00
Cylindrical exceeding 6.00 dioptres	\$11.00
Addition exceeding 4.00 dioptres	\$6.00
Fresnel lens	\$14.00
Safety mineral lens (dependent child only)	\$2.50
High index mineral lens (1.7 or more) if there is a correction of at least 8.00 dioptres	\$12.00

§2.4 Contact lenses

	1 lens	2 lenses
Purchase	\$115.00	\$200.00
Replacement for breakage, damage or loss	\$50.00	\$95.00

§2.5 Frames

Purchase	\$20.00
Replacement for breakage or loss (adults)	\$15.00

SCHEDULE III

(s. 52)

ORTHOPEDIC SHOES AND PLANTAR ORTHESES

Division 1

Rules of application

1.1 The special benefits cover the cost of orthopedic shoes and plantar orthoses up to the maximum amount indicated in the rates provided for in Division 2; however, in the case of an orthopedic shoe referred to in paragraph 1.2, special benefits shall cover the cost of

only one pair of shoes per adult not more than once in a twelve-month period, and only for the cost in excess of \$50.

In the case of a plantar orthosis, benefits cover the cost of two orthoses at the most during the first year of the initial fitting.

1.2 The rate provided for a manufactured shoe covers the shoe manufactured from a plaster, wood or plastic cast, individual or universal.

1.3 The rate provided for a corrective shoe covers a commercial corrective shoe, open, closed or straight.

1.4 The rate provided for a wedge or elevation applies to each shoe and the rate provided for a Thomas heel applies to the pair of shoes.

1.5 Special benefits shall cover the cost to replace a plantar orthosis only once per two-year period, unless a replacement is needed for a dependent child due to his growth.

Division 2

Rates

2.1 Shoe manufactured from a plaster, wood or plastic cast, individual or universal \$500.00 a pair

2.2 Commercial corrective shoe, open, closed or straight

- child \$30.00 a pair

2.3 Plantar orthosis (foot orthosis or podiatric orthosis) \$180.00 a pair

2.4 Wedge (inside or outside)

- sole \$15.00
- heel \$20.00

2.5 Thomas heel

- child \$15.00 a pair
- adult \$20.00 a pair

2.6 Elevation of sole and heel

- less than 15 mm in height \$25.00
- between 15 and 30 mm in height \$50.00
- over 30 mm in height \$75.00

SCHEDULE IV

(s. 53)

PROSTHESES, ORTHESES AND ACCESSORIES

Division 1

Rules of application

1.1 The special benefits cover the cost of prostheses, orthoses and accessories up to the maximum amount indicated in the rates provided for in Division 2, provided that the cost is not assumed by the Régie de l'assurance-maladie du Québec.

1.2 The special benefits cover the rental cost up to the maximum amount indicated in the rates provided for in Division 2, provided that the cost, considering the duration of the need, does not exceed that of the purchase.

1.3 The cost of the articles listed under the heading "urinary system" or "digestive system" is not paid if the recipient already receives the special benefits for temporary urostomy, ileostomy or temporary colostomy or the special benefits for paraplegia.

Nor are they paid if the recipient receives benefits under a program providing devices free of charge for people who have undergone an ostomy.

Division 2

Rates

1. HERNIA BELT:

1.1 Hernia belt, all sizes (including pads)

- single model \$40.00
- double model \$68.00

2. ORTHOPEDIC CORSET:

2.1 Sacro-iliac corset, all sizes \$75.00

2.2 Sacro-lumbar corset, all sizes (including two steel rods)

- man \$75.00
- woman \$85.00

Additional steel rod \$1.50

2.3 Dorso-lumbar corset (including garters, perineal belt and steel rods)		7. ORTHESES, LOWER LIMBS	
Less than 44 inches wide		7.1 Ankle support	\$25.00
• man	\$123.00	7.2 Ankle orthosis, all sizes	\$40.00
• woman	\$109.00	7.3 Knee support	\$47.00
More than 44 inches wide		7.4 Elastic knee-stocking	\$60.00
• man	\$246.00	7.5 Knee-stocking with metal joints	\$92.00
• woman	\$218.00	7.6 Knee-stocking (flexible)	\$64.00
3. COTTON STRAP		8. URINARY SYSTEM	
3.1 Strap (post-operative belt), all sizes	\$37.00	8.1 Catheters	
3.2 Thoracic strap, all sizes	\$18.00	• short duration (each)	\$3.50
3.3 Abdominal strap, all sizes	\$37.00	• long duration (each)	\$15.00
3.4 Arm strap (support), all sizes	\$8.00	8.2 Strips, adaptors, glue and straps	
3.5 Shoulder strap (support), all sizes	\$40.00	• Uri-hesive strip (each)	\$1.30
4. ELASTIC STOCKINGS		• Self-adhesive elastic strip (each)	\$0.15
4.1 20 mm compression		• Adaptor (each)	\$1.50
• knee-high	\$59.00	• Catheter glue (each 118-ml container)	\$9.50
• above-knee	\$77.00	• Leg bag strap (each)	\$6.50
tights	\$91.00	8.3 Tubes and syringes	
• maternity	\$97.00	• Latex tube	\$0.75
4.2 30 to 70 mm compression		• Extension tube	\$1.75
• knee-high	\$59.00	• Plastic tube clip (each)	\$1.50
• above-knee	\$77.00	• Plastic tube clamp (each)	\$1.00
• groin	\$89.00	• Single-use syringe (each)	\$0.05
• half-tights	\$65.00	8.4 Drainage bags (by the case)	\$125.00
• tights	\$104.00	8.5 Urinal	
5. CERVICAL ORTHESES		• Complete, reusable, bag not included (Davol type)	\$135.00
5.1 Cervical collar, flexible or rigid	\$20.00	8.6 Trays	
5.2 Cervical traction set, complete, with bag and chin support	\$40.00	• Irrigation tray (each)	\$4.20
6. ORTHESES, UPPER LIMBS		• Urinary catheterization tray (each)	\$5.25
6.1 Elbow support (elastic)	\$25.00	8.7 Sanitary pants for urinary incontinence (by the case)	\$60.00
6.2 Elbow orthosis (elastic)	\$35.00	8.8 Diapers for urinary incontinence (by the case)	\$55.00

8.9 Quilted pads		10.9 Synthetic sheepskin (each)	\$30.00
• Disposable quilted pad (each)	\$0.30	11. DEVICES TO AID MOBILITY	
• Washable quilted pad (package)	\$30.00	11.1 Canes	
9. DIGESTIVE SYSTEM		• wood	\$16.00
9.1 Stomach tube, all sizes	\$8.00	• aluminium (adjustable)	\$30.00
9.2 Sanitary pants for fecal incontinence (by the case)	\$60.00	11.2 Crutches	
9.3 Diapers for fecal incontinence (by the case)	\$55.00	• wood	\$20.00
10. MISCELLANEOUS ACCESSORIES		• aluminium	\$46.00
10.1 Utility chair		• Canadian	\$103.00
• fixed	\$150.00	11.3 Adjustable walkers	
• adjustable	\$312.00	• child	\$89.00
10.2 Adjustable toilet seat	\$80.00	• adult	\$89.00
10.3 Adjustable toilet hand rail		11.4 Wheelchair	\$518.00
• each	\$36.00	12. HOSPITAL BEDS	
• a pair	\$63.00	12.1 Hospital bed	\$435.00
10.4 Bath tub rail, all lengths		12.2 Mattress	\$109.00
• straight	\$21.00	12.3 Bed sides (a pair)	\$130.00
• "L" shaped	\$53.00	13. BREATHING APPARATUS	
10.5 Bandages and dressings		13.1 Model suitable for home use	\$258.00
• Bandage (each)	\$2.50	13.2 Aerosol compressor	\$250.00
• Sterile dressing (each)	\$0.35	14. RENTAL	
• Non-sterile dressing (each)	\$0.15	14.1 Wheelchairs	\$35.00 a month
• Antiseptic swab (each)	\$0.05	14.2 Devices to aid mobility	\$6.00 a month
10.6 Lubricant, solvent and solution		14.3 Hospital beds	\$69.00 a month
• Lubricant (packet)	\$0.10	14.4 Breathing apparatus	
• Lubricant (tube)	\$4.00	• all kinds including: mechanical ventilators, air enrichers, secretion suction devices	\$500.00 a month
• Solvent (packet)	\$0.10	• oxy-concentrator	\$250.00 a month
• Antiseptic solution (100 ml)	\$0.15	3082	
10.7 Gloves and towels			
• Sterile glove (each)	\$0.25		
• Non-sterile glove (each)	\$0.15		
• Antiseptic towel (each)	\$0.15		
10.8 Scoop stretcher (each)	\$30.00		

Gouvernement du Québec

O.C. 1017-99, 1 September 1999

Building Act
(R.S.Q., c. B-1.1)

Professional qualification of building contractors and owner-builders — Amendments

Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders

WHEREAS under subparagraphs 9, 16 and 17 of section 185 of the Building Act (R.S.Q., c. B-1.1; 1997, c. 64; 1998, c. 46), the Régie du bâtiment du Québec may make regulations on the matters mentioned therein and, under section 192 of the Act, the contents of the regulations may vary according to the classes of persons or contractors to which they apply;

WHEREAS the Board adopted, at its meeting held on 10 May 1994, the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders;

WHEREAS in accordance with section 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders was published in Part 2 of the *Gazette officielle du Québec* of 27 July 1994 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the comments received were examined;

WHEREAS under Orders in Council 376-95 dated 22 March 1995 and 98-96 dated 24 January 1996, the Government approved two regulations to amend the Regulation respecting the professional qualification of building contractors and owner-builders, which included parts of the Regulation made by the Board;

WHEREAS at its meeting held on 28 June 1999, the Board adopted, with amendments, other provisions of the Regulation made by the Board, in particular those determining the subcategory of licence for propane gas burner systems;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders*

Building Act
(R.S.Q., c. B-1.1, s. 185, pars. 9, 16 and 17, ss. 189
and 192; 1997, c. 64; 1998, c. 46)

1. The Regulation to amend the Regulation respecting the professional qualification of building contractors and owner-builders is amended in Schedule B

(1) by inserting the following after subcategory “4234 Refrigeration contractor”:

“4235 Propane gas burner systems contractor:

This subcategory includes the construction work respecting propane gas burner systems including the installation of receptacles, vaporizers, accessories and other similar or related construction work not exclusively reserved for master pipe-mechanics.”;

(2) by inserting the word “burner” after the words “propane gas” in subcategory “4285.10 Warm air heating systems contractor”;

(3) by inserting the word “burner” after the words “propane gas” in subcategory “4285.13 Hot water and steam heating systems contractor”.

2. A person is exempt from the examination of skills related to managing construction work provided for subcategory 4235 Propane gas burner systems contractor if

* The Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 (1992, *G.O.* 2, 2926), was last amended by the Regulation made by Order in Council 1305-98 dated 7 October 1998 (1998, *G.O.* 2, 4265). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

he proves that he holds a certificate of competency of category 121 Pipe fitter or category 122 General tank installer issued under the Order respecting certificates of competency with respect to gas (R.R.Q., 1981, c. D-10, r.2).

3. A person is exempt from the examination of skills related to managing safety on construction sites provided for subcategory 4235 Propane gas burner systems contractor if he proves that

(1) he holds one of the certificates referred to in section 2;

(2) he holds the "ASP CONSTRUCTION ATTESTATION" issued by the Joint Sector-Based Construction Association on Occupational Health and Safety;

(3) have, with supporting documents, two years of experience during the five years preceding his request as a safety manager.

4. A person is exempt from the examination of skills related to management provided for subcategory 4235 Propane gas burner systems contractor if he proves, with supporting documents, that he has two years of experience during the five years preceding his request as a manager.

5. An exemption provided for in sections 2 to 4 may be granted only for an application for the issue of a licence received at the Board before 1 December 1999.

6. The Board does not collect the exigible fees provided for in section 41 for an application for the issue of a licence of subcategory 4235 inasmuch as the application is filed before 1 December 1999.

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, with the exception of section 1, which will come into force on 1 December 1999.

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Gouvernement du Québec

O.C. 1027-99, 8 September 1999

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Trapping activities and fur trade

Regulation respecting trapping activities and the fur trade

WHEREAS under the second paragraph of section 55, paragraphs 2 to 5 of section 97, paragraph 8 of section 121 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Government may make regulations on the matters mentioned therein;

WHEREAS under paragraphs 1, 9, 14, 16, 20, 21 and 23 of section 162 of the Act amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may, in addition to the other regulatory powers conferred on it by the Act, make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting trapping activities and the fur trade was published in Part 2 of the *Gazette officielle du Québec* of 11 August 1999 with a notice that it could be made by the Government upon the expiry of 15 days following that publication;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies such a coming into force;

— it is important to determine as soon as possible the conditions for the renewal of professional trapping licences, since they must be available in the fall, and the conditions for trapping licences for the new fur-bearing animal management units, since those licences must be available before the fall trapping season;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation respecting trapping activities and the fur trade, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting trapping activities and the fur trade

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 55, 2nd par., 97, pars. 2 to 5, 121, par. 8, and 162, pars. 1, 9, 14, 16, 20, 21 and 23; 1998, c. 29, s. 22)

CHAPTER I SCOPE AND DEFINITIONS

1. This Regulation governs trapping in Québec, subject to the special provisions of other regulations made under the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), and the fur trade.

2. In this Regulation,

“fur-bearing animal” means a species mentioned in Schedule I;

“fur-bearing animal management unit” or “FAMU” means any fur-bearing animal management unit established by Minister’s Order 99025 dated 31 August 1999.

CHAPTER II TRAPPING

DIVISION I TRAPPING LICENCES

3. To obtain a general trapping licence, a person shall meet the following requirements at the time of the application:

(1) provide the person issuing the licence applied for with his name, address and date of birth;

(2) in the case of a resident, hold a hunter’s or trapper’s certificate referred to in the Regulation respecting hunting made by Minister’s Order 99021 dated 27 July 1999,

establishing that he has the skills to trap, and provide his certificate number; and

(3) provide the number of the FAMU where he intends to trap.

4. To obtain a trapping licence for a new FAMU, a person shall meet the following requirements at the time of the application:

(1) hold a general trapping licence and show it to the person issuing the licence applied for;

(2) provide his name, address and date of birth;

(3) in the case of a resident, hold the hunter’s or trapper’s certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap and provide his certificate number; and

(4) give the number of the FAMU where he intends to trap.

5. To obtain a professional trapping licence, a person shall meet the following requirements at the time of the application:

(1) be of full age;

(2) be a resident;

(3) hold the trapper’s or hunter’s certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap;

(4) give, on the form provided by the Minister, his name, address, date of birth and the number of his hunter’s or trapper’s certificate and sign the form;

(5) hold a lease of exclusive trapping rights granted in accordance with section 23, unless the trapping territory is located in the Plaisance Wildlife Sanctuary, and indicate the number of the FAMU where he intends to trap; and

(6) pay the annual rent stipulated in his lease of exclusive trapping rights, within the time periods prescribed in section 25.

For any application for a professional trapping licence over the territory of the Plaisance Wildlife Sanctuary, the person shall have been selected by a drawing of lots and meet the requirements prescribed by paragraphs 1 to 4 of the first paragraph.

6. To obtain an assistant trapper's licence, a person shall meet the following requirements at the time of the application:

- (1) be a resident;
- (2) give, on the form provided by the Minister, his name, address and date of birth, and sign the form;
- (3) hold the trapper's or hunter's certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap and provide the certificate number; and
- (4) provide the written consent of the holder of the professional trapping licence that he intends to be associated with and give the number of the FAMU where the territory covered by that licence holder's lease is located.

7. To obtain a professional trapping licence or an assistant trapper's licence, a person shall not exercise collective and exclusive trapping rights over the territories recognized as beaver reserves under the Regulation respecting beaver reserves (R.R.Q., 1981, c. C-61, r.31).

8. The professional trapping licence of a lessee of exclusive trapping rights is renewable if the licence holder meets the following requirements:

- (1) give, on the form provided by the Minister, his name, address, date of birth, the number of his hunter's or trapper's certificate referred to in paragraph 2 of section 3 and the number of the FAMU where the territory covered by his lease is located, sign the form and send it to the person issuing the renewal before 15 August of each year;
- (2) meet the requirements of subparagraphs 1 to 3 and 5 of the first paragraph of section 5 and section 7; and
- (3) pay the annual rent stipulated in his lease of exclusive trapping rights, within the time periods prescribed in section 25.

9. Any person under 16 years of age may, in order to trap, use the trapping licence issued to another person at least 18 years of age, provided that he is accompanied by that person and that he traps on land, territory or private land authorized by this Regulation for such a licence.

For the purposes of the first paragraph, each fur-bearing animal captured by a person under 16 years of age shall be counted as a fur-bearing animal captured by the licence holder accompanying him.

10. No person may hold more than one trapping licence.

Notwithstanding the first paragraph, a person may simultaneously hold a general trapping licence and more than one trapping licence for a new FAMU.

The first paragraph does not apply to licences replaced in accordance with section 10 of the Regulation respecting trapping and the fur trade made by Minister's Order 99026 dated 31 August 1999.

11. Outside the trapping periods for the territory where he intends to trap and upon surrendering his licence, a holder of a professional trapping licence or of an assistant trapper's licence may obtain a licence of another class if he meets the requirements for the new licence and pays the fees prescribed by the Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991.

Outside the trapping periods for the territory where he intends to trap and upon surrendering his licence and trapping licences for a new FAMU, where applicable, a holder of a general trapping licence may obtain a licence of another class if he meets the requirements for the new licence and pays the fees prescribed by the Regulation referred to in the first paragraph.

DIVISION II

OBLIGATIONS OF TRAPPING LICENCE HOLDERS

12. The holder of a resident's general trapping licence or of a resident's trapping licence for a new FAMU may trap only

- (1) on the territory of the Dunière Wildlife Sanctuary where he holds a right of access pass for trapping in that wildlife sanctuary and such territory is located within the perimeter of the FAMU mentioned on his licence;

- (2) in the FAMU indicated on his general trapping licence or on his trapping licence for a new FAMU except on the following territories located within that FAMU:

- (a) any territory reserved for trapping only and referred to in section 3 of the Crown Lands Designated for Development of Wildlife Resources Regulation, made by Order in Council 1276-84 dated 6 June 1984; and

- (b) any controlled zone and any wildlife sanctuary where exclusive trapping rights were leased; and

(3) on his private land.

Notwithstanding subparagraph 2 of the first paragraph, the holder of one of these licences may trap on the territory described in the lease of exclusive trapping rights of the holder of an outfitter's licence if it is located within the perimeter of the FAMU indicated on his general trapping licence or on his trapping licence for a new FAMU.

13. The holder of a non-resident's general trapping licence may trap only

(1) on his private land if it is located within the perimeter of the FAMU mentioned on his general trapping licence; and

(2) on the territory described in the lease of exclusive trapping rights of the holder of an outfitter's licence if it is located within the perimeter of the FAMU indicated on his general trapping licence.

14. The holder of a non-resident's trapping licence for a new FAMU may trap only on the territory described in the lease of exclusive rights of the holder of an outfitter's licence if it is located within the perimeter of the FAMU indicated on that licence.

15. The holder of an assistant trapper's licence may trap only

(1) on his private land;

(2) on private land for which a professional trapping licence holder with whom he is associated has obtained the authorization of the owner and which in such case is located within the perimeter of the territory described in the lease of the professional trapping licence holder; and

(3) on the territory indicated on the licence of the professional trapping licence holder with whom he is associated.

16. A professional trapping licence holder who leases exclusive trapping rights may trap only

(1) on the territory described in his lease;

(2) on his private land;

(3) on private land for which he has obtained the authorization of the owner and which in such case is located within the perimeter of the territory described in his lease; and

(4) on the territory described in the lease of exclusive trapping rights of another professional trapping licence

holder and for which he has obtained authorization in writing to trap from the lessee before the opening of the trapping periods in that territory; in such a case, that territory shall also be located within the perimeter of the FAMU mentioned on his licence.

In the case referred to in subparagraph 4 of the first paragraph, the licence holder shall, before trapping on that territory, have it entered in his licence by the person who issued it.

17. A professional trapping licence holder for the Plaisance Wildlife Sanctuary may trap only

(1) on his private land; and

(2) on the part of the territory of that reserve described in the access right to trap in that reserve.

18. A professional trapping licence holder may be associated with no more than three holders of assistant trapper's licences.

19. The holder of a general trapping licence or of a trapping licence for a new FAMU who captures a black bear shall, before moving it, detach the transportation coupon from his general trapping licence and attach it to the animal.

A professional trapping licence holder who captures a black bear shall, before moving it, attach thereto one of the transportation coupons attached to his professional trapping licence. A holder of an assistant trapper's licence who captures a black bear shall, before moving it, attach thereto the transportation coupon obtained from the professional hunting licence holder with whom he is associated.

However, when a black bear is captured by a professional trapping licence holder or by one of the holders of assistant trapper's licences with whom he is associated on a territory referred to in paragraph 4 of section 16, the transportation coupon may come from another professional trapping licence holder who authorized him to trap on that territory.

In addition, a holder of a trapping licence shall make sure that the transportation coupon remains attached to the animal until it is cut up and, if the fur is intended for dressing, he shall make sure that the coupon remains attached to the fur until it is dressed.

20. The holder of a trapping licence shall, when trading in undressed furs from hunted or trapped fur-bearing animals mentioned in Schedule I with a holder of a fur trade licence provided for in section 18 of the Regula-

tion respecting trapping and the fur trade, declare the number of the FAMU from which the traded fur comes and sign the register provided for in paragraph 1 of section 35.

21. During the period of validity of his licence, a professional trapping licence holder who is the lessee of exclusive trapping rights shall trade with a holder of the fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade, at least 15 undressed pelts a year from at least five fur-bearing animal species trapped on the territory covered by the lease. A holder of an assistant trapper's licence may carry out this activity on behalf of the professional trapping licence holder with whom he is associated.

Where the area of the territory described in his lease is less than or equal to 20 km², the number of undressed pelts to be traded shall be reduced to 10 and those pelts shall come from at least three fur-bearing animal species trapped on that territory.

DIVISION III REGISTRATION

22. The holder of a trapping licence who captures a black bear shall, within 48 hours of leaving the trapping ground, show his licence and the bear's carcass or pelt, register the catch with a wildlife conservation officer or any person appointed for that purpose at a control station and have the transportation coupon punched.

DIVISION IV LEASE OF EXCLUSIVE RIGHTS

§1. Lease

23. To obtain a lease of exclusive trapping rights on a territory reserved only for trapping, a controlled zone or a wildlife sanctuary, a person shall meet the following requirements:

- (1) be a resident;
- (2) hold a hunter's or trapper's certificate referred to in paragraph 2 of section 3 establishing that he has the skills to trap;
- (3) apply in writing to the Minister;
- (4) provide his name, address and date of birth;
- (5) be selected by a drawing of lots;
- (6) not be the lessee of exclusive trapping rights;

(7) not exercise collective and exclusive trapping rights over the territories recognized as beaver reserves under the Regulation respecting beaver reserves; and

(8) not have entered into a lease of exclusive trapping rights with the Minister which was revoked in the two years preceding the date of the application because the lessee had not abided by the conditions of his lease or because the lease had been obtained following a fraudulent statement.

24. The term of a lease of exclusive trapping rights is nine years.

Subject to section 90 of the Act, the lease shall be renewed automatically without further notice for successive nine-year terms if the lessee continues to meet the requirements prescribed in paragraphs 1, 2 and 7 of section 23.

25. Each year, a lessee shall pay the rent determined by the Regulation respecting the scale of fees and duties related to the development of wildlife in one instalment on the date of issue of the lease and thereafter on 15 August of each year.

§2. Buildings and structures

26. The maximum value of the structures or buildings referred to in sections 27 and 28 is set at \$6000.

27. To erect buildings or structures on the territory described in the lease of exclusive trapping rights, a lessee shall comply with the following standards and conditions as to their construction and location:

(1) inform the Minister of the planned location of the buildings and structures on a copy of the territory plan attached to his lease;

(2) construct those buildings or structures within two years following the date on which the Minister sends a notice of conformity with location standards and conditions:

(3) erect the buildings or structures more than 25 metres from the high water mark or, in the presence of a lake of 20 hectares or less, more than 300 metres from the high water mark;

(4) erect the buildings or structures outside any deer or moose yard;

(5) the buildings and structures are constituted only of a single cabin, storage shed and outhouse;

(6) the total area of all buildings or structures must not exceed 45 m²;

(7) the buildings or structures must not have a permanent foundation;

(8) the buildings or structures shall have one storey only;

(9) the distance between the cabin and the storage shed shall not exceed 20 metres; and

(10) an identification plate provided by the Minister shall be posted conspicuously on the front side of the cabin.

28. A lessee of exclusive trapping rights on a territory of 100 km² or more may erect a second cabin on the territory described in the lease if he meets the following requirements:

(1) inform the Minister of the planned location of the second cabin on a copy of the territory plan attached to his lease;

(2) build that cabin within two years following the date on which the Minister sends a notice of conformity with location standards and conditions;

(3) erect the cabin more than 25 metres from the high water mark or, in the presence of a lake of 20 hectares or less, more than 300 metres from the high water mark;

(4) erect the cabin outside any deer or moose yard;

(5) the cabin must have an area not exceeding 15 m²;

(6) the cabin must not have a permanent foundation;

(7) the cabin shall have one storey only; and

(8) an identification plate provided by the Minister shall be posted conspicuously on the front side of the cabin.

29. A professional trapping licence holder who is the lessee of exclusive trapping rights in a wildlife sanctuary, as well as the holders of assistant trapper's licences with whom he is associated, may not use the buildings or structures referred to in sections 27 and 28 during the periods of restricted moose hunting for that sanctuary.

Notwithstanding the first paragraph, where a trapping period begins during a restricted moose-hunting period in a wildlife sanctuary, a professional trapping licence holder, as well as the holders of assistant trapper's li-

cences, may use those buildings and structures from the day preceding the opening of that trapping period.

§3. *Transfer of lease*

30. A lessee of exclusive trapping rights may transfer all the rights and obligations resulting from his lease to a person of full age among the holders of assistant trapper's licences associated with his professional trapping licence if the transferee has held three consecutive assistant trapper's licences associated with the professional trapping licence of the lessee on the date of the application for a transfer if the lessee meets the following requirements:

(1) send the Minister an application in writing outside the trapping periods applicable to the territory identified in the lease, except in the case of the lessee's death, together with, if applicable, a copy of the deed evidencing the transfer of the buildings or structures erected on the territory identified on the lease in favour of that holder of an assistant trapper's licence;

(2) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or the regulations thereunder or any other Act or regulation related to hunting, fishing or trapping and not have had his hunter's or trapper's certificate referred to in paragraph 2 of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the two years preceding the date of the application for a transfer;

(3) not have received a notice of revocation of the lease; and

(4) sign the deed of amendment to the lease of exclusive trapping rights and return a signed copy to the Minister.

The holder of an assistant trapper's licence referred to in the first paragraph shall meet the following requirements so that the transfer referred to in that paragraph be made:

(1) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or the regulations thereunder or any other act or regulation related to hunting, fishing or trapping and not have had his hunter's or trapper's certificate referred to in paragraph 2 of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the two years preceding the date of the application for a transfer; and

(2) sign the deed of amendment to the lease of exclusive trapping rights.

The requirement to have held three consecutive licences prescribed in the first paragraph does not apply if the lessee is dead.

31. A lessee of exclusive trapping rights may transfer all the rights and obligations resulting from his lease to another lessee of exclusive trapping rights provided that the latter does the same thing in favour of the first lessee and that both lessees meet the following requirements:

(1) send the Minister an application in writing outside the trapping periods applicable to the territories identified in their respective lease together with, if applicable, a copy of the deed evidencing the reciprocal transfer of the buildings or structures erected on the territories identified on their respective lease;

(2) not have been convicted of an offence against the Act respecting the conservation and development of wildlife or the regulations thereunder or any other Act or regulation related to hunting, fishing or trapping and not have had his hunter's or trapper's certificate referred to in paragraph 2 of section 3 or a hunting, fishing or trapping licence suspended or cancelled during the two years preceding the date of the application for a transfer;

(3) not have received a notice of revocation of their respective lease; and

(4) sign the deed of amendment to both leases of exclusive trapping rights and return a signed copy to the Minister.

§4. Compensation

32. No building or structure other than those referred to in sections 27 and 28 may be the subject of a compensation or acquisition provided for in Division I of Chapter IV of the Act respecting the conservation and development of wildlife.

33. The lessee's compensation for loss of revenue provided for in subparagraph 1 of the first paragraph of section 91 of that Act shall correspond to the average net income declared to the Minister of Revenue for the last five years preceding the date of revocation or non-renewal of the lease, that income deriving from his trapping activities on the territory identified on the lease.

CHAPTER III FUR TRADE

DIVISION I LICENCES

34. To obtain a fur trade licence referred to in section 18 of the Regulation respecting trapping and the fur trade, the applicant shall:

(1) state on the form provided by the Minister his name and address and sign it; in the case of a legal person, the name and address of its head office; in the case of a partnership, the name and address of its main place of business; in the case of a natural person carrying on business under another name, that name, the name and address of the person and the address of his main place of business; and

(2) indicate the class of the licence applied for.

DIVISION II OBLIGATIONS OF HOLDERS OF FUR TRADE LICENCES

35. The holder of a fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade shall comply with the following requirements:

(1) keep a numbered register, provided by the Minister, of the undressed pelts of hunted or trapped animals that are purchased or received and enter in it:

(a) his licence number;

(b) the date of each purchase or receipt of undressed pelts and the total number of undressed pelts for each species;

(c) the origin of the pelts with the following particulars:

i. the name, address and date of birth of the trapper or hunter, the number of the FAMU where the animal was trapped or the number of the zone where the animal was hunted, the number of the hunter's or trapper's certificate referred to in paragraph 2 of section 3 and in the case of a registered Indian within the meaning of the Indian Act (R.S.C. (1985), c. I-5), the name of the band to which he belongs;

ii. the number of the trader's licence and the form number on the register of the undressed pelts of hunted or trapped animals that are sold or shipped referred to in paragraph 2; and

iii. the name and address of the exporter, the number of the document issued for export purposes by the authority of the exporter's territory of origin and the number of the customs form, where applicable, for pelts from outside Canada; and

(d) in the case of undressed pelts from black bears and polar bears, the number of the tag provided by the Minister or the number of the transportation coupon or the export form issued by the authority of their territory of origin;

(2) keep a numbered register, provided by the Minister, of the undressed pelts of hunted or trapped animals that are purchased or received and enter on it:

(a) his licence number;

(b) the date of each sale or shipment of undressed pelts and the total number of undressed pelts in each species; and

(c) the name and address of the person for whom the pelts are intended and, where applicable, the number of the export form issued under section 36 for undressed pelts shipped outside Québec or the number of the fur trade licence provided for in section 18 of the Regulation respecting trapping and the fur trade for undressed pelts shipped to Québec;

(3) keep a monthly numbered register, provided by the Minister, of his inventory of undressed pelts for each species, in which he shall enter every month:

(a) his name, address and licence number;

(b) the total number of undressed pelts in his possession at the beginning of the month;

(c) the total number of undressed pelts purchased or received during the month;

(d) the total number of undressed pelts sold or shipped during the month;

(e) the total number of dressed pelts or having been dressed for taxidermy purposes during the month; and

(f) the total number of undressed pelts in his possession at the end of the month;

(4) keep a numbered register, provided by the Minister, of the duties remitted on the undressed pelts of animals hunted or trapped in Québec, in which he shall enter every month:

(a) his name and licence number; and

(b) the amount of the duties determined under the Regulation respecting the scale of fees and duties related to the development of wildlife, for the undressed pelts of animals hunted or trapped in Québec;

(5) sign the registers prescribed in paragraphs 1 to 4;

(6) have the register prescribed in paragraph 1 signed by the trapper or hunter for the information obtained by the latter in accordance with subparagraph *c* of paragraph 1;

(7) send a copy of the register form without delay to the seller or shipper for each purchase or receipt made in accordance with paragraph 1;

(8) include with the pelts of the purchaser or consignee a copy of the register form for each sale or shipment made in accordance with paragraph 2;

(9) send to the Minister, on or before the tenth of each month, the copies of the completed forms of the registers prescribed in paragraphs 1 to 4 for the preceding month and the copies of the cancelled forms of those registers;

(10) remit to the Minister, on or before the tenth of each month, the total amount of the duties referred to in paragraph 4;

(11) notify without delay a wildlife conservation officer where he has any of the following pelts in his possession:

(a) an undressed pelt of a black bear hunted or trapped in Québec without a transportation coupon;

(b) an undressed pelt of a polar bear without the tag provided by the Minister or not indicating the territory of origin; or

(c) an undressed pelt of a bobcat, grey fox or wolverine hunted or trapped in Québec but outside the territory referred to in section 2 of the Act respecting Cree, Inuit and Naskapi Native persons (R.S.Q., c. A-33.1); and

(12) return to the Minister all unused registers within 30 days of the cessation of his activities.

CHAPTER IV **IMPORT, EXPORT AND POSSESSION OF FURS**

36. To import undressed pelts into Québec, a person shall obtain the form issued for export by the authority of the territory of origin. That form must accompany the undressed pelt until it is dressed.

To import an undressed polar bear pelt, a person shall also obtain the registration document issued by the authority of the territory of origin of that pelt.

37. To export outside Québec undressed pelts from an animal that was hunted or trapped, a person, other than a non-resident with respect to the product of his own hunting, shall hold one of the licences provided for in section 18 of the Regulation respecting trapping and the fur trade and complete the export form issued by the Minister.

The export form shall serve as an authorization within the meaning of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (S.C., 1992, c. 52).

38. To export outside Québec an undressed polar bear pelt from Québec, a person shall have the tag provided by the Minister attached to the pelt by a wildlife conservation officer or any other person appointed for that purpose at a control station.

39. To have in his possession an undressed polar bear pelt from outside Québec, a person shall hold the export form issued by the authority of the territory of origin and the registration document issued by that authority. The form and the document shall accompany the undressed pelt until it is dressed.

To have an undressed polar bear pelt from Québec in his possession, a person shall meet the obligation prescribed by section 38.

CHAPTER V PENAL

40. Any person who contravenes any of sections 10, 12 to 17, 19 to 22, 25, 27 to 29 and 35 to 39 commits an offence.

CHAPTER VI TRANSITIONAL AND FINAL

41. The holder of a resident or non-resident general trapping licence issued before the date of coming into force of this Regulation remains governed by the provisions of the Regulation respecting trapping and the fur trade, made by Order in Council 1289-91 dated 18 September 1991, until the licence expires.

42. This Regulation replaces the Regulation respecting trapping and the fur trade, made by Order in Council 1289-91 dated 18 September 1991.

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

SCHEDULE I (s. 2)

FUR-BEARING ANIMALS

Common name	Scientific name
1. Long-tailed weasel	<i>Mustela frenata</i>
2. Least weasel	<i>Mustela nivalis</i>
3. Wolverine	<i>Gulo gulo</i>
4. Beaver	<i>Castor canadensis</i>
5. Coyote	<i>Canis latrans</i>
6. Red squirrel	<i>Tamiasciurus hudsonicus</i>
7. Grey squirrel	<i>Sciurus carolinensis</i>
8. Ermine	<i>Mustela erminea</i>
9. Wolf	<i>Canis lupus</i>
10. River otter	<i>Lutra canadensis</i>
11. Canadian lynx	<i>Lynx canadensis</i>
12. Bobcat	<i>Lynx rufus</i>
13. American marten	<i>Martes americana</i>
14. Striped skunk	<i>Mephitis mephitis</i>
15. Polar bear	<i>Ursus maritimus</i>
16. Black bear	<i>Ursus americanus</i>
17. Fisher	<i>Martes pennanti</i>
18. Muskrat	<i>Ondatra zibethicus</i>
19. Raccoon	<i>Procyon lotor</i>
20. Red fox (silver, crossbred or red)	<i>Vulpes vulpes</i>
21. Arctic fox (white or blue)	<i>Alopex lagopus</i>
22. Grey fox <i>cinereoargenteus</i>	<i>Urocyon</i>
23. American mink	<i>Mustela vison</i>

Gouvernement du Québec

O.C. 1028-99, 8 September 1999

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Scale of fees and duties related to the development — Amendments

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

WHEREAS under paragraph 10 of section 162 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 22 of Chapter 29 of the Statutes of 1998, the Government may make regulations on the matters mentioned therein;

WHEREAS the Government made the Regulation respecting the scale of fees and duties related to the development of wildlife by Order in Council 1291-91 dated 18 September 1991;

WHEREAS in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), the draft of the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 11 August 1999 with a notice that it could be made by the Government upon the expiry of 15 days following that publication;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, the reason justifying such coming into force shall be published with the regulation;

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

— it is important to fix the fees payable for the new trapping licences for new fur-bearing animal management unit as soon as possible since the licences must be available for the fall trapping season;

WHEREAS it is expedient to make Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10; 1998, c. 29, s. 22)

1. The following paragraphs are added after paragraph 4 of section 4 of the Regulation respecting the scale of fees and duties related to the development of wildlife:

- | | |
|---------------------------------------------------|-------------|
| “(5) resident trapping licence for a new FAMU: | \$13.65; |
| (6) non-resident trapping licence for a new FAMU: | \$249.65.”. |

2. The following is substituted for section 7:

“7. The fees payable for the issue of a licence for the activities governed by section 53 of the Act are as follows:

- | | |
|--------------------------------------------------------------------------|-----------|
| (1) trader’s or intermediary’s licence to sell or trade undressed pelts: | |
| (a) resident: | \$361.50; |
| (b) non-resident: | \$734.50; |
| (2) licence to dress raw pelts for taxidermy purposes: | \$31.75; |

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulations made by Orders in Council 190-99 dated 10 March 1999 (1999, *G.O.* 2, 275), 255-99 dated 24 March 1999 (1999, *G.O.* 2, 425), and 860-99 dated 28 July 1999 (1999, *G.O.* 2, 2445). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

- (3) licence to dress raw pelts: \$276.75;
 (4) public auction licence to sell raw pelts: \$915.00.”.

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

3106

Gouvernement du Québec

O.C. 1035-99, 8 September 1999

An Act respecting the distribution of financial products and services
 (1998, c. 37)

Associate insurance broker and chartered insurance broker — Criteria governing the granting of titles

Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker

WHEREAS under subparagraph 3 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles of «chartered insurance broker» and «associate insurance broker» and their respective abbreviations «C.I.B.» and «A.I.B.»;

WHEREAS under that section, the Chambre de l'assurance de dommages made the Regulation of the Chambre de l'assurance de dommages respecting the titles of associate insurance broker and chartered insurance broker;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in Part 2 of 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, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
 Clerk of the Conseil exécutif

Regulation respecting the criteria governing the granting of the titles of associate insurance broker and chartered insurance broker

An Act respecting the distribution of financial products and services
 (1998, c. 37, s. 313, par. 1., subpar. 3)

DIVISION I

CRITERIA GOVERNING THE GRANTING OF THE TITLE OF ASSOCIATE INSURANCE BROKER

1. The Chambre de l'assurance de dommages shall authorize a damage insurance broker who holds a certificate issued by the Bureau des services financiers authorizing him to act as such to use the title of “associate insurance broker” and the abbreviation “(A.I.B.)”, provided:

(1) he is authorized pursuant to a certificate issued by the Bureau to act in the classes of sectors of personal and commercial lines damage insurance;

(2) he has acted as a damage insurance broker for at least 12 consecutive months; however, a broker who has been unable to act in such capacity for at least 12 consecutive months due to illness, accident, pregnancy, parental leave or any other irresistible force, shall have any additional period of 12 months following the period when it was impossible for the broker to practise his or her profession;

(3) he has taken and successfully completed the compulsory courses, of the program of studies determined by the Chamber, as provided for in the programs of studies for the Attestation of College Studies in damage insurance, the Diploma of College Studies in administrative techniques in the field of (damage) insurance or the title of Associate of The Insurance Institute of Canada or the Chamber, unless equivalencies have been recognized.

For purposes of this section, a program of studies is a program which comprises 14 courses which must compulsorily relate to the following subjects:

- (1) laws and regulations respecting damage insurance;
- (2) home insurance;
- (3) automobile insurance;
- (4) commercial lines insurance;
- (5) building mechanics;
- (6) financial accounting;
- (7) basic computer science techniques;
- (8) communications;
- (9) sales techniques;
- (10) customer service;
- (11) claims adjustment;
- (12) introduction to risk management;
- (13) portfolio analysis.

Moreover, a course may cover more than one subject and several subjects may be covered in one course.

2. The Chamber shall issue to a damage insurance broker an attestation pursuant whereto it authorizes him to use the title of “associate insurance broker” and the abbreviation “(A.I.B.)”.

DIVISION II

CRITERIA GOVERNING THE GRANTING OF THE TITLE OF CHARTERED INSURANCE BROKER

3. The Chamber shall authorize a damage insurance broker who holds a certificate issued by the Bureau des services financiers authorizing him to act as such to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)”, provided:

(1) he is authorized by the Chamber to use the title of “associate insurance broker”;

(2) he has acted as a damage insurance broker for at least 24 consecutive months; however, a broker who has been unable to act in such capacity for at least 24 consecutive months due to illness, accident, pregnancy, parental leave or any other irresistible force, shall have any additional period of 24 months following the period when it was impossible for the broker to practise his or her profession;

(3) he has taken and successfully completed the training courses as provided for in the university program in damage insurance, unless equivalencies have been recognized.

The university program in damage insurance contemplated in subparagraph 3 of the first paragraph comprises 15 courses of which 13 must compulsorily relate to the subjects set forth in subparagraphs 1 to 11 of this paragraph as well as 2 courses relating, at the damage insurance broker’s choosing, to one of the subjects set forth in subparagraphs 12 to 14:

- (1) organizational management;
- (2) accounting;
- (3) financial management;
- (4) economics;
- (5) business law;
- (6) entrepreneurship;
- (7) leadership;
- (8) marketing;
- (9) human resources management;
- (10) mathematics;
- (11) risk management;
- (12) operations management;
- (13) training;
- (14) advertising.

For purposes of this section, a course may cover more than one subject and several subjects may be covered in one course.

4. The Chamber shall issue to a damage insurance broker an attestation pursuant whereto it authorizes him to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)”.

5. A damage insurance broker who is authorized by the Chamber to use the title of “chartered insurance broker” and the abbreviation “(C.I.B.)” must cease using the title of “associate insurance broker” and the abbreviation “(A.I.B.)”.

DIVISION III

RECOGNITION OF EQUIVALENCIES

6. Notwithstanding the provisions of subparagraphs 1 and 3 of the first paragraph of section 1 and those of section 3, the Chamber may authorize a broker to use the title of associate insurance broker and the abbreviation “(A.I.B.)” or the title of chartered insurance broker and the abbreviation “(C.I.B.)” if the broker can prove to the Chamber, with supporting documentation, that he has attained a level of knowledge equivalent to that of a broker having taken the course and passed the examination for which he is requesting an exemption.

In order to determine whether a broker has proven that he has the skills required pursuant to the first paragraph, the Chamber shall consider the following factors:

- (1) the fact that the broker holds one or more diplomas obtained in Québec or elsewhere;
- (2) the courses he has taken;
- (3) the training courses he has taken;
- (4) his total years of schooling;
- (5) all his relevant work experience;
- (6) all other relevant work experience.

In cases where a decision cannot be made pursuant to the evaluation made in accordance with the second paragraph, the Chamber may require the broker to carry out a training period or to successfully pass an examination in order to complete the evaluation.

DIVISION IV WITHDRAWAL OF A TITLE

7. A damage insurance broker shall no longer be authorized to use either of the titles set forth in the first paragraph of section 318 of the Act respecting the distribution of financial products and services (1998, c. 37):

(1) if he ceases to hold a certificate for a damage insurance broker;

(2) if his certificate for a damage insurance broker is suspended by a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee;

(3) if he has failed, for more than 30 days, to pay the fines or costs imposed by a final decision of the committee on discipline of the Chamber or the Court of Québec sitting in appeal from a decision of the said committee, as the case may be;

(4) if he has failed, for more than three months, to comply with the obligation to remit a sum of money imposed pursuant to subparagraph *d* of the first paragraph of section 156 of the Professional Code (R.S.Q., c. C-26) as a penalty by means of a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee;

(5) if he has failed to comply with the rules governing compulsory professional development which are applicable to him.

A broker who remedies the defaults for which his authorization to use either of the titles contemplated in this Regulation has been withdrawn pursuant to the first paragraph shall once again be authorized to use his title.

The provisions of the second paragraph shall not apply to a broker whose certificate has been cancelled by a final decision of the committee on discipline or the Court of Québec sitting in appeal from a decision of the said committee, as the case may be, nor to a broker who has ceased to hold a certificate for a damage insurance broker for at least five years.

DIVISION V TRANSITIONAL AND FINAL PROVISIONS

8. A damage insurance broker who, prior to the coming into force of this Regulation, has started to take the training program of the Association des courtiers d'assurances de la province de Québec leading to the title of associate insurance broker (A.I.B.) or the university training program leading to the title of chartered insurance broker (C.I.B.) may, at his option, for the purpose of asking the Chamber for the authorization to use the title sought, satisfy the requirements of the provisions of this Regulation, or the requirements governing the aforesaid program which led to the title sought, provided that in the latter case, he has taken the courses and successfully passed the examinations prescribed by the said program within the following period:

(1) where the authorization request relates to the title of associate insurance broker and its abbreviation "(A.I.B.)", a period of one year from the coming into force of this Regulation;

(2) where the authorization request relates to the title of chartered insurance broker and its abbreviation "(C.I.B.)", a period of five years from the said date.

However, if the broker is unable to satisfy the requirements of the provisions of the training program mentioned in the first paragraph which are applicable to him due to the fact that one or more of the prescribed courses are no longer offered, then he must take the courses and successfully pass the examinations deemed to be equivalent by the Chamber.

9. This Regulation comes into force on 1 October 1999.

3103

Gouvernement du Québec

O.C. 1036-99, 8 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Registered life underwriter and chartered life underwriter — Titles

Regulation governing the titles of registered life underwriter and chartered life underwriter

WHEREAS under subparagraph 3 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Cham-

ber shall determine, by regulation, the criteria, including the equivalency criteria, governing the granting or withdrawal of the titles of “chartered life underwriter” and “registered life underwriter” and their respective abbreviations “C.L.U.” and “R.L.U.”;

WHEREAS under that section, the Chambre de la sécurité financière made the Regulation of the Chambre de la sécurité financière governing the titles of registered life underwriter (R.L.U.) and chartered life underwriter (C.L.U.);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Regulation was published as a draft in Part 2 of 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, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Regulation governing the titles of registered life underwriter and chartered life underwriter, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation governing the titles of registered life underwriter and chartered life underwriter

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 313, 1st p., subpar. (3))

DIVISION I

REGISTERED LIFE UNDERWRITER (R.L.U.)

1. To obtain the title of “Registered Life Underwriter” (R.L.U.), a representative in insurance of persons or in group insurance must:

(1) have passed the introductory course offered by the Chambre de la sécurité financière entitled “Concepts in Insurance of Persons,” or hold an attestation of collegial studies in insurance of persons;

(2) have passed either:

a. the courses that are part of the university program in insurance of persons, unless the Chamber recognizes the representative’s equivalencies. This program consists of eight courses pertaining to the following subjects:

- i. economics (1 course);
- ii. law (1 course);
- iii. accounting (1 course);
- iv. taxation (2 courses);
- v. financial management (1 course);
- vi. investments (1 course);
- vii. insurance and pensions (1 course); or

b. the courses offered by the Canadian Association of Insurance and Financial Advisers (CAIFA) pertaining to the same subjects as those listed in subparagraphs *i* to *vii* of paragraph *a*, insofar as the representative was otherwise unable to have access to those courses in his region; or

c. in another Canadian province, the courses pertaining to the same subjects as those listed in subparagraphs *i* to *vii* of paragraph *a*;

(3) not be under suspension, struck off the roll, expelled or have had his certificate revoked.

The representative must submit an application in writing to the Chamber along with documents certifying that he complies with subsections 1 and 2.

In addition, the representative must, as applicable, have paid the dues for a “Registered Life Underwriter” (R.L.U.) as well as any other dues and fees provided for in the regulations of the Chamber.

2. The Chamber shall issue to the representative a document certifying that it has conferred upon him the title of “Registered Life Underwriter” (R.L.U.).

DIVISION II

CHARTERED LIFE UNDERWRITER (C.L.U.)

3. To obtain the title of “Chartered Life Underwriter” (C.L.U.), a representative in insurance of persons or in group insurance must:

(1) comply with the training requirements provided for in subsection 1 of section 1;

(2) have passed either:

a. the training courses that are part of the university program in insurance of persons, unless the Chamber recognizes the representative’s equivalencies. This pro-

gram includes sixteen courses of which fifteen must pertain to the subjects listed in subparagraphs *i* to *xii*, as well as one course that must pertain, at the representative's choice, to one of the subjects listed in subparagraphs *xiii* to *xiv*:

- i. management;
- ii. marketing;
- iii. law;
- iv. economics;
- v. accounting;
- vi. financial management;
- vii. taxation;
- viii. financial planning;
- ix. estate planning;
- x. retirement planning;
- xi. insurance and pensions;
- xii. investments;
- xiii. group insurance;
- xiv. disability; or

b. the courses offered by the Canadian Association of Insurance and Financial Advisers (CAIFA) pertaining to the same subjects as those listed in subparagraphs *i* to *xiv* of paragraph *a*, insofar as the representative was otherwise unable to have access to those courses in his region; or

c. in another Canadian province, the courses pertaining to the same subjects as those listed in subparagraphs *i* to *xiv* of paragraph *a*;

(3) not be under suspension, struck off the roll, expelled or have had his certificate revoked.

For the purposes of this section, a course may cover more than one subject and several subjects may be covered in one course.

The representative must submit an application in writing to the Chamber along with documents certifying that he complies with subsections 1 and 2.

In addition, the representative must, as applicable, have paid the dues for a "Chartered Life Underwriter" (C.L.U.) as well as any other dues and fees provided for in the regulations of the Chamber.

4. The Chamber shall issue to the representative a document certifying that it has conferred upon him the title of "Chartered Life Underwriter" (C.L.U.).

5. A representative upon whom the Chamber has conferred the title of "Chartered Life Underwriter" (C.L.U.) must cease to use the title of "Registered Life Underwriter" (R.L.U.).

DIVISION III RECOGNITION OF EQUIVALENCIES

6. Notwithstanding sections 1 and 3, the Chamber shall authorize a representative to use the title of "Registered Life Underwriter" (R.L.U.) or "Chartered Life Underwriter" (C.L.U.) even though he has not taken or passed one or more of the courses required to obtain these titles, provided he can demonstrate to the Chamber, with supporting documents, that his level of knowledge is equivalent to that of a representative who has taken and passed the course which he is asking to be exempt from taking.

In order to determine whether the representative has the level of knowledge required under the first paragraph, the Chamber shall take the following factors into account:

(1) the fact that the representative holds one or more diplomas awarded in Quebec or elsewhere;

(2) the courses taken;

(3) the periods of training undergone;

(4) the total number of years of schooling;

(5) any pertinent work experience;

(6) any other pertinent experience the representative may have.

DIVISION IV WITHDRAWAL OF A TITLE

7. An insurance representative is not authorized to use the title of "Registered Life Underwriter" (R.L.U.) or "Chartered Life Underwriter" (C.L.U.), as applicable, while he is under suspension, struck off the roll, expelled, has had his certificate revoked or no longer holds such certificate.

8. An insurance representative is not authorized to use the title of "Registered Life Underwriter" (R.L.U.) or "Chartered Life Underwriter" (C.L.U.) where, for more than thirty days, he has been in default of paying the dues for a "Registered Life Underwriter" (R.L.U.) or a "Chartered Life Underwriter" (C.L.U.), as applicable, as well as any other dues and fees provided for in the regulations of the Chamber.

DIVISION V TRANSITIONAL AND FINAL PROVISIONS

9. An individual who began the training required to obtain the title of "Registered Life Underwriter" (R.L.U.)

or “Chartered Life Underwriter” (C.L.U.) before the date of coming into force of this Regulation may, at his choice, be awarded this title in accordance with the regulation in force before this date or in accordance with the provisions of this Regulation, provided he has taken and passed the required courses.

If this individual cannot satisfy the requirements of the former program because certain courses are no longer offered, he shall have to take and pass the equivalent courses proposed by the Chamber.

10. An individual who began the training required to obtain the title of “Registered Life Underwriter” (R.L.U.) or “Chartered Life Underwriter” (C.L.U.) before the date of coming into force of this Regulation and chooses to take the R.L.U. or C.L.U. program of the Association des intermédiaires en assurance de personnes du Québec must take and pass the courses required to obtain his diploma within five years of the effective date of this Regulation.

11. This Regulation comes into force on 1 October 1999.

3101

Gouvernement du Québec

O.C. 1039-99, 8 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Chambre de la sécurité financière — Code of ethics

Code of ethics of the Chambre de la sécurité financière

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which contributors carry on business;

WHEREAS under that section, the Chambre de la sécurité financière made the Code of ethics of the Chambre de la sécurité financière;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Code was published as a draft in Part 2 of 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 Code, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Code of ethics of the Chambre de la sécurité financière, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of the Chambre de la sécurité financière

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 313, 1st par., subpar. (1))

DIVISION I GENERAL PROVISIONS

1. This Regulation aims at promoting the protection of the public and the honest and competent practice of representatives.

2. This Regulation applies to all representatives in insurance of persons, all group insurance representatives and all financial planners regardless of the classes of sectors in which they practise.

3. A representative must ensure that his employees or mandataries comply with the provisions of this Regulation, and those of An Act respecting the distribution of financial products and services (1998, c. 37) and the regulations adopted thereunder.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

4. A representative must promote improvement of the quality and availability of the services that he offers to the public.

5. A representative must promote measures designed to provide education and information in the field in which he practises.

6. The conduct of a representative must be characterized by dignity, discretion, objectivity and moderation.

7. A representative must refrain from practising in conditions or in a state liable to compromise the quality of his services.

8. A representative must refrain from persistently or repeatedly urging a person to use his professional services or purchase a product.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

9. In the practice of his profession, a representative must take into account the limits of his knowledge and the means available to him. He must not undertake or continue a mandate for which he is not sufficiently prepared without obtaining the necessary assistance.

10. A representative must not make any false representations as to his level of competence or the quality of his services, or those of his firm or his independent partnership.

11. A representative must practise with integrity.

12. A representative must act towards his client or any potential client with integrity and as a conscientious adviser, giving him all the information that may be necessary or useful. He must take reasonable steps so as to advise his client properly.

13. A representative must fully and objectively explain to his client or any potential client the type, advantages and disadvantages of the product or service that he is proposing to him and must refrain from giving information that may be inaccurate or incomplete.

14. A representative must provide his client or any potential client with the explanations the client needs to understand and evaluate the product or services that he is proposing or that he provides to the client.

15. Before providing information or making a recommendation to his client or to any potential client, a representative must seek to have a complete understanding of the facts.

16. No representative may, by whatever means, make statements that are incomplete, false, deceptive or liable to mislead.

17. A representative may not appropriate, for personal purposes, sums of money entrusted to him or securities belonging to his clients or to any other individual and of which he has custody.

18. A representative must, in the practice of his profession, always remain independent and avoid any conflict of interest.

19. A representative must subordinate his personal interests to those of his client or any potential client. Without limiting the generality of the foregoing, the representative:

(1) may not advise a client to invest in a legal person, partnership or property in which he has, directly or indirectly, a significant interest;

(2) may not conduct any transaction or enter into any agreement or contract whatsoever with a client who, manifestly, is unable to manage his affairs, unless the decisions to conduct these transactions or enter into these agreements or contracts are made by persons who may legally decide in lieu of this client;

(3) may not conduct any transaction or enter into any agreement or contract whatsoever in the capacity of representative with respect to a client for whom he acts as dative tutor, curator or adviser within the meaning of the Civil Code.

20. A representative must be objective when his client or any potential client asks him for information. He must express opinions and make recommendations objectively and impartially, without considering his personal interest.

21. A representative must ignore any intervention by a third party that could influence the way in which he performs the duties related to his practice to the detriment of his client or any potential client.

22. A representative must not pay or undertake to pay to a person who is not a representative any compensation, any remuneration or any other advantage, except where permitted by An Act respecting the distribution of financial products and services.

23. A representative must demonstrate availability and diligence with respect to his client or any potential client.

24. A representative must report to his client on any mandate given to him and must carry out the mandate diligently.

25. In the practice of his profession, a representative must not, through dishonesty, fraud, trickery or other deceitful means, avoid or attempt to avoid his professional civil liability or that of the firm or independent partnership in which he practises.

26. A representative must respect the secrecy of any personal information that he obtains about a client and only use that information for the purposes for which it was obtained, unless he is relieved of that obligation by a provision of a law or by order of a competent court.

27. A representative must not disclose personal or confidential information that he obtained, except in accordance with the provisions of the Act, and must not use that information to the detriment of his client or to obtain an advantage for himself or for another person.

28. A representative must not dissuade his client or any potential client from consulting another representative or another person of his choosing.

29. A representative must promptly give to his client, or to any person his client designates, the books and documents belonging to the client, even though the latter owes him sums of money.

DIVISION IV DUTIES AND OBLIGATIONS TOWARDS OTHER REPRESENTATIVES, FIRMS, INDEPENDENT PARTNERSHIPS, INSURERS AND FINANCIAL INSTITUTIONS

30. A representative must not, directly or indirectly, make comments of any kind which are false, inaccurate or incomplete about another representative, a firm, an independent partnership, an insurer, a financial institution or one of their representatives, products or services.

31. A representative must use fair methods of competition and solicitation.

32. A representative must not denigrate, belittle or discredit another representative, a firm, an independent partnership, an insurer or a financial institution.

DIVISION V DUTIES AND OBLIGATIONS TOWARDS INSURERS

33. A representative must not fail to pay an insurer, upon request or within the prescribed time, the sums of money that he has collected on its behalf.

34. A representative must give insurers the information that it is common practice for him to provide.

DIVISION VI DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

35. A representative must not practise dishonestly or negligently.

36. A representative must not, directly or indirectly, without the knowledge of the insurer, give a discount on a premium stipulated in an insurance contract or agree to a premium payment method different from the one provided for in the contract.

37. A representative must not, directly or indirectly, pay a person to act in the capacity of representative if that person does not hold a certificate.

38. A representative must not accept payment from a person who does not hold a certificate and who acts or attempts to act as a representative through a representative who holds a certificate.

39. Subject to the provisions of this Act, a representative must not receive or arrange to receive payment from a person other than the person who retained his services.

40. A representative must not share his commission, except within the limits permitted by this Act.

41. A representative must not promise or pay compensation, in any form whatsoever, for his services to be retained.

42. A representative must, without delay, reply in full and courteously to any correspondence from the syndic, the co-syndic, an assistant of the syndic, an assistant of the co-syndic or a member of their staff acting in their capacity.

43. A representative must, in particular, appear before the syndic, the co-syndic, an assistant of the syndic, an assistant of the co-syndic or a member of their staff as soon as he is required to do so.

44. A representative must not interfere with the work of the Bureau, the Chamber or one of its committees, the syndic, an assistant of the syndic, the co-syndic, an assistant of the co-syndic or a member of their staff or an officer of the Chamber.

45. A representative must inform the Bureau when he has reasonable grounds to believe that another representative is unfit to practise in this capacity, is practising incompetently or dishonestly, or is contravening the provisions of this Act and its regulations.

46. A representative who is informed that the syndic, the co-syndic, an assistant of the syndic or an assistant of the co-syndic is conducting an inquiry into his professional competence or conduct, or that a disciplinary complaint has been served on him pursuant to section 132 of the Professional Code (R.S.Q., c. C-26) must not

communicate with the person who requested the holding of the inquiry nor with the witnesses who have been summoned for the complainant in accordance with section 146 of this code, except with prior written permission from the syndic, the co-syndic, an assistant of the syndic or an assistant of the co-syndic.

DIVISION VII **GRAPHIC SYMBOL**

47. If a representative uses the graphic symbol of the Chamber for publications or advertisements of any kind, he must make sure that it is in conformity with the original held by the secretary of the Chamber.

48. Where a representative uses the graphic symbol of the Chamber for advertising purposes, other than on a business card, he shall include the following warning in the advertisement: "This advertisement does not originate from the Chambre de la sécurité financière and does not commit its liability."

DIVISION VIII **SPECIFIC PROVISIONS APPLICABLE TO** **FINANCIAL PLANNERS**

49. This Division applies only to a representative who is entitled to use the title of financial planner or a similar title in accordance with An Act respecting the distribution of financial products and services and its regulations.

50. When soliciting clients, a representative must avoid using methods that would have the effect, in particular, of emphasizing a specific aspect of financial planning in order to unduly attract the attention of a potential client.

51. A representative must refrain from:

(1) out of malice, making an unfounded accusation against another representative, a firm or an independent partnership;

(2) directly or indirectly paying a person who is not legally entitled to use the title of financial planner to act in that capacity or to use that title;

(3) directly or indirectly accepting or receiving payment from a person who is not legally authorized to use the title of financial planner and who acts or attempts to act in that capacity;

(4) not informing his client as soon as he is aware of a problem that will prevent him from continuing with his mandate.

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

3102

Gouvernement du Québec

O.C. 1040-99, 8 September 1999

An Act respecting the distribution of financial products and services
(1998, c. 37)

Claims adjusters **— Code of ethics**

Code of ethics of claims adjusters

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which contributors carry on business;

WHEREAS under that section, the Chambre de l'assurance de dommages made the Code of ethics of claims adjusters;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Code was published as a draft in Part 2 of 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 Code, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Code of ethics of claims adjusters, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of claims adjusters

An Act respecting the distribution of financial products and services
(1998, c. 37, s. 313, par. 1, subpar. 1)

DIVISION I GENERAL PROVISIONS

1. The provisions of this Code are designed to promote the protection of the public and the honest and competent practice of the activities of a claims adjuster.

2. A claims adjuster shall insure that he, his mandataries and his employees comply with the provisions of An Act respecting the distribution of financial products and services (1998, c. 37) and the regulations thereunder.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

3. A claims adjuster must support any measure designed to protect the public.

4. A claims adjuster must support any measure likely to improve the quality of service in the field in which he carries on his activities.

5. A claims adjuster must promote measures designed to provide education and information in the field in which he carries on his activities.

6. The conduct of a claims adjuster must be characterized by objectivity, discretion, moderation and dignity.

7. No claims adjuster shall, in any manner whatsoever, make any representations which are false, misleading or liable to be misleading.

8. A claims adjuster must avoid placing himself, directly or indirectly, in a situation in which he would have a conflict of interest. Without limiting the generality of the foregoing, a claims adjuster would be in a situation of conflict of interest where:

(1) the existing interests are such that he might favour some of them over those of his client or his judgment and loyalty towards his client might be adversely affected;

(2) he obtains a current or future personal benefit, directly or indirectly, for a given act.

9. A claims adjuster must not represent the interests of both an insured and the insured's insurer at the same time.

10. In carrying on his activities, a claims adjuster must identify himself clearly and must produce his certificate upon request.

11. A claims adjuster must notify an insured of the approach of a prescription date concerning him.

12. A claims adjuster must notify the parties involved, as well as any person that he knows has an interest in the compensation requested, of any refusals or any measures that the insurer intends to take regarding the claim.

13. A claims adjuster must act in such a way as not to mislead or abuse the good faith of the parties involved or of their insurers.

14. In addition to opinions and advice, a claims adjuster must provide a claimant with the explanations necessary for him to understand and appreciate the services rendered to him.

15. A claims adjuster must not, directly or indirectly, pay, compensate or give an advantage or allow the payment, compensation or giving of any advantage to a person who is not a representative in order for that person to act in that capacity or use that title.

16. A claims adjuster must not, directly or indirectly, be promised or receive a payment, compensation or advantage from a person who is not a damage insurance representative and who acts or attempts to act in that capacity.

17. A claims adjuster must not, directly or indirectly, be promised or receive a payment, compensation or advantage not authorized by this Act or the regulations thereunder from a person other than the person who used his services.

18. A claims adjuster must not pay, offer to pay or undertake to pay to a person who is not a representative any payment, compensation or advantage, except where permitted by the Act.

19. A claims adjuster must not pay or promise to pay any remuneration, compensation or advantage in order for his services to be used, except as permitted by this Act or the regulations thereunder.

20. A claims adjuster must respect the secrecy of any personal information that he obtains about a client and use the personal information for the purposes for which

he obtained it, unless he is relieved of that obligation by a provision of an act or an order of a competent court.

21. A claims adjuster must not disclose personal or confidential information he has obtained, other than in accordance with the Act, and he must not use such information to the detriment of his client or with a view to obtaining a benefit for himself or for another person.

22. A claims adjuster must not accept or continue a mandate if it involves or may involve disclosing or using confidential information or documents obtained from another claimant, unless that claimant so consents.

23. A claims adjuster must not withhold sums of money, securities, documents or property of a claimant unless a legislative or regulatory provision so permits.

24. A claims adjuster must take reasonable care of the property entrusted to his care by the claimant or the client.

25. A claims adjuster must not endorse a cheque made out to a claimant or to a client unless he has been notified by that party in writing that he may do so and provided that he endorses the cheque only for the purpose of depositing it into a separate account.

26. A claims adjuster must not:

(1) have a personal interest in the settlement of a claim;

(2) derive or seek to derive personal benefit, other than his remuneration, from a matter entrusted to him;

(3) ask anyone whomsoever, except the client or his representatives, to inform him of the occurrence of an accident;

(4) obtain or attempt to obtain details concerning an insurance policy from a person other than the client or his representatives, with a view to having the settlement of claim entrusted to him;

(5) advise an insured, a claimant or a third party not to consult another representative or any other person of his choosing;

(6) mislead an interested party as to the identity of his client;

(7) pay or offer to pay a witness compensation conditional on the content of his testimony or on the outcome of litigation;

(8) unduly withhold, conceal, harbour, falsify, mutilate or destroy evidence, whether directly or indirectly;

(9) conceal evidence that he or a client has a legal obligation to conserve, disclose or produce.

DIVISION III

DUTIES AND OBLIGATIONS TOWARDS CLIENTS

27. A claims adjuster must avoid any misrepresentations as to his level of competence or the effectiveness of his services or those of his firm or independent partnership.

28. Before accepting a mandate, a claims adjuster must take into account the limits of his abilities and knowledge and the means available to him. He must not undertake or continue a mandate for which he is not sufficiently prepared, without obtaining the necessary assistance.

29. A claims adjuster must not represent opposing interests, except with the consent of his clients.

30. A claims adjuster must not advise a client not to consult another representative or another person of his choosing.

31. A claims adjuster must act promptly, honestly and equitably in providing his professional services in connection with the mandates entrusted to him.

32. A claims adjuster must inform the client promptly of any violation, fraud or circumstances that could reduce or compromise an entitlement to compensation.

33. A claims adjuster must, without delay, follow up on the instructions that he receives from a client or notify him that he is unable to do so.

34. A claims adjuster must submit any offer of settlement to the client.

35. In carrying out a mandate, a claims adjuster must avoid multiplying professional acts.

36. A claims adjuster may, for good and reasonable cause, cease to act on behalf of a client and unilaterally terminate a mandate after taking reasonable measures to ensure that the client suffers no prejudice.

Good and reasonable cause includes:

(1) the loss of the client's confidence;

(2) deceit on the part of a client or the client's refusal to collaborate;

(3) pressure from a client to carry out illegal, unfair, immoral or fraudulent acts;

(4) persistent refusal by a client to accept a fair settlement;

(5) a claims adjuster being in conflict of interest or in a situation that casts doubt on his professional independence;

(6) refusal by a client to recognize an obligation relating to costs, disbursements and remuneration or, following reasonable prior notification, his refusal to pay the claims adjuster an instalment towards the fulfilment of that obligation.

37. A claims adjuster must cease to represent a client if his mandate is revoked.

38. A claims adjuster must, upon request, report to the client and must show diligence in preparing his reports, rendering his accounts and making his remittances.

39. A claims adjuster must not, through fraud, trickery or other deceitful means, avoid or attempt to avoid his professional civil liability.

40. The remuneration set by a claims adjuster must be fair and reasonable. Remuneration is fair and reasonable where it is justified by the circumstances and proportionate to the services rendered. In setting his remuneration, a claims adjuster must take particular account of the following factors:

(1) his experience;

(2) the time devoted to the matter;

(3) the difficulty of the problem submitted;

(4) the importance of the matter;

(5) the responsibility assumed;

(6) the provision of unusual services or services requiring exceptional competence or speed;

(7) the result obtained.

41. A claims adjuster must ensure that a client is informed of the approximate and foreseeable cost of his services.

42. If a claims adjuster has concluded a contract with a client providing for remuneration on an hourly basis, he must provide the client with all explanations necessary for him to understand his statement of remuneration and the terms and conditions for payment.

43. A claims adjuster must not accept, other than the remuneration or compensation to which he is entitled, any other advantage relating to his activities, except where permitted by the Act. In addition, he must not pay, offer to pay or undertake to pay any remuneration, compensation or other advantage, except where permitted by the Act.

44. A claims adjuster may charge interest on overdue accounts only if he has an agreement to that effect with the client. Any interest charged must be at a reasonable rate which does not exceed the rate set in accordance with section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

45. Upon completion of his mandate, a claims adjuster must repay any part of an advance on his remuneration for which no work was done.

DIVISION IV SPECIAL PROVISION APPLICABLE IN THE CASE OF A MANDATE BETWEEN A CLAIMS ADJUSTER AND A CLAIMANT

46. A claims adjuster must not borrow from a claimant sums of money that he collects for him.

DIVISION V SPECIAL PROVISIONS APPLICABLE IN THE CASE OF A MANDATE BETWEEN A CLAIMS ADJUSTER AND AN INSURER

47. A claims adjuster must not under any circumstances undertake appraisal work for an insurer or claim to act on its behalf unless he has received a prior mandate to that effect from the insurer.

48. When a claims adjuster informs the insured that he is acting on behalf of an insurer, he must also indicate to the insured that he represents only the interests of the insurer.

49. A claims adjuster must notify the insurer of any ties or interests held by third parties in property that is the subject of a claim and suggest to it settlements that take account thereof.

50. A claims adjuster must disclose to the insurer any information in his possession that could affect deci-

sions regarding the settlement of a claim, particularly breaches of contract, fraud, misrepresentations or forging of evidence.

DIVISION VI DUTIES AND OBLIGATIONS TOWARDS INSURERS

51. A claims adjuster must not mislead an insurer, abuse its good faith or use unfair practices in dealing with the insurer.

52. A claims adjuster must not falsely make representations to an insurer to the effect that he is in charge of settling a claim.

DIVISION VII DUTIES AND OBLIGATIONS TOWARDS REPRESENTATIVES

53. A claims adjuster must not discredit another representative.

54. A claims adjuster must not mislead another representative, abuse his good faith or use unfair practices in dealing with him.

55. A claims adjuster must collaborate with other representatives insofar as he causes no prejudice to his client or to the parties involved in a claim.

DIVISION VIII DUTIES AND OBLIGATIONS TOWARDS THE BUREAU DES SERVICES FINANCIERS AND THE CHAMBRE DE L'ASSURANCE DE DOMMAGES

56. A claims adjuster must answer without delay any correspondence from the syndic, the co-syndic or an assistant to the syndic of the Chamber in the performance of the duties devolved upon them under the Act respecting the distribution of financial products and services and the regulations thereunder.

57. A claims adjuster must not, directly or indirectly, obstruct the work of the Bureau, the Chamber or one of its committees, the syndic, the co-syndic, an assistant to the syndic or a member of their personnel.

58. Where a claims adjuster has been informed of an investigation or a complaint concerning him, he must not intervene vis-à-vis the complainant or the person having requested the investigation, except within the scope of performing his mandate, where applicable.

DIVISION IX BREACHES OF THE CODE OF ETHICS

59. The fact that a claims adjuster acts contrary to the honour and dignity of the profession constitutes a breach of the Code of Ethics, including:

- (1) carrying on activities dishonestly or negligently;
- (2) carrying on activities under conditions or in situations likely to compromise the quality of his services;
- (3) taking into account the intervention of a third party that could affect the carrying out of his professional duties to the detriment of his client or the insured;
- (4) knowingly deriving benefit from perjury or from false evidence;
- (5) knowingly making a statement which is false, misleading or liable to be misleading;
- (6) participating in gathering or in conserving evidence that he knows is false;
- (7) concealing or knowingly withholding that which a legislative or regulatory provision requires him to disclose;
- (8) advising or encouraging a client to do something that the claims adjuster knows is illegal or fraudulent;
- (9) not informing the client, the insured or the opposing party of any impediment to the continuation of his mandate;
- (10) insistently or repeatedly urging a person to use his professional services;
- (11) requiring a client to pay advances that are disproportionate to the nature and circumstances of the claim and the state of the parties;
- (12) carrying on activities with persons not authorized to carry on such activities by this Act or the regulations thereunder, or using their services to do so;
- (13) charging for professional services not rendered or falsely described;
- (14) filing a malicious complaint or making a malicious accusation against another representative;
- (15) using or appropriating, for personal purposes, money or securities entrusted to him in the carrying out of any mandate, whether the activities carried on by the

claims adjuster are in the sector of claims adjustment or in another sector contemplated in this Act.

DIVISION X
PROVISIONS APPLICABLE TO A CLAIMS
ADJUSTER EMPLOYED BY AN INSURER

60. The provisions of this Division apply only to a claims adjuster employed by an insurer.

61. Such a claims adjuster must not:

(1) neglect to effect promptly, honestly and fairly the settlement of claims for which responsibility has been determined;

(2) neglect to follow up promptly on a request for compensation arising from an insurance contract;

(3) neglect to accept or refuse a request for compensation within a reasonable period following the filing of the required evidence;

(4) neglect to notify an insured of the approach of the prescription date;

(5) postpone the settlement of property damage until the settlement of bodily injuries.

62. Such a claims adjuster must comply with the provisions of Division VIII.

63. Section 2 and subparagraphs 1 and 2 of section 59 shall apply to a claims adjuster employed by an insurer.

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

3104

Gouvernement du Québec

O.C. 1041-99, 8 September 1999

An Act respecting the distribution of financial products and services
 (1998, c. 37)

Damage insurance representatives
 — **Code of ethics**

Code of ethics of damage insurance representatives

WHEREAS under subparagraph 1 of the first paragraph of section 313 of the Act respecting the distribution of

financial products and services (1998, c. 37), each Chamber shall determine, by regulation, the rules of ethics applicable to the representatives, other than the securities representatives, of each sector or class of sectors in which contributors carry on business;

WHEREAS under that section, the Chambre de l'assurance de dommages made the Code of ethics of damage insurance representatives;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of that Code was published as a draft in Part 2 of 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 Code, with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for the Economy and Finance and Minister of Finance:

THAT the Code of ethics of damage insurance representatives, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Code of ethics of damage insurance representatives

An Act respecting the distribution of financial products and services
 (1998, c. 37, s. 313, par. 1, subpar. 1)

DIVISION I
GENERAL PROVISIONS

1. The provisions of this Code are designed to promote the protection of the public and the honest and competent practice of the activities of a damage insurance representative.

In this Code, the expression “damage insurance representative” means a damage insurance agent and a damage insurance broker.

2. A damage insurance representative shall insure that he, his mandataries and his employees comply with the provisions of An Act respecting the distribution of financial products and services (1998, c. 37) and the regulations thereunder.

3. A damage insurance representative must not, directly or indirectly, pay, compensate or give an advantage or allow the payment, compensation or giving of any advantage to a person who is not a representative in order for that person to act in that capacity or use that title.

4. A damage insurance representative must not, directly or indirectly, be promised or receive a payment, compensation or advantage from a person who is not a damage insurance representative and who acts or attempts to act in that capacity.

5. A damage insurance representative must not, directly or indirectly, be promised or receive a payment, compensation or advantage not authorized by this Act or the regulations thereunder from a person other than the person who used his services.

6. A damage insurance representative must not pay, offer to pay or undertake to pay to a person who is not a representative any payment, compensation or advantage, except where permitted by this Act.

7. A damage insurance representative must not pay or promise to pay any remuneration, compensation or advantage in order for his services to be used, except as permitted by this Act or the regulations thereunder.

8. A damage insurance representative must make himself available.

9. A damage insurance representative must not neglect the professional duties relating to the carrying on of his activities; he must carry out such duties with integrity.

10. A damage insurance representative must avoid placing himself, directly or indirectly, in a situation in which he would have a conflict of interest. Without limiting the generality of the foregoing, a representative would be in a situation of conflict of interest where:

(1) the existing interests are such that he might favour some of them over those of his client or his judgment and loyalty towards his client might be adversely affected;

(2) he obtains a current or future personal benefit, directly or indirectly, for a given act.

DIVISION II DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

11. A damage insurance representative must support any measure designed to protect the public.

12. A damage insurance representative must support any measure likely to improve the quality of service in the field in which he carries on his activities.

13. A damage insurance representative must promote measures designed to provide education and information in the field in which he carries on his activities.

14. The conduct of a damage insurance representative must be characterized by objectivity, discretion, moderation and dignity.

15. No representative shall, in any manner whatsoever, make any representations which are false, misleading or liable to be misleading.

16. A damage insurance representative must avoid any misrepresentations as to his level of competence or the effectiveness of his services or those of his firm or independent partnership.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS CLIENTS

17. Before accepting a mandate, a damage insurance representative must take into account the limits of his abilities and knowledge and the means available to him. He must not undertake or continue a mandate for which he does not have the necessary skills, without obtaining the proper assistance.

18. A damage insurance representative must not advise his client not to consult another representative or another person of his choosing.

19. A damage insurance representative must always place the interests of the insured and of all prospective clients before his own interests and those of any other person or institution.

20. A damage insurance representative must not, through fraud, trickery or other deceitful means, avoid or attempt to avoid his professional civil liability or that of the firm or independent partnership within which he carries on his activities.

21. Where he is not paid exclusively on a percentage basis, a damage insurance representative must charge and accept remuneration or compensation that is fair and reasonable given the services rendered. In particular, he must take into account the following factors in determining his remuneration or compensation:

(1) his experience;

- (2) the time devoted to the matter;
- (3) the difficulty of the problem submitted;
- (4) the importance of the matter;
- (5) the responsibility assumed;
- (6) the provision of unusual services or services requiring exceptional competence or speed;
- (7) the result obtained.

22. A damage insurance representative must notify his client of all costs which are not included in the amount of the insurance premium.

23. A damage insurance representative must respect the secrecy of any personal information that he obtains about a client and use the personal information for the purposes for which he obtained it, unless he is relieved of that obligation by a provision of an act or an order of a competent court.

24. A damage insurance representative must not disclose personal or confidential information he has obtained, other than in accordance with the Act, and he must not use such information to the detriment of his client or with a view to obtaining a benefit for himself or for another person.

25. A damage insurance representative must carry out the mandate accepted by him in a transparent manner.

26. A damage insurance representative must, without delay, follow up on the instructions that he receives from a client or notify him that he is unable to do so. He must also inform his client of any impediment to the continuation of his mandate.

DIVISION IV DUTIES AND OBLIGATIONS TOWARDS INSURERS

27. A damage insurance representative must not abuse the good faith of an insurer or use unfair practices in dealing with it.

28. A damage insurance representative must not, without good cause, fail to pay an insurer, upon request or upon the expiry of a prescribed period, the premiums that he collects on its behalf.

29. A damage insurance representative must give insurers the information that it is common practice for him to provide.

DIVISION V DUTIES AND OBLIGATIONS TOWARDS REPRESENTATIVES

30. A damage insurance representative must not, directly or indirectly, publish or distribute a report or comments which he knows to be false regarding another representative, a firm or an independent partnership carrying on activities governed by this Act.

31. A damage insurance representative must not denigrate, depreciate or discredit another representative.

32. A damage insurance representative must not abuse the good faith of another representative or use unfair practices in dealing with him.

33. A damage insurance representative must not file a malicious complaint or make a malicious accusation against another representative.

DIVISION VI DUTIES AND OBLIGATIONS TOWARDS THE BUREAU DES SERVICES FINANCIERS AND THE CHAMBRE DE L'ASSURANCE DE DOMMAGES

34. A damage insurance representative must answer without delay any correspondence from the syndic, the co-syndic or an assistant to the syndic in the performance of the duties devolved upon them under this Act and the regulations thereunder.

35. A damage insurance representative must not, directly or indirectly, obstruct the work of the Bureau, the Chamber, one of its committees, the syndic, the co-syndic, an assistant to the syndic of the Chamber or a member of their personnel.

36. Where a damage insurance representative has been informed of an investigation or a complaint concerning him, he must not intervene vis-à-vis the complainant or the person having requested the investigation, except within the scope of performing his mandate, where applicable.

DIVISION VII BREACHES OF THE CODE OF ETHICS

37. The fact that a damage insurance representative acts contrary to the honour and dignity of the profession constitutes a breach of the Code of Ethics, including:

- (1) carrying on activities dishonestly or negligently;
- (2) carrying on activities under conditions or in situations likely to compromise the quality of his services;

(3) taking into account the intervention of a third party that could affect the carrying out of his professional duties to the detriment of his client or the insured;

(4) failing to report on the carrying out of any mandate;

(5) failing to act with integrity towards his clients;

(6) failing to act as a conscientious advisor by not informing his clients of their rights and obligations and not giving them all necessary or useful information;

(7) making a statement which is false, misleading or liable to be misleading;

(8) using or appropriating, for personal purposes, money or securities entrusted to him in the carrying out of any mandate, whether the activities carried on by the representative are in the sector of damage insurance or in another sector contemplated in this Act;

(9) participating in gathering or in conserving evidence or a document that he knows is false;

(10) concealing or knowingly withholding that which a legislative or regulatory provision requires him to disclose;

(11) advising or encouraging a client to do something that the representative knows is illegal or fraudulent;

(12) carrying on activities with persons not authorized to carry on such activities by this Act or the regulations thereunder, or using their services to do so;

(13) charging for professional services not rendered or falsely described;

(14) insistently or repeatedly urging a person to use his professional services.

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

3105

M.O., 1999

Order of the Minister of State for Health and Social Services and Minister of Health and Social Services to designate breast cancer detection centres, dated 27 August 1999

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate breast cancer detection centres under subparagraph b.3 of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c.A-29);

ORDERS:

1. That the following breast cancer detection centres be designated for the Gaspésie-Îles-de-la-Madeleine region:

Centre hospitalier de Gaspé
Pavillon Hôtel-Dieu
215, boulevard York Ouest
Gaspé (Québec)
G4X 2W2

Centre hospitalier de l'Archipel
430, rue Principale, C.P. 730
Cap-aux-Meules (Québec)
G0B 1B0.

2. That the following breast cancer detection centres be designated for the Abitibi-Témiscamingue region:

Centre hospitalier Hôtel-Dieu d'Amos
622, 4^e Rue Ouest
Amos (Québec)
J9T 2S2

Centre de santé Sainte-Famille
22, rue Notre-Dame Nord
Ville-Marie (Québec)
J0Z 3W0.

Québec, 27 août 1999

PAULINE MAROIS,
*Minister of State for Health and Social Services and
Minister of Health and Social Services*

3081

M.O., 1999**Order 1999-009 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 19 August 1999**

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

By-law respecting the election by the population of certain members of the board of directors of a public institution

CONSIDERING the third paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that under resolutions duly adopted, the following regional boards have made the By-law respecting the election by the population of certain members of the board of directors of a public institution and have submitted it to the Minister for approval:

— Régie régionale de la santé et des services sociaux du Bas-Saint-Laurent;

— Régie régionale de la santé et des services sociaux du Saguenay–Lac-Saint-Jean;

— Régie régionale de la santé et des services sociaux de Québec;

— Régie régionale de la santé et des services sociaux de la Mauricie et du Centre-du-Québec;

— Régie régionale de la santé et des services sociaux de l'Estrie;

— Régie régionale de la santé et des services sociaux de l'Outaouais;

— Régie régionale de la santé et des services sociaux de l'Abitibi-Témiscamingue;

— Régie régionale de la santé et des services sociaux de la Côte-Nord;

— Régie régionale de la santé et des services sociaux de la Gaspésie–Îles-de-la-Madeleine;

— Régie régionale de la santé et des services sociaux de Chaudière-Appalaches;

— Régie régionale de la santé et des services sociaux de Laval;

— Régie régionale de la santé et des services sociaux de Lanaudière;

— Régie régionale de la santé et des services sociaux des Laurentides;

— Régie régionale de la santé et des services sociaux de la Montérégie;

CONSIDERING that it is expedient to approve the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto.

THEREFORE, the Minister of State for Health and Social Services and Minister of Health and Social Services

ORDERS,

THAT the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto, be approved.

PAULINE MAROIS,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

By-law respecting the election by the population of certain members of the board of directors of a public institution

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 135; 1998, c. 39, s. 53)

**DIVISION I
GENERAL****§1. Scope**

1. This By-law applies to the election by the citizens of certain members of the board of directors of a public institution held pursuant to section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2).

§2. Place of the poll

2. The institution shall determine no later than 55 days before the date on which the election is to be held the location or locations of the poll and shall inform the regional board thereof.

Notwithstanding the foregoing and if the circumstances warrant it, the institution may, before the beginning of the polling period, determine another location for the

poll. It must then publish, by means of at least one media circulated in the region in which the institution's facilities are located, a notice indicating the new location or post that notice in at least one location accessible to the public within each of the institution's facilities and inform the regional board thereof.

§3. *Returning officer*

3. The regional board shall appoint a returning officer no later than 50 days before the date of the election. Where the returning officer is absent or unable to act, the regional board shall appoint a new officer.

4. Where the election referred to in section 135 of the Act will be held in more than one location for one institution, the regional board shall also appoint a deputy returning officer for each such location. The regional board shall follow the same procedure in the case of the election of a board of directors made up to administer several institutions.

5. The duties of a returning officer are to

- (1) receive nomination papers and accept or refuse them;
- (2) send the list of candidates to the executive director of the institution;
- (3) inform the electors and candidates of the election procedure;
- (4) appoint scrutineers to assist him in the performance of his duties;
- (5) implement the mechanism chosen by the institution whereby candidates may address the population;
- (6) supervise the conduct of the election;
- (7) check the voters' eligibility in particular by means of the declaration in section 25;
- (8) count the votes;
- (9) cancel irregular ballot papers in accordance with section 31 of this By-law;
- (10) fill out the certificates of election and send a copy of the documents referred to in sections 14 and 34 to the regional board; and
- (11) send the originals of the documents referred to in sections 14 and 34 to the executive director of the institution.

6. The duties of a deputy returning officer, performed under the authority of the returning officer, are to

- (1) receive nomination papers and forward them to the returning officer;
- (2) inform the electors and candidates of the election procedure;
- (3) appoint scrutineers to assist him in the performance of his duties;
- (4) supervise the conduct of the election;
- (5) check the voters' eligibility in particular by means of the declaration in section 25;
- (6) count the votes;
- (7) cancel irregular ballot papers in accordance with section 31 of this By-law; and
- (8) send the nomination papers and ballot papers to the returning officer.

7. The returning officer and deputy returning officer are not entitled to vote in the election.

§4. *Executive director*

8. The executive director of the institution shall provide the returning officer and deputy returning officer with the technical and administrative support required for the performance of their duties.

He shall keep in sealed envelopes the originals of Schedules I to VI for a period of not less than 180 days from the date on which the votes are counted or recounted, as the case may be, or, where an election is contested, until such time as the Administrative Tribunal of Québec has rendered its decision.

DIVISION II ELECTION PROCEDURE

§1. *Notice of election*

9. The executive director of the institution shall give notice of the election no later than 50 days before the date of the election. He shall do so by means of at least two media, including a newspaper circulated in the region in which the institution's facilities are located.

The notice of election must also be posted, within the same time, in at least one location accessible to the public within each of the institution's facilities. The

notice must mention the restrictions set out in sections 150 and 151 of the Act and shall describe the nomination procedure provided for in sections 10 and 11.

No later than five days after having given notice of the election, the executive director shall send a copy of the notice to the returning officer and, where applicable, the deputy returning officer.

§2. Nominations

10. A nomination is made by means of a nomination paper drawn up in accordance with Schedule I.

A nomination paper shall be signed on the original by the candidate and countersigned by two members of the electoral college of the population. It shall be submitted to the returning officer or the deputy returning officer no later than 30 days before the date of the election, before 5:00 p.m.

11. A candidate who files a nomination paper and the persons who countersign such paper shall at the same time submit to the returning officer or the deputy returning officer the original of the declaration drawn up in accordance with Schedule II.

A candidate who agrees to such nomination may also fill out an information sheet drawn up in accordance with Schedule III and submit it to the returning officer or the deputy returning officer.

12. Where a deputy returning officer receives a nomination paper, he shall promptly forward it to the returning officer, along with any information sheet submitted.

13. The returning officer shall accept or refuse a nomination paper no later than two days after receiving it and shall give written notice of acceptance or refusal to the person who filed the paper.

§3. Election by acclamation

14. At the close of nominations, if the number of candidates is less than or equal to the number of seats to be filled, the returning officer shall declare the candidates elected. He shall then fill out the certificate of election by acclamation drawn up in accordance with in Schedule IV and shall send a copy of Schedules I and III to the regional board within ten days. Within the same time, he shall send the originals of Schedules I, II and IV to the executive director of the institution.

No later than 20 days before the date of the election, the executive director shall publish in at least one newspaper circulated in the region in which the institution's

facilities are located a notice indicating the names of the persons elected and stating that no election will be held.

The executive director shall, within the same time, post the same notice in at least one location accessible to the public within each of the institution's facilities.

§4. Election not held

15. At the close of nominations, if there is no candidate, the returning officer shall so inform the regional board within three days. Within the same time, he shall send the originals of Schedules I and II to the executive director of the institution.

The provisions of this section shall apply if an election is not held at any other stage during the procedure.

§5. Polling notice and list of candidates

16. At the close of nominations, where there are more candidates than seats to be filled, the returning officer shall draw up a list of the candidates and shall send it to the executive director of the institution within three days.

No later than 20 days before the date of the poll, the executive director shall publish, by means of at least two media including at least one newspaper circulated in the region in which the institution's facilities are located, a notice indicating the date, time and location of the poll and a list of the candidates. The polling period indicated in the notice shall last from at least 5:00 p.m. until 9:00 p.m.

The polling notice shall indicate that there will be no advance polling and that proxy voting is prohibited.

Within the same time, the executive director shall post the same notice in at least one location accessible to the public within each of the institution's facilities. A copy of the information sheets filled out by the candidates shall be posted with the notice.

§6. Mechanisms whereby candidates may address the population

17. The returning officer must, between the end of the nomination period and the day set for polling, implement at least one of the mechanisms provided for in Schedule V whereby candidates may address the population.

The institution must inform the population of the mechanisms that have been chosen.

18. The institution must, no later than before the end of the nomination period, inform the regional board that

one or several mechanisms provided for in Schedule V have been chosen in accordance with section 17.

19. The returning officer or the deputy returning officer shall post the information sheets filled out by the candidates in each of the installation's facilities as of the close of nominations to the end of the polling period.

§7. Voting procedure

20. On the day set for polling, all publicity relating to candidates is prohibited on the premises where the poll is held, with the exception of the information sheets posted as prescribed in section 19. The building in which the voters are and any neighbouring place where publicity may be seen or heard by the electors are considered to be the premises where the poll is held.

21. A candidate may observe the conduct of the poll or may, in writing, appoint a representative for that purpose. Such appointment shall be sent to the returning officer or the deputy returning officer before the polling period is opened.

22. The returning officer or the deputy returning officer shall open the polling period on the day, at the time and at the location indicated in the notice referred to in the second paragraph of section 16.

23. Proxy voting is prohibited.

24. The returning officer, the deputy returning officer or a scrutineer shall provide assistance to any person requesting it in the exercise of his right to vote.

25. Before voting, each elector shall fill out a declaration drawn up in accordance with Schedule II and shall submit it to the scrutineer.

26. The voting shall be carried out by secret ballot.

27. The scrutineer shall give the elector a ballot paper drawn up in accordance with Schedule VI, after having initialled it in the space reserved for that purpose.

28. The list of candidates drawn up in accordance with Schedule VII shall be posted in each polling booth.

29. The elector shall go to the polling booth and shall mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the elector shall allow the scrutineer and any candidate or candidate's representative who so desires to check the number of the stub and the initials of the scrutineer on the ballot.

Following that verification, the elector shall tear off the stub and shall give it to the scrutineer, who shall destroy it. The elector shall then deposit the ballot paper in the ballot box.

§8. Counting of votes, election proclamation and publication of results

30. The returning officer or the deputy returning officer shall count the votes in the presence of the scrutineers.

The candidates or their representatives may be present for the counting of votes.

31. The returning officer or the deputy returning officer shall cancel every ballot paper which

- (1) has not been provided by the scrutineer;
- (2) does not bear the initials of the scrutineer;
- (3) has not been marked;
- (4) has been marked in favour of more candidates than the required number;
- (5) has been marked in favour of a person who is not a candidate;
- (6) has been marked elsewhere than in the spaces reserved for that purpose;
- (7) bears fanciful or injurious inscriptions; or
- (8) bears a mark by which the elector can be identified.

Notwithstanding the foregoing, no ballot paper contemplated in subparagraph 2 of the first paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of Schedules II filled out in accordance with section 25, were placed in it.

The scrutineer shall, in full view of the returning officer or the deputy returning officer and the representative of a candidate who so desires, then write his initials on the back side of every ballot paper and a note indicating the correction.

The returning officer or the deputy returning officer shall cancel a ballot paper by writing "Void" on it and initialling it.

32. The deputy returning officer shall promptly send the results of the count to the returning officer.

33. The returning officer shall declare elected the candidates who obtained the greatest number of votes with respect to the number of seats to be filled.

Where there is a tie-vote and more candidates are elected than there are seats to be filled, the returning officer shall draw lots between the candidates who obtained the same number of votes.

34. The returning officer shall fill out a certificate of election drawn up in accordance with Schedule VIII and shall send a copy to the regional board within ten days. Within the same time, he shall also send to the regional board a copy of the nomination paper for each candidate elected. The regional board must, within 30 days, send to the Department the information contained in the nomination papers of the candidates elected.

Within the same time, the returning officer shall also send to the executive director of the institution the originals of the aforementioned documents, of the declarations and of the ballot papers.

The returning officer shall destroy the information sheets filled out by the candidates.

The executive director shall post a copy of the certificate of election in a location accessible to the public within each of the institution's facilities.

§9. Recounting of the votes

35. The returning officer shall recount the votes at the request of a candidate or his representative.

Such request shall be made in writing and must be received by the returning officer no later than five days after the poll is held.

The returning officer shall recount the votes within five days following receipt of such request.

The candidates or their representatives may be present for the recounting.

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



CANDIDATE NOMINATION PAPER
SCHEDULE 1 (S.10)



Please print in block letters using BLACK ink.
Carefully read instructions on back of form.

Name(s) of institution(s)	Identification No.

Section I – Nomination		Section II – Nominator	
Full name of candidate		1- Full name of nominator	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth	Telephone	
Address		Address	
Municipality	Province	Name of electoral college	
Area code	Telephone (home)	Signature of nominator	
Area code	Telephone (work)	2- Full name of nominator	
Occupation	Ext.	Telephone	
Employer	Signature of nominator	Address	
Where the candidate is employed or practises his profession within the institution, indicate his position title or professional corporation.		Name of electoral college	
		Signature of nominator	

Section III – Candidate's consent

I, the undersigned, consent to be a candidate for the position of member of the board of directors of _____

Name of institution _____ Name of electoral college or nomination _____

I also authorize the transmission of the information contained on this paper to the regional health and social services board and to the ministère de la Santé et des Services sociaux, if I am elected or appointed a member of the board of directors. The information transmitted to the regional board and the Department is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information.

In witness whereof, I have signed at _____ on _____

Town or City _____ Signature of candidate _____

Section IV – Resolution of the board of directors

At its sitting of _____, the board of directors of _____ adopted the following resolution: that _____ be nominated for or _____ designated a candidate for the position of member of the board of directors of _____

Name of organization _____ Full name of candidate _____ Name of institution _____

Signature of authorized person _____

Section V – For institution use only

1- Transaction Registration -1 Derivation -2 Cancellation -3	2- Category H <input type="checkbox"/> CYPC <input type="checkbox"/> LCSC <input type="checkbox"/> RC <input type="checkbox"/> RTCC <input type="checkbox"/>	3- Status of member Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Ex officio <input type="checkbox"/>	4- Terms of office Number _____	5- Start of term of office Y _____ M _____ D _____	6- Year term of office ends Y _____ M _____ D _____
7- Method of election of appointment 1 Acclamation <input type="checkbox"/> 2 Minister <input type="checkbox"/> 3 Board <input type="checkbox"/> 4 Board of directors <input type="checkbox"/> 5 Letters patent <input type="checkbox"/> 6 Nomination <input type="checkbox"/> 7 * (see list below)		8- Electoral college		9- Member's position 1 Vice-president <input type="checkbox"/> 2 Executive director <input type="checkbox"/> 3 Executive director <input type="checkbox"/> 4 Secretary <input type="checkbox"/> 5 Member <input type="checkbox"/> 6 _____	
10- Full name of member replaced		11- Date of departure Y _____ M _____ D _____		12- Reason for departure 1 Death <input type="checkbox"/> 2 Resignation <input type="checkbox"/> 3 Loss of quality <input type="checkbox"/> 4 End of term of office <input type="checkbox"/> 5 Other <input type="checkbox"/>	
Date Y _____ M _____ D _____	Signature of executive _____				

*** LIST OF CODES**

01- Population	08- Medical resident	13- Appointment after consultation with
02- Employees and professionals	09- Cooperation	bodies representing the judicial sector
03- Users' committee	10- Executive director	
04- Corporation	11- Letter patent	
05- Foundation	12- Appointment after consultation with bodies representing the education sector	
06- University (teaching)		
07- University (research)		

IN ACCORDANCE WITH SECTIONS 64 AND 65 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

Please note that:

- The information on this form is gathered for the institution concerned and, in the case of candidates who are elected, for the regional health and social services board and the ministère de la Santé et des Services sociaux.
- The information transmitted to the regional board or the Department is used to make up a file on the members of the boards of directors of the health and social services institutions, used for the purposes of management and control.
- The following have access to the information:
 - the employees of the institution concerned, of the regional board and the Department, within the scope of their office;
 - any other user meeting the requirements of the Act.
- The information on the form is compulsory.



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE II

Name(s) of institution(s)

DECLARATION

I hereby declare that :

- **I am holder than 18 years;**
- **I have my principal home at :**
Adress : _____
- **I am not an employee of the ministère de la Santé et des Services sociaux ;**
- **I am not an employee a regional board ;**
- **I am not an employee a health or social services institution ;**
- **I am not an employee of an organization that delivers services related to the fields of health or social services and receiving subsidier from regional board or the minister ;**
- **I am not an employee of the Régie de l'assurance-maladie du Québec. I further declare that I do not receive any remuneration from the latter.**

Signature of the elector

Date and place

INFORMATION ABOUT THE ELECTOR

Nom : _____



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

PICTURE

SCHEDULE III

**Information
concerning candidate**

Institution : _____

Electoral college : _____

Name of candidate : _____

**Municipality in which candidate
resides :** _____

**Municipality in which candidate
works :** _____

Profile of candidate : (education, occupation, experience) :

Reasons for candidacy :

Involvement in social or community organizations, volunteer work, etc. :

Candidate's consent :

I hereby authorize distribution of the above information for the purposes of the election in respect of which I have filed my candidacy.

Date

Signature of candidate

Date

Signature of Returning Officer



RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX

SCHEDULE IV

CERTIFICATE OF ELECTION
BY ACCLAMATION

I, the undersigned, the Returning Officer, hereby declare that I received and accepted the candidacies of the following persons for the positions that must be filled within the board of directors of :

Name(s) of institution(s)

following election by :

Name of electoral college

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The above candidates are declared elected.

In witness where of, I have signed this certificate on _____
Day Month

19 _____ à _____ à _____
Years Time Place

Signature : _____

Address : _____

Telephone : _____

A COPY MUST BE SENT TO THE REGIONAL BOARD



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE V

**MEANS TO ENABLE CANDIDATES TO
ADDRESS THE PUBLIC**

The institution must choose at least one of the following mechanisms to ensure application of articles 17 and 18 of the regulation :

- 1- Hold one or more public meetings enabling candidates to address the public ;
- 2- Publish information candidates wish to communicate to the public, at least once, in a newspaper distributed in the territory where the institution and its installations are located ;
- 3- Use one or more communication techniques, electronic or other, to enable candidates to communicate information to the public (ex. : radio, television, internet).



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VI

MODEL FOR BALLOT PAPER

N°	
N°	
	Initials of scrutineer
Date	

Back

Names of candidates	
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Front

N.B. : Candidates must be listed in alphabetical order



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VII

**Alphabetical list of
candidates
To be posted in polling
booth**

Electoral College : _____

Name :

Date

Signature of Returning Officer



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VIII

CERTIFICATE OF ELECTION

Electoral collage : _____

To the executive director of : _____
Name (s) of institution (s)

**I, the undersigned, _____ acting as
Returning Officer, hereby declare that :**

THE FOLLOWING CANDIDATES HAVE BEEN ELECTED :

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

1. Signature

Returning Officer

Signature _____

Date _____

Address _____

Telephone _____

VERSO ...

Voting period

The voting period lasted _____
Number of hours

Times : Opening _____

Closing _____

Date _____ Place _____

Municipality _____

3. Counting of votes

	Name of candidates	Number of votes	
1.	_____	_____	
2.	_____	_____	
3.	_____	_____	
4.	_____	_____	Valid Ballots -----
5.	_____	_____	
6.	_____	_____	Rejected ballots -----
7.	_____	_____	
8.	_____	_____	
9.	_____	_____	TOTAL : -----
10.	_____	_____	

Initials of
Returning
Office

A COPY MUST BE SENT TO THE REGIONAL BOARD WITHIN 10 DAYS

M.O., 1999

Order 1999-010 of the Minister of State for Health and Social Services and Minister of Health and Social Services dated 19 August 1999

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

By-law respecting the election by the population of certain members of the board of directors of a public institution

CONSIDERING the third paragraph of section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2);

CONSIDERING that under a resolution duly adopted, the Régie régionale de la santé et des services sociaux de Montréal-Centre has made the By-law respecting the election by the population of certain members of the board of directors of a public institution and has submitted it to the Minister for approval;

CONSIDERING that it is expedient to approve the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto.

THEREFORE, the Minister of State for Health and Social Services and Minister of Health and Social Services

ORDERS,

THAT the By-law respecting the election by the population of certain members of the board of directors of a public institution, attached hereto, be approved.

PAULINE MAROIS,
*Minister of State for Health and Social Services
and Minister of Health and Social Services*

By-law respecting the election by the population of certain members of the board of directors of a public institution

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 135; 1998, c. 39, s. 53)

**DIVISION I
GENERAL**

§1. Scope

1. This By-law applies to the election by the citizens of certain members of the board of directors of a public

institution held pursuant to section 135 of the Act respecting health services and social services (R.S.Q., c. S-4.2).

§2. Place of the poll

2. The institution shall determine no later than 55 days before the date on which the election is to be held the location or locations of the poll and shall inform the regional board thereof.

Notwithstanding the foregoing and if the circumstances warrant it, the institution may, before the beginning of the polling period, determine another location for the poll. It must then publish, by means of at least one media circulated in the region in which the institution's facilities are located, a notice indicating the new location or post that notice in at least one location accessible to the public within each of the institution's facilities and inform the regional board thereof.

§3. Returning officer

3. The regional board shall appoint a returning officer no later than 50 days before the date of the election. Where the returning officer is absent or unable to act, the regional board shall appoint a new officer.

4. Where the election referred to in section 135 of the Act will be held in more than one location for one institution, the regional board shall also appoint a deputy returning officer for each such location. The regional board shall follow the same procedure in the case of the election of a board of directors made up to administer several institutions.

5. The duties of a returning officer are to

(1) receive nomination papers and accept or refuse them;

(2) send the list of candidates to the executive director of the institution;

(3) inform the electors and candidates of the election procedure;

(4) appoint scrutineers to assist him in the performance of his duties;

(5) implement the mechanism chosen by the institution whereby candidates may address the population;

(6) supervise the conduct of the election;

(7) check the voters' eligibility in particular by means of the declaration in section 25;

(8) count the votes;

(9) cancel irregular ballot papers in accordance with section 31 of this By-law;

(10) fill out the certificates of election and send a copy of the documents referred to in sections 14 and 34 to the regional board; and

(11) send the originals of the documents referred to in sections 14 and 34 to the executive director of the institution.

6. The duties of a deputy returning officer, performed under the authority of the returning officer, are to

(1) receive nomination papers and forward them to the returning officer;

(2) inform the electors and candidates of the election procedure;

(3) appoint scrutineers to assist him in the performance of his duties;

(4) supervise the conduct of the election;

(5) check the voters' eligibility in particular by means of the declaration in section 25;

(6) count the votes;

(7) cancel irregular ballot papers in accordance with section 31 of this By-law; and

(8) send the nomination papers and ballot papers to the returning officer.

7. The returning officer and deputy returning officer are not entitled to vote in the election.

§4. *Executive director*

8. The executive director of the institution shall provide the returning officer and deputy returning officer with the technical and administrative support required for the performance of their duties.

He shall keep in sealed envelopes the originals of Schedules I to VI for a period of not less than 180 days from the date on which the votes are counted or recounted, as the case may be, or, where an election is contested, until such time as the Administrative Tribunal of Québec has rendered its decision.

DIVISION II ELECTION PROCEDURE

§1. *Notice of election*

9. The executive director of the institution shall give notice of the election no later than 50 days before the date of the election. He shall do so by means of at least two media, including a newspaper circulated in the region in which the institution's facilities are located.

The notice of election must also be posted, within the same time, in at least one location accessible to the public, including individuals with a physical handicap, within each of the institution's facilities. The notice must mention the restrictions set out in sections 150 and 151 of the Act and shall describe the nomination procedure provided for in sections 10 and 11.

No later than five days after having given notice of the election, the executive director shall send a copy of the notice to the returning officer and, where applicable, the deputy returning officer.

§2. *Nominations*

10. A nomination is made by means of a nomination paper drawn up in accordance with Schedule I.

A nomination paper shall be signed on the original by the candidate and countersigned by two members of the electoral college of the population. It shall be submitted to the returning officer or the deputy returning officer no later than 30 days before the date of the election, before 5:00 p.m.

11. A candidate who files a nomination paper and the persons who countersign such paper shall at the same time submit to the returning officer or the deputy returning officer the original of the declaration drawn up in accordance with Schedule II.

A candidate who agrees to such nomination may also fill out an information sheet drawn up in accordance with Schedule III and submit it to the returning officer or the deputy returning officer.

12. Where a deputy returning officer receives a nomination paper, he shall promptly forward it to the returning officer, along with any information sheet submitted.

13. The returning officer shall accept or refuse a nomination paper no later than two days after receiving it and shall give written notice of acceptance or refusal to the person who filed the paper.

§3. Election by acclamation

14. At the close of nominations, if the number of candidates is less than or equal to the number of seats to be filled, the returning officer shall declare the candidates elected. He shall then fill out the certificate of election by acclamation drawn up in accordance with in Schedule IV and shall send a copy of Schedules I and III to the regional board within ten days. Within the same time, he shall send the originals of Schedules I, II and IV to the executive director of the institution.

No later than 20 days before the date of the election, the executive director shall publish in at least one newspaper circulated in the region in which the institution's facilities are located a notice indicating the names of the persons elected and stating that no election will be held.

The executive director shall, within the same time, post the same notice in at least one location accessible to the public within each of the institution's facilities.

§4. Election not held

15. At the close of nominations, if there is no candidate, the returning officer shall so inform the regional board within three days. Within the same time, he shall send the originals of Schedules I and II to the executive director of the institution.

The provisions of this section shall apply if an election is not held at any other stage during the procedure.

§5. Polling notice and list of candidates

16. At the close of nominations, where there are more candidates than seats to be filled, the returning officer shall draw up a list of the candidates and shall send it to the executive director of the institution within three days.

No later than 20 days before the date of the poll, the executive director shall publish, by means of at least two media including at least one newspaper circulated in the region in which the institution's facilities are located, a notice indicating the date, time and location of the poll and a list of the candidates. The polling period indicated in the notice shall last from at least 5:00 p.m. until 9:00 p.m.

The polling notice shall indicate that there will be no advance polling and that proxy voting is prohibited.

Within the same time, the executive director shall post the same notice in at least one location accessible to the public within each of the institution's facilities. A copy of the information sheets filled out by the candidates shall be posted with the notice.

§6. Mechanisms whereby candidates may address the population

17. The returning officer must, between the end of the nomination period and the day set for polling, implement at least one of the mechanisms provided for in Schedule V whereby candidates may address the population.

The institution must inform the population of the mechanisms that have been chosen.

18. The institution must, no later than before the end of the nomination period, inform the regional board that one or several mechanisms provided for in Schedule V have been chosen in accordance with section 17.

19. The returning officer or the deputy returning officer shall post the information sheets filled out by the candidates in each of the installation's facilities as of the close of nominations to the end of the polling period.

§7. Voting procedure

20. On the day set for polling, all publicity relating to candidates is prohibited on the premises where the poll is held, with the exception of the information sheets posted as prescribed in section 19. The building in which the voters are and any neighbouring place where publicity may be seen or heard by the electors are considered to be the premises where the poll is held.

21. A candidate may observe the conduct of the poll or may, in writing, appoint a representative for that purpose. Such appointment shall be sent to the returning officer or the deputy returning officer before the polling period is opened.

22. The returning officer or the deputy returning officer shall open the polling period on the day, at the time and at the location indicated in the notice referred to in the second paragraph of section 16.

23. Proxy voting is prohibited.

24. The returning officer, the deputy returning officer or a scrutineer shall provide assistance to any person requesting it in the exercise of his right to vote.

At the request of any visually handicapped person, the deputy returning officer shall provide that person with a template to enable him to vote without assistance. The deputy returning officer shall then indicate to him the order in which the candidates appear on the ballot paper.

A deaf or mute elector may be assisted by a person capable of interpreting the sign language of the deaf, for the purposes of communicating with election officers and representatives.

25. Before voting, each elector shall fill out a declaration drawn up in accordance with Schedule II and shall submit it to the scrutineer.

26. The voting shall be carried out by secret ballot.

27. The scrutineer shall give the elector a ballot paper drawn up in accordance with Schedule VI, after having initialled it in the space reserved for that purpose.

28. The list of candidates drawn up in accordance with Schedule VII shall be posted in each polling booth.

29. The elector shall go to the polling booth and shall mark the ballot paper in the spaces reserved for that purpose.

After folding the ballot paper, the elector shall allow the scrutineer and any candidate or candidate's representative who so desires to check the number of the stub and the initials of the scrutineer on the ballot.

Following that verification, the elector shall tear off the stub and shall give it to the scrutineer, who shall destroy it. The elector shall then deposit the ballot paper in the ballot box.

§8. Counting of votes, election proclamation and publication of results

30. The returning officer or the deputy returning officer shall count the votes in the presence of the scrutineers.

The candidates or their representatives may be present for the counting of votes.

31. The returning officer or the deputy returning officer shall cancel every ballot paper which

- (1) has not been provided by the scrutineer;
- (2) does not bear the initials of the scrutineer;
- (3) has not been marked;
- (4) has been marked in favour of more candidates than the required number;
- (5) has been marked in favour of a person who is not a candidate;

(6) has been marked elsewhere than in the spaces reserved for that purpose;

(7) bears fanciful or injurious inscriptions; or

(8) bears a mark by which the elector can be identified.

Notwithstanding the foregoing, no ballot paper contemplated in subparagraph 2 of the first paragraph may be rejected where the number of ballot papers found in the ballot box corresponds to the number of ballot papers which, according to the sum of Schedules II filled out in accordance with section 25, were placed in it.

The scrutineer shall, in full view of the returning officer or the deputy returning officer and the representative of a candidate who so desires, then write his initials on the back side of every ballot paper and a note indicating the correction.

The returning officer or the deputy returning officer shall cancel a ballot paper by writing "Void" on it and initialling it.

32. The deputy returning officer shall promptly send the results of the count to the returning officer.

33. The returning officer shall declare elected the candidates who obtained the greatest number of votes with respect to the number of seats to be filled.

Where there is a tie-vote and more candidates are elected than there are seats to be filled, the returning officer shall draw lots between the candidates who obtained the same number of votes.

34. The returning officer shall fill out a certificate of election drawn up in accordance with Schedule VIII and shall send a copy to the regional board within ten days. Within the same time, he shall also send to the regional board a copy of the nomination paper for each candidate elected. The regional board must, within 30 days, send to the Department the information contained in the nomination papers of the candidates elected.

Within the same time, the returning officer shall also send to the executive director of the institution the originals of the aforementioned documents, of the declarations and of the ballot papers.

The returning officer shall destroy the information sheets filled out by the candidates.

The executive director shall post a copy of the certificate of election in a location accessible to the public within each of the institution's facilities.

§9. *Recounting of the votes*

35. The returning officer shall recount the votes at the request of a candidate or his representative.

Such request shall be made in writing and must be received by the returning officer no later than five days after the poll is held.

The returning officer shall recount the votes within five days following receipt of such request.

The candidates or their representatives may be present for the recounting.

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



CANDIDATE NOMINATION PAPER
SCHEDULE 1 (S.10)



Please print in block letters using BLACK ink.
Carefully read instructions on back of form.

Name(s) of institution(s)	Identification No.

Section I – Nomination		Section II – Nominator	
Full name of candidate		1- Full name of nominator	
Sex M <input type="checkbox"/> F <input type="checkbox"/>	Date of birth	Telephone	
Address		Address	
Municipality	Province	Name of electoral college	
Area code	Telephone (home)	Signature of nominator	
Area code	Telephone (work)	2- Full name of nominator	
Occupation	Ext.	Telephone	
Employer	Address	Name of electoral college	
Where the candidate is employed or practises his profession within the institution, indicate his position title or professional corporation.		Signature of nominator	

Section III – Candidate's consent

I, the undersigned, consent to be a candidate for the position of member of the board of directors of _____

Name of institution Name of electoral college or nomination

I also authorize the transmission of the information contained on this paper to the regional health and social services board and to the ministère de la Santé et des Services sociaux, if I am elected or appointed a member of the board of directors. The information transmitted to the regional board and the Department is governed by the Act respecting Access to documents held by public bodies and the Protection of personal information.

In witness whereof, I have signed at _____ on _____

Town or City Signature of candidate

Section IV – Resolution of the board of directors

At its sitting of _____, the board of directors of _____ adopted the following resolution: that _____ be nominated for or _____ designated a candidate for the position of member of the board of directors of _____

Name of organization Name of institution

Signature of authorized person

Section V – For institution use only

1- Transaction Registration -1 Cancellation -2 Correction -3	2- Category H <input type="checkbox"/> CYPC <input type="checkbox"/> LCSC <input type="checkbox"/> RC <input type="checkbox"/> RTCC <input type="checkbox"/>	3- Status of member Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Ex officio <input type="checkbox"/>	4- Terms of office Number	5- Start of term of office Y M D	6- Year/ term of office ends
7- Method of election of appointment Vote <input type="checkbox"/> Acclamation <input type="checkbox"/> Minister <input type="checkbox"/> Board <input type="checkbox"/> Letters patent <input type="checkbox"/> Board of directors <input type="checkbox"/> Nomination <input type="checkbox"/>		8- Electoral college * (see list below)	9- Member's position 1- President <input type="checkbox"/> 2- Vice-president <input type="checkbox"/> 3- Executive director <input type="checkbox"/> 4- Secretary <input type="checkbox"/> 5- Member <input type="checkbox"/>		
10- Full name of member replaced		11- Date of departure Y M D	12- Reason for departure Please specify 1- Death <input type="checkbox"/> 2- Resignation <input type="checkbox"/> 3- Loss of quality <input type="checkbox"/> 4- End of term of office <input type="checkbox"/> 5- Other <input type="checkbox"/>		
Date Y M D	Signature of executive				

*** LIST OF CODES**

01- Population	08- Medical resident	13- Appointment after consultation with
02- Employees and professionals	09- Cooperation	bodies representing the judicial sector
03- Users' committee	10- Executive director	14- Acting executive director
04- Corporation	11- Letters patent	
05- Foundation	12- Appointment after consultation with bodies representing the education sector	
06- University (teaching)		
07- University (research)		

IN ACCORDANCE WITH SECTIONS 84 AND 85 OF THE ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

Please note that:

- The information on this form is gathered for the institution concerned and, in the case of candidates who are elected, for the regional health and social services board and the ministère de la Santé et des Services sociaux.
- The information transmitted to the regional board or the Department is used to make up a file on the members of the boards of directors of the health and social services institutions, used for the purposes of management and control.
- The following have access to the information:
 - the employees of the institution concerned, of the regional board and the Department, within the scope of their office;
 - any other user meeting the requirements of the Act.
- The information on the form is compulsory.



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE II

Name(s) of institution(s)

DECLARATION

I hereby declare that :

- **I am holder than 18 years;**
- **I have my principal home at :**
Adress : _____
- **I am not an employee of the ministère de la Santé et des Services sociaux ;**
- **I am not an employee a regional board ;**
- **I am not an employee a health or social services institution ;**
- **I am not an employee of an organization that delivers services related to the fields of health or social services and receiving subsidier from regional board or the minister ;**
- **I am not an employee of the Régie de l'assurance-maladie du Québec. I further declare that I do not receive any remuneration from the latter.**

Signature of the elector

Date and place

INFORMATION ABOUT THE ELECTOR

Nom : _____



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

PICTURE

SCHEDULE III

**Information
concerning candidate**

Institution : _____

Electoral college : _____

Name of candidate : _____

**Municipality in which candidate
resides :** _____

**Municipality in which candidate
works :** _____

Profile of candidate : (education, occupation, experience) :

Reasons for candidacy :

Involvement in social or community organizations, volunteer work, etc. :

Candidate's consent :

I hereby authorize distribution of the above information for the purposes of the election in respect of which I have filed my candidacy.

Date

Signature of candidate

Date

Signature of Returning Officer



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE IV

**CERTIFICATE OF ELECTION
BY ACCLAMATION**

I, the undersigned, the Returning Officer, hereby declare that I received and accepted the candidacies of the following persons for the positions that must be filled within the board of directors of :

_____ Name(s) of institution(s)

following election by : _____
Name of electoral college

	<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

The above candidates are declared elected.

In witness where of, I have signed this certificate on _____
Day Month

19 _____ à _____ à _____
Years Time Place

Signature : _____

Address : _____

Telephone : _____

A COPY MUST BE SENT TO THE REGIONAL BOARD



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE V

**MEANS TO ENABLE CANDIDATES TO
ADDRESS THE PUBLIC**

The institution must choose at least one of the following mechanisms to ensure application of articles 17 and 18 of the regulation :

- 1- Hold one or more public meetings enabling candidates to address the public ;
- 2- Publish information candidates wish to communicate to the public, at least once, in a newspaper distributed in the territory where the institution and its installations are located ;
- 3- Use one or more communication techniques, electronic or other, to enable candidates to communicate information to the public (ex. : radio, television, internet).



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VI

MODEL FOR BALLOT PAPER

N°	
N°	
	Initials of scrutineer
Date	

Back

Names of candidates	
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>

Front

N.B. : Candidates must be listed in alphabetical order



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

SCHEDULE VII

**Alphabetical list of
candidates
To be posted in polling
booth**

Electoral College : _____

Name :

Date

Signature of Returning Officer



**RÉGIE RÉGIONALE
DE LA SANTÉ ET DES
SERVICES SOCIAUX**

**SCHEDULE VIII
CERTIFICATE OF ELECTION**

Electoral collage : _____

To the executive director of : _____
Name (s) of institution (s)

**I, the undersigned, _____ acting as
Returning Officer, hereby declare that :**

THE FOLLOWING CANDIDATES HAVE BEEN ELECTED :

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

1. Signature

Returning Officer

Signature _____

Date _____

Address _____

Telephone _____

VERSO ...

Voting period

The voting period lasted _____
Number of hours

Times : Opening _____

Closing _____

Date _____ Place _____

Municipality

3. Counting of votes

	Name of candidates	Number of votes	
1.	_____	_____	
2.	_____	_____	
3.	_____	_____	
4.	_____	_____	Valid Ballots -----
5.	_____	_____	
6.	_____	_____	Rejected ballots -----
7.	_____	_____	
8.	_____	_____	
9.	_____	_____	TOTAL : -----
10.	_____	_____	

Initials of
Returning
Office

A COPY MUST BE SENT TO THE REGIONAL BOARD WITHIN 10 DAYS

M.O., 99025**Order of the Minister responsible for Wildlife and Parks dated 31 August 1999**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING furbearer management units

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

GIVEN that under section 84.1 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) introduced by section 12 of Chapter 29 of the Acts of 1998, the Minister responsible for Wildlife and Parks may divide Québec into hunting areas, fishing areas or trapping areas, and delimit the areas;

GIVEN the Fishing, Hunting and Trapping Areas Regulation made by Order in Council 27-90 dated 10 January 1990 under paragraph 15 of section 162 of the Act respecting the conservation and development of wildlife and amended by the Regulations made by Orders in Council 444-92 dated 25 March 1992, 718-93 dated 19 May 1993, 26-96 dated 10 January 1996 and 1435-97 dated 5 November 1997 and by Minister's Order 99002 dated 19 March 1999;

GIVEN that under section 35 of Chapter 29 of the Acts of 1998 the provisions of the regulations made by the Government under paragraphs 14 and 15 of section 162 of the Act respecting the conservation and development of wildlife before 17 June 1998 remain in force until they are replaced or repealed by order of the Minister responsible for Wildlife and Parks;

CONSIDERING that it is expedient to establish a distinct zoning with respect to trapping for the management of furbearing animals;

ORDERS that:

The trapping areas of Québec correspond to the furbearer management units according to the plans in Schedules I to XV attached hereto;

The title of the Fishing, Hunting and Trapping Areas Regulation made by Order in Council 27-90 dated 10 January 1990 be replaced by the following:

“Fishing and Hunting Areas Regulation”;

Section 1 of the Fishing, Hunting and Trapping Areas Regulation be replaced by the following:

“1. The territory of Québec is divided into fishing and hunting areas, delimited as described in Schedules I to XXIV.

The territory delimited as described in Schedule XXV constitutes a fishing area.

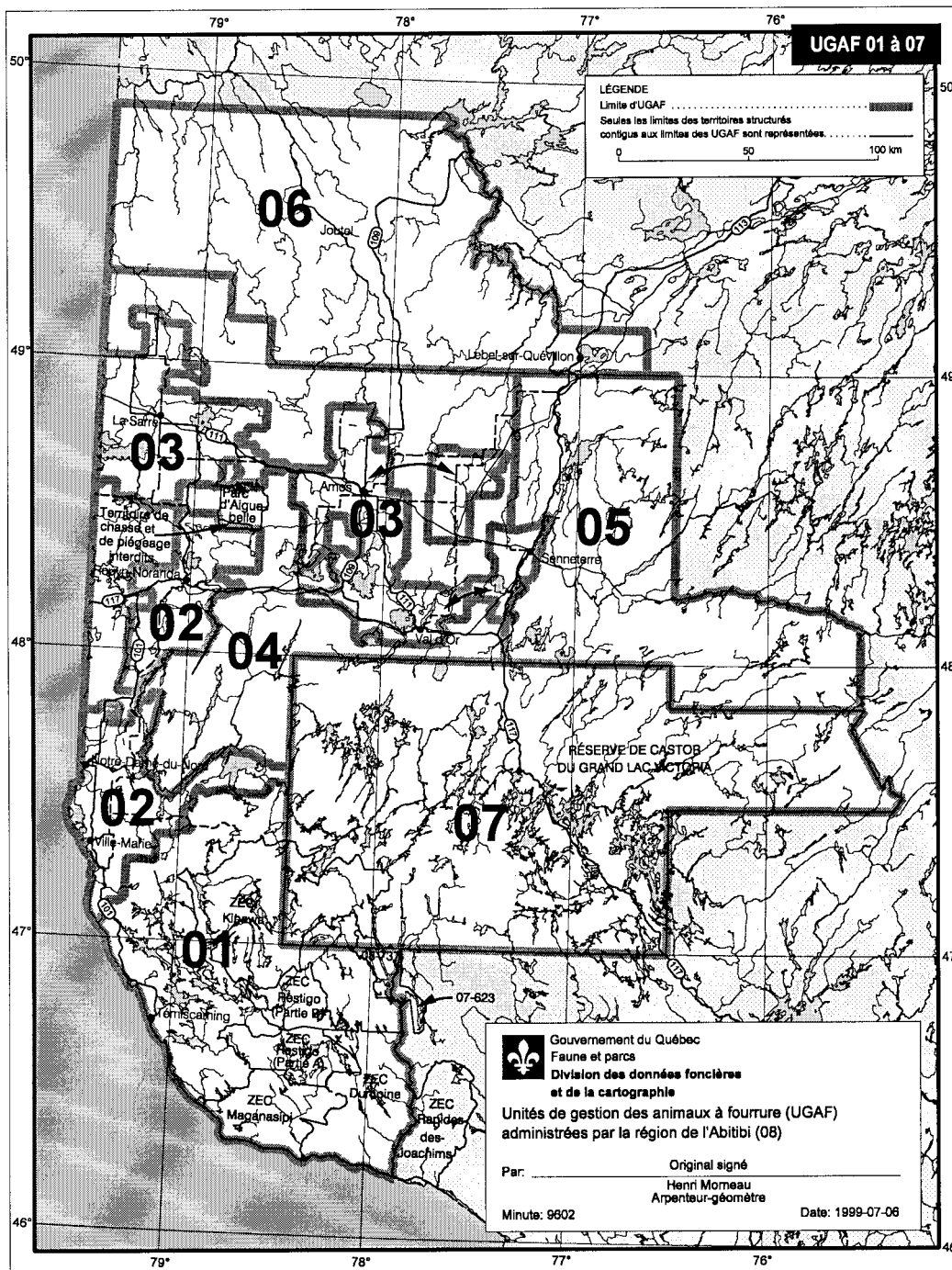
The parts of Areas 8, 10 and 13 that are included in Area 25 are excluded from their respective area in the case of fishing”.

This Order come into force on the day of its publication in the *Gazette officielle du Québec*.

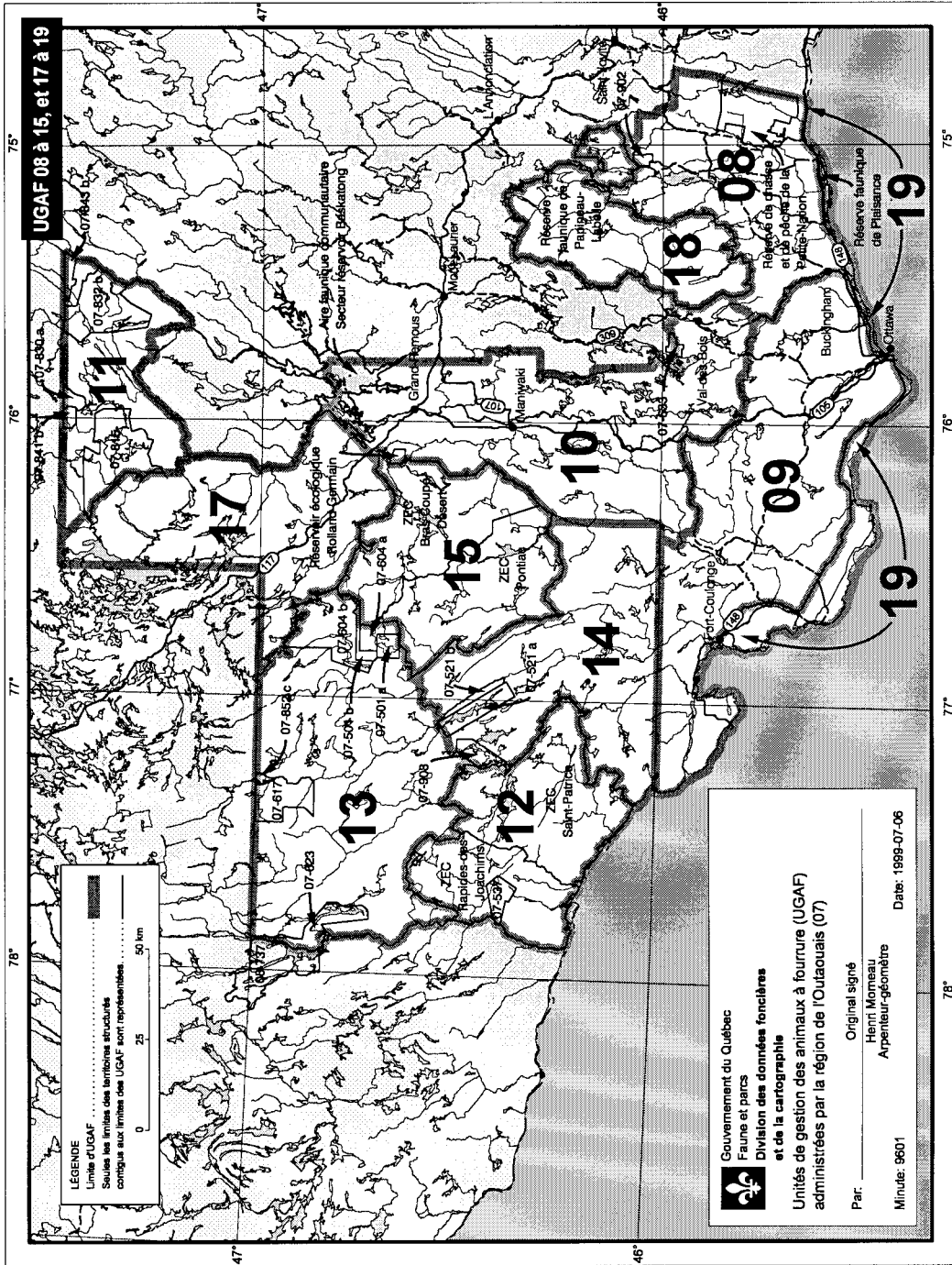
Québec, 31 August 1999

GUY CHEVRETTE,
*Minister responsible
for Wildlife and Parks*

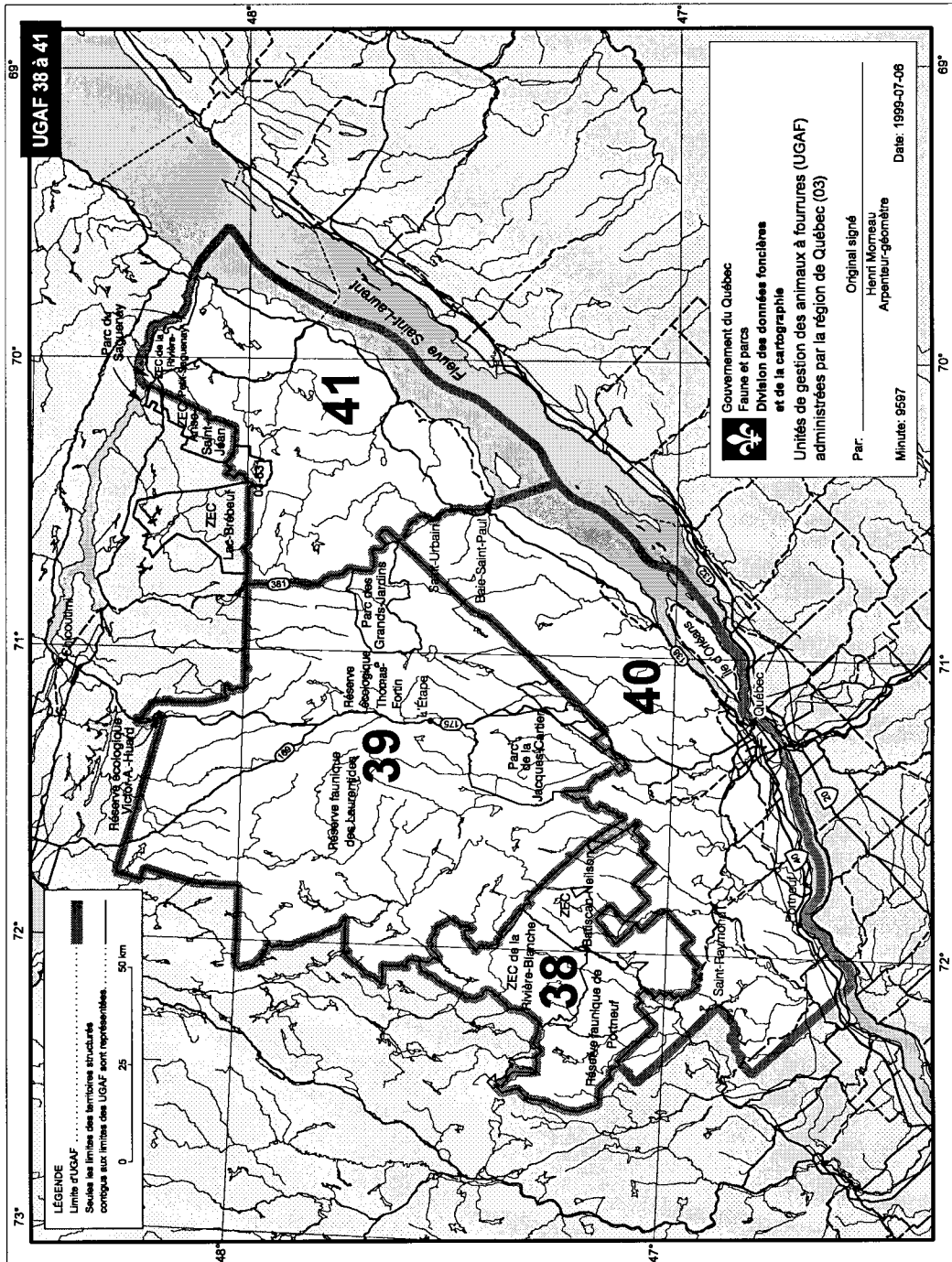
SCHEDULE I



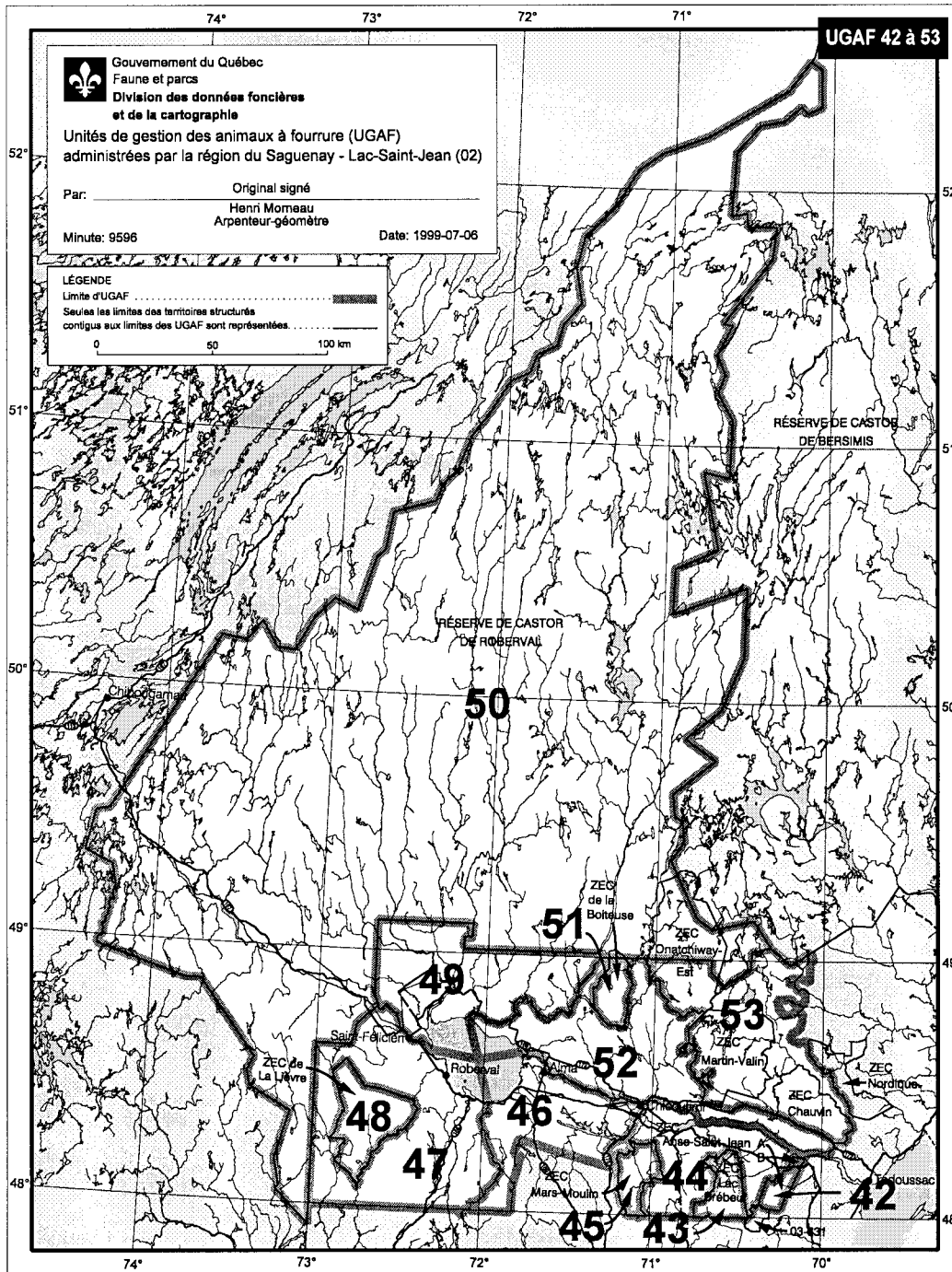
SCHEDULE II



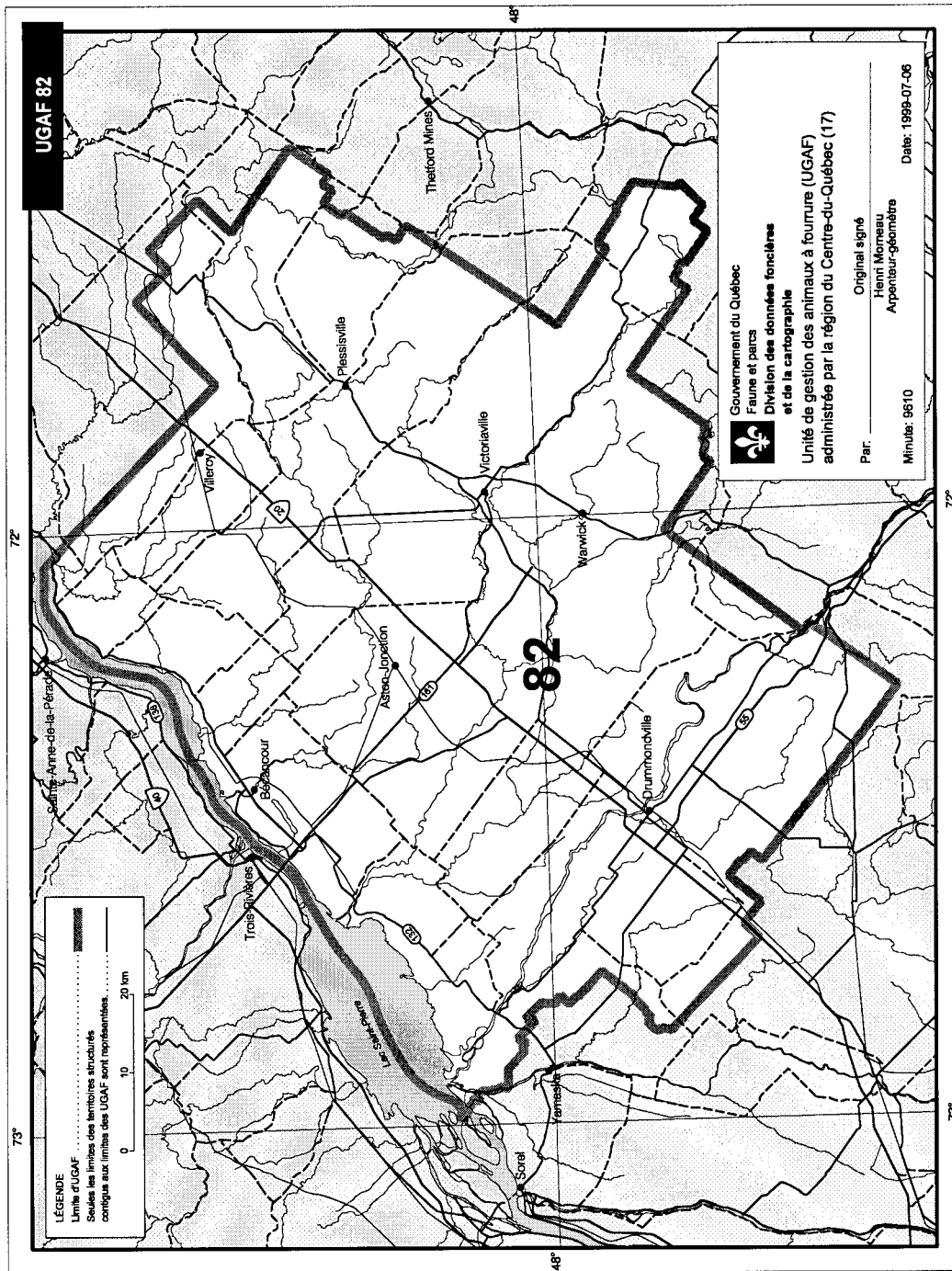
SCHEDULE VI



SCHEDULE VII



SCHEDULE XIII



Draft Regulations

Draft Regulation

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

Application of the Automobile Insurance Act — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation defining certain words and expressions for the purposes of the Automobile Insurance Act adopted by the Société de l'assurance automobile du Québec and whose text appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The draft Regulation determines the professional orders whose members are considered health professionals for the purposes of the Act. In addition, it obliges the Société de l'assurance automobile du Québec to pay interest on the amount of an indemnity that has been awarded, or increased following reconsideration of a decision.

Further information may be obtained by contacting Mr. Réjean Careau, as regards professional orders, and Mr. Guy Laliberté, as regards the payment of interest, at the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, S-4-21, C.P. 19600, Québec, G1K 8J6 (tel. (418) 528-3950, fax: (418) 528-1223, E-mail: Rejean.Careau.@saaq.gouv.qc.ca or Guy.Laliberté.vpsa@saaq.gouv.qc.ca).

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executive Officer of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, C.P. 19600, Québec, G1K 8J6 (fax: (418) 644-0339).

JEAN-YVES GAGNON,
Chairman and Chief Executive Officer

Regulation to amend the Regulation defining certain words and expressions for purposes of the Automobile Insurance Act*

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, pars. 33 and 35; 1999, c. 22, s. 38, par. 4)

1. The following is substituted for the title of the Regulation defining certain words and expressions for purposes of the Automobile Insurance Act:

“Regulation respecting the application of the Automobile Insurance Act”.

2. The Regulation is amended by inserting the following after section 14:

“DIVISION VII HEALTH PROFESSIONAL

14.1. For purposes of Chapter VI of Title II of the Act, a health professional is a member of any of the following professional orders:

- L'Ordre professionnel des médecins du Québec;
- L'Ordre professionnel des dentistes du Québec;
- L'Ordre professionnel des pharmaciens du Québec;
- L'Ordre professionnel des optométristes du Québec;
- L'Ordre professionnel des technologues en radiologie du Québec;
- L'Ordre professionnel des denturologistes du Québec;
- L'Ordre professionnel des opticiens d'ordonnance du Québec;
- L'Ordre professionnel des chiropraticiens du Québec;
- L'Ordre professionnel des audioprothésistes du Québec;
- L'Ordre professionnel des podiatres du Québec;
- L'Ordre professionnel des infirmières et infirmiers du Québec;
- L'Ordre professionnel des acupuncteurs du Québec;
- L'Ordre professionnel des diététistes du Québec;
- L'Ordre professionnel des travailleurs sociaux du Québec;

* The Regulation defining certain words and expressions for purposes of the Automobile Insurance Act (R.R.Q., 1981, c. A-25, r. 3.1), approved by Order in Council 1922-89 dated 13 December 1989 (1989, *G.O.* 2, 4650), had not been amended since its approval.

L'Ordre professionnel des psychologues du Québec;
L'Ordre professionnel des conseillers et conseillères
d'orientation du Québec;

L'Ordre professionnel des hygiénistes dentaires du
Québec;

L'Ordre professionnel des techniciens et techniciennes
dentaires du Québec;

L'Ordre professionnel des orthophonistes et audiolo-
gistes du Québec;

L'Ordre professionnel des physiothérapeutes du
Québec;

L'Ordre professionnel des ergothérapeutes du Québec;

L'Ordre professionnel des infirmières et infirmiers
auxiliaires du Québec;

L'Ordre professionnel des technologistes médicaux
du Québec;

L'Ordre professionnel des inhalothérapeutes du
Québec.

DIVISION VIII

PAYMENT OF INTEREST

14.2 The Société is required to pay interest on the amount of an indemnity that has been awarded or increased, whichever the case, following reconsideration of a decision under section 83.44.1 of the Act.

Interest is calculated from the date of the decision refusing to recognize entitlement to an indemnity or to increase its amount”.

3. This regulation comes into force on 1 January 2000.

3090

Draft Regulation

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

Lump-sum compensation for non-pecuniary damage

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting lump-sum compensation for non-pecuniary damage, adopted by the Société de l'assurance automobile du Québec and whose text appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to determine the lump-sum compensation to which is entitled any victim of an automobile accident occurring from 1 January 2000, for loss of enjoyment of life, pain, mental suffering and other temporary consequences due to inju-

ries or permanent consequences due to the persistence of functional or cosmetic sequelae.

On the one hand, the draft Regulation provides the rules applicable to the compensation of victims for injuries that only affect them temporarily. On the other hand, until the upcoming coming into force of the provisions applicable to the compensation of victims sustaining permanent damage due to functional or cosmetic sequelae, the draft Regulation provides a special measure in order to allow the Société de l'assurance automobile du Québec to pay victims of such damage an advance amount.

Further information may be obtained by contacting Mr. Daniel Roberge, at the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, S-4-25, C.P. 19600, Québec, G1K 8J6 (tel. (418) 528-3872, fax: (418) 528-1223, E-mail: Daniel.Roberge@saaq.gouv.qc.ca).

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executive Officer of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, C.P. 19600, Québec, G1K 8J6 (fax: (418) 644-0339).

JEAN-YVES GAGNON,
Chairman and Chief Executive Officer

Regulation respecting lump-sum compensation for non-pecuniary damage

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, par. 12; 1999, c. 22, s. 38,
par. 1)

1. This regulation applies to victims of automobile accidents occurring from 1 January 2000 onward.

2. Where the non-pecuniary damage sustained by a victim was only temporary, it is estimated in accordance with the following terms and conditions:

1. identifying the injuries sustained during the accident and determining their severity rating, in accordance with the List of Injuries in Schedule I;

2. determining the injury with the highest rating under each of the titles in the List of Injuries;

3. adding the square of the highest ratings (up to a maximum of three) among those above;

4. determining the category of severity in accordance with Table 1:

Table I

Total of ratings	Category of severity
1 to 8	a
9 to 15	b
16 to 24	c
25 to 35	d
36 and more	e

3. The amount of the lump-sum compensation is established on the basis of the category of severity, in accordance with Table II. Category of severity "a" does not entitle the victim to any indemnity.

Table II

Category of severity	Amount of indemnity
a	\$0
b	\$300
c	\$500
d	\$800
e	\$1,000

4. Until the coming into force of the provisions with respect to compensation for a victim sustaining a permanent non-pecuniary damage due to functional or cosmetic sequelae, made under paragraph 12 of section 195 of the Automobile Insurance Act, enacted by section 38 of Chapter 22 of the Statutes of 1999, the Société de l'assurance automobile du Québec may, in accordance with section 83.21 of this Act, pay the victim of such damage an advance equivalent to the amount that the Société would have paid if the Regulation respecting Permanent Impairments, approved by Order in Council 1921-89 dated 13 December 1989 and amended by the Regulation approved by Order in Council 766-96 dated 19 June 1996, had been applied.

5. This regulation comes into force on 1 January 2000.

SCHEDULE I

LIST OF INJURIES

- Title 1: Head and Neck
- Title 2: Face
- Title 3: Thorax
- Title 4: Abdomen and Pelvic Structures
- Title 5: Spinal Column
- Title 6: Right Arm
- Title 7: Left Arm
- Title 8: Right Leg
- Title 9: Left Leg
- Title 10: Psychic System
- Title 11: Body Surface
- Title 12: Complications

Title 1: Head and Neck**Severity Rating**

• Burns	see Title 11: Surface	
• Contusions where skin is not broken	see Title 11: Surface	
• Sprains		
Cervical sprain	see Title 5: Spinal Column	
• Fractures		
Skull		
Fracture of calvarium without intracranial trauma		3
Fracture of calvarium with intracranial trauma		6
Fracture of base without intracranial trauma		4
Fracture of base with intracranial trauma		6
Neck		
Cervical spine fracture	see Title 5: Spinal Column	
Fracture of larynx and/or trachea		6
• Dislocations without fracture		
Dislocation of cervical vertebrae	see Title 5: Spinal Column	
• Wounds		
Trauma to the tympanum and/or eustachian tube	see Title 2: Face	
Laryngeal and/or tracheal wound		3
Thyroid gland wound		3
Pharyngeal wound		3
Other head and neck wounds	see Title 11: Surface	
• Intracranial trauma not associated with a skull fracture		
Concussion		
Mild craniocerebral trauma		
(loss of consciousness for less than 30 minutes with Glasgow Coma score of 13 or more		
and/or post-traumatic amnesia for less than 24 hours)		2
Moderate or severe craniocerebral trauma		4
Cerebral contusion or laceration		6
Intracranial hemorrhage		6
Subarachnoid hemorrhage, extradural or subdural hematoma		6
Trauma to the labyrinth		4
• Cranial nerve damage		
Damage to the olfactory nerve (I)		4
Damage to the optic nerve (II) and/or visual pathways		4
Damage to the common motor ocular nerves (III)		4
Damage to the trochlear (pathetic) nerve (IV)		4
Damage to the trigeminal nerve (V)		4
Damage to the abducens nerve (VI)		4
Damage to the facial nerve (VII)		4
Damage to the auditory nerve (VIII)		4
Damage to the glossopharyngeal nerve (IX)		4
Damage to the vagal nerve (X)		4
Damage to the spinal nerve (XI)		4
Damage to the hypoglossal nerve (XII)		4

Severity Rating**• Blood vessel injuries**

Carotid artery injury	5
Injury of the internal jugular vein	5
Other injuries to vessels of the head and/or neck	4

• Superficial trauma

Cutaneous foreign body see Title 11: Surface

• Mental disorders

see Title 10: Psychic System

Title 2: Face**Severity Rating****• Impairment of the eye and of its adjacent structures**

Burn to the eye and its adjacent structures	see Title 11: Surface	
Burn to the cornea and/or conjunctival sac		2
Contusion of orbital tissue		1
Eyeball contusion		1
Foreign body in the cornea		1
Foreign body in the conjunctival sac		1
Eyelid tear with impairment of the lacrimal ducts		3
Eyelid tear without impairment of the lacrimal ducts	see Title 11: Surface	
Choroidal and/or retinal detachment		5
Traumatic enucleation		6
Hemorrhage of the iris or ciliary body		4
Vitreous hemorrhage		4
Hemorrhage and rupture of the choroid		4
Retinal or preretinal hemorrhage		2
Subconjunctival hemorrhage		1
Perforation of the eyeball		6
Trauma to the eyeball		5
Orbital wound		4
Superficial trauma of the cornea		1
Superficial trauma of the conjunctiva		1

• Burns

Burn to the mucous membrane of the mouth and/or pharynx		4
Burn to the eye	see Impairment of the eye and of its adjacent structures	
Other burns	see Title 11: Surface	

• Contusions where skin is not broken

Eyeball contusion	see Impairment of the eye and of its adjacent structures	
Other contusions	see Title 11: Surface	

• Foreign bodies

Foreign body in the ear		1
Foreign body in the mouth		1
Foreign body in the eye	see Impairment of the eye and of its adjacent structures	
Cutaneous foreign bodies (superficial injury)	see Title 11: Surface	

Severity Rating**• Sprains**

Sprain (displacement) of the nasal septum cartilage	2
Maxillary sprain	2

• Fractures

One or more broken teeth	2
Fracture of bones of the nose	3
Mandibule fracture	4
Fracture of the malar bone and/or maxilla	4
LeFort I-type fracture	4
LeFort II-type fracture	4
LeFort III-type fracture	5
Fracture of the orbital floor or lower orbital wall	4
Fracture of the palate and/or tooth sockets	3
Fracture of the orbit (excluding fractures of the upper wall or orbital floor)	3

• Dislocation without fracture

Temporo-maxillary dislocation	3
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Severity Rating**• Wounds**

Trauma of the tympanum and/or the eustachian tube	3
Injury of the internal parts of the mouth, including the tongue	2
Eyelid wound with impairment of the lacrimal ducts	see Impairment of the eye and of its adjacent structures
Eyelid wound without impairment of the lacrimal ducts	see Title 11: Surface
Eyeball wound	see Impairment of the eye and of its adjacent structures
Penetrating orbital wound	see Impairment of the eye and of its adjacent structures
Other facial wounds	see Title 11: Surface

• Nerve damage

Damage to superficial nerves of head and/or neck	2
Cranial nerve damage	see Title 1: Head and Neck

• Superficial injuries

Cutaneous foreign bodies	see Title 11: Surface
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Title 3: Thorax**Severity Rating****• Burns**

Internal burn of the larynx, trachea or lung	4
Other burns	see Title 11: Surface

• Contusions where skin is not broken

see Title 11: Surface

• Foreign bodies

Foreign body in the respiratory apparatus, excluding the lung	4
Foreign body in the lung	6
Cutaneous foreign bodies (superficial injury)	see Title 11: Surface

	Severity Rating
• Sprains	
Sprain of the chondrocostal articulation	3
Sprain of the chondrosternal articulation	3
Thoracic sprain	see Title 5: Spinal Column
• Fractures	
Rib fracture	
Fracture of one or two ribs	3
Fracture of three or more ribs	4
Flail chest-type fracture	6
Sternum fracture	4
• Dislocations without fracture	
Sternoclavicular dislocation	4
• Wounds	
	see Title 11: Surface
• Internal chest injuries	
Hemothorax	4
Pneumohemothorax	4
Pneumothorax	4
Acute myocardial infarction	6
Trauma of the heart	6
Pulmonary contusion with or without pleural effusion	3
Trauma of the lung with penetrating chest wound	6
Trauma of the diaphragm	6
Trauma of another intrathoracic organ (bronchi, oesophagus, pleura or thymus)	6
• Nerve damage	
Trauma of one or more nerves of the trunk	4
• Blood vessel damage	
Damage to the thoracic aorta	6
Damage to the brachiocephalic artery	6
Damage to the superior vena cava	6
Damage to the brachio-cephalic vein	6
Damage to pulmonary vessels (artery and/or vein)	6
Damage to other thoracic blood vessels (intercostal or thoracic)	4
• Superficial injuries	
Cutaneous foreign bodies	see Title 11: Surface

Title 4: Abdomen and Pelvic Structures

	Severity Rating
• Burns	
	see Title 11: Surface
• Contusions where skin is not broken	
	see Title 11: Surface
• Foreign bodies	
Foreign body in the digestive apparatus	4
Cutaneous foreign body (superficial injury)	see Title 11: Surface

Severity Rating

• Sprains		
Back and/or lumbar sprain	see Title 5: Spinal Column	
• Pregnancy and childbirth		
Premature delivery or miscarriage		6
Pregnancy complications (premature labour)		5
• Dislocations		
Dislocation in the pelvic region	see Titles 8 and 9: Lower Limbs	
• Wounds	see Title 11: Surface	
• Injury to internal organs of the abdomen and pelvis		
Damage to the stomach		4
Damage to the small intestine		4
Damage to the large intestine and/or rectum		4
Damage to the pancreas		4
Damage to the liver		4
Damage to the spleen		4
Damage to the kidney		4
Damage to the bladder and/or to the urethra		4
Damage to the urethra		4
Damage to internal genital organs		4
Damage to other intra-abdominal organs (gall bladder, cystic ducts, peritoneum, adrenal gland)		4
• Damage to external genital organs		
Amputation of the penis		6
Amputation of the testicle(s)		6
Vaginal injury		3
Other wounds of the external genital organs	see Title 11: Surface	
• Abdominal wall, inguinal or femoral trauma		
Inguinal or femoral hernia		4
Epigastric or umbilical hernia		4
• Blood vessel damage		
Damage to the abdominal aorta		6
Damage to the inferior vena cava		6
Damage to the celiac trunk and/or mesenteric arteries		6
Damage to the portal vein and/or splenic vein		6
Damage to renal blood vessels		6
Damage to iliac blood vessels		6
• Superficial injuries	see Title 11: Surface	
Cutaneous foreign bodies	see Title 11: Surface	

Title 5: Spinal Column

Severity Rating

• Sprains		
Cervical or cervicothoracic sprain		
Cervical sprain without objective clinical sign (cervicalgia, WAD I)		1
Cervical sprain with musculoskeletal signs (WAD II)		2
Cervical sprain with neurological signs (WAD III)		4

Severity Rating

Thoracic or thoracolumbar sprain	
Thoracic or thoracolumbar sprain without objective clinical sign (dorsalgia)	1
Thoracic or thoracolumbar sprain with musculoskeletal signs	2
Thoracic or thoracolumbar sprain with neurological signs	4
Lumbar or lumbosacral sprain	
Lumbar or lumbosacral sprain without objective clinical sign (lumbago)	1
Lumbar or lumbosacral sprain with musculoskeletal signs	2
Lumbar or lumbosacral sprain with neurological signs	4
Sacral sprain	2
Coccygeal sprain	2
• Fractures	
Cervical spine	
Fracture of one or more cervical vertebrae without neurological lesion	5
Fracture of one or more cervical vertebrae with neurological lesion	6
Thoracic spine	
Fracture of one or more thoracic vertebrae without neurological lesion	4
Fracture of one or more thoracic vertebrae with neurological lesion	6
Lumbar and sacral spine	
Fracture of one or more lumbar vertebrae without neurological lesion	5
Fracture of one or more lumbar vertebrae with neurological lesion	6
Fracture of the sacrum and/or coccyx without neurological lesion	4
Fracture of the sacrum and/or coccyx with neurological lesion	6
• Dislocations without fracture	
Dislocation of one cervical vertebra	5
Dislocation of one thoracic and/or lumbar vertebra	5
• Isolated injury to the spinal cord	
Spinal cord injury of the cervical spine without vertebral lesion	6
Spinal cord injury of the thoracic spine without vertebral lesion	6
Spinal cord injury of the lumbar spine without vertebral lesion	6
Spinal cord injury of the sacral spine without vertebral lesion	6
• Damage to the roots and rachidian plexus	
Damage to one or more cervical roots	4
Damage to one or more thoracic roots	4
Damage to one or more lumbar roots	4
Damage to one or more sacral roots	4
Damage to the brachial plexus	6
Damage to the lumbosacral plexus	6
• Other impairments of the spine	
Herniated cervical disc	5
Herniated thoracic, lumbar or lumbosacral disc	5
Acquired spondylolisthesis	4

Titles 6 and 7: Arms**Title 6: Right Arm****Title 7: Left Arm****Severity Rating****• Amputations**

Amputation of a thumb	5
Amputation of finger(s) other than the thumb	5
Amputation of the arm or hand (excluding the isolated amputation of finger(s) or thumb)	6

• Musculotendinous impairment

Rotator cuff syndrome	3
Rupture of the rotator cuff	4
Tendinitis of the elbow	3
Tendinitis of the wrist	3

• Burns

see Title 11: Surface

• Contusions where skin is not broken

see Title 11: Surface

• Sprains

Acromioclavicular sprain	3
Shoulder sprain	3
Elbow sprain	3
Wrist sprain	3
Hand sprain	2

• Fractures

Clavicle fracture	4
Scapula fracture	4
Fracture of the upper epiphysis of the humerus	5
Diaphyseal fracture of the humerus	4
Inferior epiphyseal fracture of the humerus	5
Superior epiphyseal fracture of the radius and/or ulna	5
Diaphyseal fracture of the radius and/or ulna	4
Inferior epiphyseal fracture of the radius and/or ulna	5
Fracture of the carpus	4
Fracture of one or more metacarpals	4
Fracture of one or more phalanges of the fingers	3

• Dislocations without fracture

Shoulder dislocation	4
Elbow dislocation	4
Dislocation of the wrist	4
Finger dislocation (one or more)	3

• Wounds

Traumatic arthrotomy of the elbow	4
Wound(s) without damage to tendons	see Title 11: Surface
Wound(s) to arm, excluding wrist and hand, with damage to tendons	4
Wound(s) to wrist, hand and/or fingers with damage to tendons	5

Severity Rating**• Nerve damage**

Damage to the circumflex nerve	4
Damage to the median nerve	4
Damage to the ulnar nerve	4
Damage to the radial nerve	4
Damage to the musculocutaneous nerve of the arm	3
Damage to the cutaneous nerves of the arm	3
Damage to the collateral palmar nerves (digital nerves)	3

• Blood vessel damage

Damage to the blood vessels in the arm (axillary, brachial, radial, cubital)	4
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• Superficial injuries

Cutaneous foreign bodies see Title 11: Surface

see Title 11: Surface

Titles 8 and 9: Legs**Title 8: Right Leg****Title 9: Left Leg****Severity Rating****• Amputations**

Amputation of toes	4
Amputation of the leg, excluding the isolated amputation of toe(s)	6

• Musculotendinous impairment

Tendinitis of the hip	3
Tendinitis of the knee	3
Tendinitis of the ankle and/or foot	3

• Impairment of menisci

Tear of one or more menisci of the knee	3
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• Burns

see Title 11: Surface

Contusions where skin is not broken

see Title 11: Surface

• Sprains

Hip sprain	3
Knee sprain	3
Ankle sprain	3
Foot sprain	2
Sacroiliac sprain	3
Pelvic sprain (pubic symphysis)	3

• Fractures

Fracture of the acetabulum	5
Fracture of the pubis	4
Fracture of the ilium and/or ischium	4
Multiple fractures of the pelvis	5
Fracture of femoral neck	5
Diaphyseal fracture of the femur	5
Inferior epiphyseal fracture of the femur	5
Fracture of the patella	4
Superior epiphyseal fracture of the tibia and/or fibula	5

Severity Rating

Diaphyseal fracture of the tibia and/or fibula	4
Ankle fracture	4
Calcaneal fracture	4
Fracture of the talus	4
Fractures of other bones of the tarsus and/or metatarsus	4
Fracture of one or more phalanges of the toes	3

• Dislocations without fracture

Dislocation in the pelvis	4
Dislocation of the hip	5
Dislocation of the patella	3
Dislocation of the knee	6
Dislocation of the ankle	4
Dislocation of the foot	3

• Wounds

Traumatic arthrotomy of the knee	4
Traumatic arthrotomy of the ankle	4
Leg wound, without damage to tendons	see Title 11: Surface
Leg wound, with damage to tendons	4

• Nerve damage

Damage to the sciatic nerve	5
Damage to the crural nerve	4
Damage to the posterior tibial nerve	4
Damage to the common fibular nerve	4
Damage to the cutaneous nerves of the leg	3

Severity Rating**• Blood vessel damage**

Damage to the common and/or superficial femoral artery	6
Damage to the femoral and/or saphenous veins	4
Damage to popliteal blood vessels	4
Damage to tibial blood vessels	4

• Superficial injuries

Cutaneous foreign bodies	see Title 11: Surface
	see Title 11: Surface

Title 10: Psychic System***Severity Rating**

Anxiety	2
Reactive depression	4
Acute reactive state resulting from a difficult situation	4
Neurosis or psychoneurosis	4

* For psychic system complications resulting from an injury, see Title 12: Complications

Title 11: Body Surface**Severity Rating****• Burns****Head, face and neck**

Burn to the cornea or conjunctival sac	see Title 2: Face	
Unspecified burn to the eye and its adjacent structures		2
Burn to the eyelid and/or periocular region		2
First-degree burn to the head and/or neck		2
Second-degree burn to the head and/or neck		3
Deep second-degree burn to the head and/or neck		4
Third-degree burn to the head and/or neck		5
Internal burn to the larynx, trachea and/or lung	see Title 3: Thorax	

Trunk

First-degree burn to the trunk		2
Second-degree burn to the trunk		3
Deep second-degree burn to the trunk		4
Third-degree burn to the trunk		5

Arm

First-degree burn to an arm		2
Second-degree burn to an arm		3
Deep second-degree burn to an arm		4
Third-degree burn to an arm		5

Leg

First-degree burn to a leg		2
Second-degree burn to a leg		3
Deep second-degree burn to a leg		4
Third-degree burn to a leg		5

Multiple or extensive burns

Burn(s) covering less than 10 % of the body	see the specific region	
Burns covering 10 % to 19 % of the body		6
Burns covering 20 % to 29 % of the body		6
Burns covering 30 % to 39 % of the body		6
Burns covering 40 % to 49 % of the body		6
Burns covering 50 % to 59 % of the body		6
Burns covering 60 % to 69 % of the body		6
Burns covering 70 % to 79 % of the body		6
Burns covering 80 % to 89 % of the body		6
Burns covering 90 % to 99 % of the body		6

• Contusions where skin is not broken

Multiple-site contusions		1
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Head — face and neck

Contusion of the face, scalp and/or neck		1
Contusion of the eyelid and/or the periocular region		1
Contusion of orbital tissue	see Title 2: Face	
Contusion of the eyeball	see Title 2: Face	

Severity Rating**Trunk**

Breast contusion	1
Contusion of the front chest wall	1
Contusion of the abdominal wall	1
Contusion of the posterior wall of trunk	1
Contusion of genital organs	2
Multiple contusions to the trunk	1

Arm

Arm contusion(s)	1
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Leg

Leg contusion(s)	1
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Severity Rating**• Foreign bodies**

Cutaneous foreign bodies	see Superficial injuries
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• Wounds

Multiple-site wounds	2
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Head, face and neck

Tear of the eyelid and/or periocular region, without impairment of the lacrimal ducts	2
Tear of the eyelid with impairment of the lacrimal ducts	see Title 2: Face
Head wound, excluding face	2
Facial wound	2
Outer ear injury	2
Wound of the tympanum and/or eustachian tube	see Title 2: Face
Eyeball wound	see Title 2: Face
Penetrating orbital wound	see Title 2: Face
Neck wound	2

Trunk

Wound of the front chest wall	2
Wound of the posterior wall of the trunk	2
Wound of external genital organs	3
Wound of the front and/or side abdominal wall	2
Wound of the perineum	2
Vaginal wound	see Title 4: Abdomen and Pelvic Region

Arm

Arm wound(s) with tendon impairment	see Titles 6-7: Arms
Arm wound(s)	2

Leg

Leg wound(s) with tendon impairment	see Titles 8-9: Legs
Leg wound(s)	2

• Superficial injuries**(abrasions, scratches, friction burns, foreign body (splinter) without major wound)**

Superficial injury to the face, neck and/or scalp	1
Superficial injury to the trunk	1
Superficial injury to an arm	1
Superficial injury to a leg	1
Superficial injuries at multiple sites	1

Title 12: Complications

	Severity Rating
Stroke	6
Cardiopulmonary arrest	6
Traumatic shock (hypovolemic shock)	6
Post-operative shock	6
Coagulopathy	4
Peripheral vascular complications	4
Volkman's ischemic contracture	5
Reflex sympathetic dystrophy	6
Cerebral embolism	6
Pulmonary embolism	6
Traumatic subcutaneous emphysema	3
Paranoid state	4
Myocardial infarction	6
Infection of a wound	3
Post-operative infection	5
Pulmonary edema	6
Kidney failure	5
Pulmonary edema	5
Acute pericarditis	6
Compartmental syndrome	5
Paroxysmal tachycardia	6
Peptic ulcer	4

3088

Draft Regulation

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

Payment of an income replacement indemnity in a single amount

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the payment of income compensation entitlement in a single amount, adopted by the Société de l'assurance automobile du Québec and whose text appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The draft Regulation determines the rules and terms to be used by the Société de l'assurance automobile du Québec to determine the amount of the income replacement indemnity that may be paid in a single amount under section 83.22 of the Automobile Insurance Act .

Further information may be obtained by contacting Ms. Linda Bellware, at the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-4-

22, C.P. 19600, Québec, G1K 8J6 (tel. (418) 528-3640, fax: (418) 644-0802, E-mail: Linda.Bellware@saaq.gouv.qc.ca).

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executive Officer of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, C.P. 19600, Québec, G1K 8J6 (fax: (418) 644-0339).

JEAN-YVES GAGNON,
Chairman and Chief Executive Officer

Regulation respecting the payment of income compensation entitlement in a single amount

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, par. 34; 1999, c. 22, s. 38, par. 4)

1. The conversion of an income replacement indemnity entitlement into a single payment by the Société de l'assurance automobile du Québec is subject to the following rules and terms:

(1) stability of the victim's medical condition: no improvement or deterioration that would affect the victim's fitness for work can be expected in the short or long term;

(2) application of basic mortality rates used by the Régie des rentes du Québec for the actuarial valuation at 31 December 1994, which were determined from data on death rates for the years 1990 to 1992 supplied by the Institut de la statistique du Québec;

(3) adjustment of mortality rates with dynamic improvement factors used by the Régie des rentes du Québec for the actuarial valuation at 31 December 1994, by applying the following formula:

$$q_x(s, x, y) = q_x(s, x, d) \times \text{fac}_x(s, x)^{(y-d)}$$

where

s: sex, x: age, y: projection year, d: 1991

fac_x(s,x) = dynamic improvement factor by sex, age

(4) in order to reflect the specific experience of death rates for victims receiving an income replacement indemnity from the Société, application of the following correction factors, which vary with the level of anatomophysiological deficit (DAP), to mortality rates calculated above, using the formula:

$${}^{\text{dap}}q_x(s, x) = 1 - \exp(a \times \ln(1 - q_x(s, x)))$$

where

s: sex, x: age

a: correction factor

according to DAP: DAP of 0.00 % to 35 %: 1.046
 DAP of 35.01 % to 75 %: 1.393
 DAP of over 75 %: 2.113
 DAP undetermined: 1.272

(5) application of a net interest rate for the first fifteen years after the date of the calculation corresponding to the most recently available real interest rate at the end of the month on Government of Canada bonds, as published by the Bank of Canada (reference no. B14081), adjusted as follows:

a) addition of 0.25 %;

b) conversion of the resulting nominal interest rate, which is compounded on a semi-annual basis, to the equivalent annual rate;

(6) as of the sixth year, application of an interest rate of 3.25 %.

2. This regulation comes into force on 1 January 2000.

3089

Draft Regulation

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

Reimbursement of certain expenses — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the reimbursement of certain expenses, adopted by the Société de l'assurance automobile du Québec and whose text appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The draft Regulation prescribes new conditions governing the reimbursement of expenses incurred for personal home assistance so that short-term and long-term assistance requirements be evaluated more accurately, particularly by taking into account the nature and seriousness of the injuries sustained by a victim. The draft Regulation is also intended to simplify the rules governing the reimbursement of expenses incurred for the purchase of a prosthesis or an orthosis intended for the spinal column or lower or upper limbs. Amendments are made to the amounts reimbursable for expenses incurred for the correction of scars and other deformities. Finally, the proposed Regulation provides for the reimbursement of lost salary when victims have to temporarily leave their work to receive medical or paramedical care.

Further information may be obtained by contacting Ms. Francine Boulianne, at the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, S-4-21, C.P. 19600, Québec, G1K 8J6 (tel. (418) 528-3950, fax: (418) 528-1223, E-mail: Francine.Boulianne@saaq.gouv.qc.ca).

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executive Officer of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, C.P. 19600, Québec, G1K 8J6 (fax: (418) 644-0339).

JEAN-YVES GAGNON,
 Chairman and Chief Executive Officer

Regulation to amend the Regulation respecting the reimbursement of certain expenses*

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, pars. 15, 16, 18 and 19;
1999, c. 22, s. 38, par. 2)

1. The Regulation respecting the reimbursement of certain expenses is amended by substituting the following for Chapter I:

“PERSONAL HOME ASSISTANCE

1. This Chapter governs the reimbursement of expenses incurred for the personal home assistance referred to in section 79 of the Automobile Insurance Act (R.S.Q., c. A-25), amended by section 16 of Chapter 22 of the Statutes of 1999.

2. The Société de l'assurance automobile du Québec evaluates the personal home assistance requirements of the following victims, in accordance with the criteria set out in Schedule I.1:

(1) the victim sustained at least one injury for which the list of injuries gives a detailed evaluation of personal home assistance requirements;

(2) the victim sustained injury to the extent that his mental condition could have an impact on personal assistance requirements;

(3) before the accident, the victim had a medical condition that could have an impact on personal assistance requirements;

(4) the victim is less than 16 years old.

The evaluation of the needs of a victim under 16 years of age is weighted in accordance with the criteria prescribed in Schedule I.2.

3. The expenses incurred that qualify for reimbursement to a victim referred to in section 2 are determined on the basis of the evaluation results, according to the following formula, up to the maximum amount prescribed in section 79 of the Act:

<u>Total number of points</u>	x	maximum amount
174		prescribed in section 79
		of the Act

A total of less than 11 points does not qualify for reimbursement.

Notwithstanding the evaluation results, a victim is entitled to a reimbursement of expenses incurred up to the maximum weekly amount prescribed in section 79 of the Act, where continual attendance is required to ensure appropriate intervention because assistance may be required at any time, in particular, where the victim's behaviour could endanger his health and safety or that of anyone around him.

4. The personal assistance needs of victims other than those specified in section 2 are determined in accordance with the following terms and conditions:

(1) identification, using the List of injuries provided in Schedule I, of the anatomical regions affected;

(2) selection of the anatomical regions affected based on the priority shown in Schedule I.3, up to a maximum of three;

(3) percentage attributed, in accordance with the table provided in Schedule I.3, which corresponds to the anatomical regions previously selected.

The amount of the reimbursement of expenses incurred by a victim referred to in this section is equal to the product obtained by multiplying the percentage attributed by the amount prescribed in section 79 of the Act.

Where a personal home assistance is still warranted after a continued period of 180 days, the needs of the victim and the amount of the reimbursement of expenses incurred are determined in accordance with sections 2 and 3 of this regulation.

4.1 Where applicable, the amount of the reimbursement of expenses incurred for personal home assistance is rounded off to the nearest dollar.

4.2 Personal home assistance expenses do not qualify for reimbursement where the personal assistance services are provided by an institution referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) and the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

4.3 Except where the Société covers lodging expenses for a victim in an institution, the amount of the reimbursement of personal home assistance expenses may be

* The Regulation respecting the reimbursement of certain expenses, approved by Order in Council 1925-89 dated 13 December 1989 (1989, G.O. 2, 4661), was amended by the Regulation approved by Order in Council 789-93 dated 2 June 1993 (1993, G.O. 2, 3158) and the Regulation approved by Order in Council 765-96 dated 19 June 1996 (1996, G.O. 2, 2883).

replaced by an equivalent weekly allowance on condition that the victim provides the Société with documents that identify the person providing the personal home assistance services and attesting to the amounts incurred for such services.”.

2. The following is substituted for section 13:

“**13.** Expenses incurred for the correction of a scar qualify for reimbursement up to:

- (1) a maximum amount of \$258 for a scar of less than 4 cm²;
- (2) a maximum amount of \$387 for a scar of 4 cm² to 10 cm²;
- (3) a maximum amount of \$580 for a scar of more than 10 cm² up to 20 cm²;
- (4) a maximum amount of \$774 for a scar of more than 20 cm².

Where the correcting of a scar requires several treatment sessions, a treatment plan must be given prior approval by the Société.”.

3. Section 13.1 is amended by substituting the following for the first paragraph:

“**13.1** Expenses incurred for the correction of a deformity qualify for reimbursement up to:

- (1) a maximum amount of \$860 for liposuction in the case of a single lesion;
- (2) a maximum amount of \$430 per liposuction to treat each additional lesion;
- (3) a maximum amount of \$860 for an injection of fat in the case of a single lesion;
- (4) a maximum amount of \$430 per fat injection to treat each additional lesion.”.

4. Section 15 is amended:

- (1) by substituting “15.1” for “16” in the first paragraph;
- (2) by striking out the word “rental” after the word “purchase” in the first paragraph;
- (3) by adding the words “because of an accident” at the end of subparagraph 1 of the first paragraph;

- (4) by deleting the second paragraph.

5. The following sections are inserted after section 15:

“**15.1** Expenses incurred for the purchase of a prosthesis or an orthosis intended for the spinal column or lower or upper limbs qualify for reimbursement when the following conditions are met:

- (1) where the expenses incurred exceed \$500, including delivery and labour charges, the victim provided the Société with a tender giving the name of the victim and of the supplier, the purchase price and any guarantee covering the prosthesis or orthosis;
- (2) except in the case of an orthosis for a fracture, the victim received approval from the Société to purchase the prosthesis or the orthosis at the cost it determined;
- (3) the victim provided the Société with the invoice for the prosthesis or orthosis, which must contain:

(a) a description and detailed cost of the prosthesis or orthosis including the manufacturer’s code number, where applicable;

(b) delivery and labour charges;

(c) the guarantee;

(d) the signature of the victim or the victim’s agent.

15.2 Expenses incurred for the repair of a prosthesis or orthosis intended for the spinal column or lower or upper limbs qualify for reimbursement when the following conditions are met:

- (1) the expenses are for a prosthesis or orthosis, the purchase of which was reimbursed by the Société;
- (2) the expenses do not exceed 80 % of the initial purchase price;
- (3) the expenses are not covered by the supplier’s guarantee;

(4) the victim provided the Société with an application for reimbursement, duly signed by the victim or the agent, with an invoice for the repair, which must contain:

(a) a description of the repaired prosthesis or orthosis, including the manufacturer’s code number, where applicable;

(b) a detailed cost of the repaired or replaced parts;

(c) delivery and labour charges;

(d) the guarantee on the repairs.

15.3 Expenses incurred for the replacement of a prosthesis or orthosis intended for the spinal or lower or upper limbs qualify for reimbursement where the victim provided the Société, at his own expense, with an estimate showing that the cost of repair exceeds 80 % of the initial cost and that the conditions prescribed in section 15.1 that applied upon purchase have been met.

15.4 Reimbursement of expenses incurred for the purchase, repair or replacement of a prosthesis or orthosis intended for the spinal column or lower or upper limbs includes delivery and labour charges.”.

6. The following is substituted for section 52:

“**52.** Real loss of wages incurred by a victim who is fit to work may be reimbursed up to a maximum amount of \$100 a day, where the victim has to temporarily leave work to receive medical or paramedical care or to undergo an examination by a health care professional at the request of the Société.”.

7. The following are substituted for Schedule I to the Regulation:

“**SCHEDULE I**

(ss. 1 and 4)

LIST OF INJURIES

The figure “1” indicates an injury for which the personal home assistance requirements must be evaluated in accordance with the criteria prescribed in Schedule I.1.

The figure “2” indicates an injury for which the expenses incurred for personal home assistance requirements are reimbursed in accordance with the terms and conditions prescribed in section 4 of this Regulation, subject to the cases specified in section 2.

The figure “3” indicates an injury that is not considered for the purposes of personal home assistance.

Region 1A: Arms and/or thorax (left side)

Region 1B: Arms and/or thorax (right side)

• **Amputations**

Amputation of a thumb	2
Amputation of finger(s) other than the thumb	2
Amputation of the arm or hand (excluding the isolated amputation of finger(s) or thumb)	1

• **Musculotendinous impairment**

Rotator cuff syndrome	2
Rupture of the rotator cuff	2
Tendinitis of the elbow	2
Tendinitis of the wrist or the hand	2

• **Burns**

First-degree burn to the trunk	3
Second-degree burn to the trunk	1
Deep second-degree burn to the trunk	1
Third-degree burn to the trunk	1
First-degree burn to an arm	3
Second-degree burn to an arm	1
Deep second-degree burn to an arm	1
Third-degree burn to an arm	1

• **Contusions where skin is not broken**

Contusion of the front chest wall	3
Arm contusion(s)	3
Breast contusion	3
Multiple contusions to the trunk	3

• **Complications**

Traumatic arthrotomy of the elbow	2
Peripheral vascular complications of the arm	2
Volkman’s ischemic contracture	2
Reflex sympathetic dystrophy of the arm	2
Pulmonary embolism	3
Exeresis of plate or screw	3
Pulmonary insufficiency	1
Pulmonary edema	1
Acute pericarditis	1
Compartmental syndrome of the arm	2
Paroxysmal tachycardia	1
Thoracotomy	2

• **Sprains**

Acromioclavicular sprain	2
Sprain of the chondrocostal articulation	2
Sprain of the chondrosternal articulation	2
Elbow sprain	2
Shoulder sprain	2
Wrist sprain	2
Thumb sprain	3

• **Fractures**

Thorax

Fracture of one or two ribs	2
Fracture of three or more ribs	2
Sternum fracture	2
Flail chest-type fracture	2

Arm

Scapula fracture	2
Clavicle fracture	2
Fracture of the carpus	2

Fracture of one or more metacarpals	2	• Superficial injuries	
Fracture of one or more phalanges of the fingers	2	Superficial injury to the arm	3
Fracture of the upper epiphysis of the humerus	2	Superficial injury to the trunk	3
Diaphyseal fracture of the humerus	2		
Inferior epiphyseal fracture of the humerus	2	• Nerve damage	
Superior epiphyseal fracture of the radius and/or ulna	2	Damage to the circumflex nerve	1
Diaphyseal fracture of the radius and/or ulna	2	Damage to the median nerve	1
Inferior epiphyseal fracture of the radius and/or ulna	2	Damage to the ulnar nerve	1
		Damage to the radial nerve	1
		Damage to the musculocutaneous nerve of the arm	1
		Damage to the cutaneous nerves of the arm	3
		Damage to the collateral palmar nerves (digital nerves)	1
		Damage to the brachial plexus	1
• Dislocations without fracture		Region 2A: Left leg	
Shoulder dislocation	2	Region 2B: Right leg	
Finger dislocation (one or more)	2		
Elbow dislocation	2		
Dislocation of the wrist	2		
Sternoclavicular or acromioclavicular dislocation	2		
• Wounds		• Amputations	
Abrasions to the arm	3	Amputation of toes	1
Deep abrasions to hand or elbow, with loss of substance	2	Amputation of the leg, excluding the isolated amputation of toe(s)	1
Traumatic arthrotomy of the arm	2		
Wound(s) to arm or shoulder	3	• Musculotendinous impairment	
Wound(s) to wrist, hand and/or fingers with damage to tendons	2	Tendinitis of the hip	2
Wound(s) to arm, excluding wrist and hand, with damage to tendons	2	Tendinitis of the knee	2
Wound(s) to the hand or elbow requiring a cast	2	Tendinitis of the ankle and/or foot	2
Wound of the front chest wall	3		
		• Impairment of menisci	
		Tear of one or more menisci of the knee	2
		Tear of a knee ligament	See knee sprain
• Internal chest injuries		• Burns	
Pulmonary contusion with or without pleural effusion	3	First-degree burn to a leg	3
Hemothorax	3	Second-degree burn to a leg	1
Pneumohemothorax	3	Deep second-degree burn to a leg	1
Pneumothorax	3	Third-degree burn to a leg	1
Acute myocardial infarction	1		
Trauma of the lung with penetrating chest wound	1	• Complications	
Trauma of the diaphragm	1	Arthrodesis of the leg	2
Trauma of another intrathoracic organ (bronchi, œsophagus, pleura or thymus)	1	Peripheral vascular complications of the leg	2
		Exeresis of plate or screw	3
		Reflex sympathetic dystrophy of the leg	2
		Compartmental syndrome of the leg	2
• Blood vessel damage		• Contusions where skin is not broken	
Damage to the thoracic aorta	See related injuries	Contusion(s) of the leg	3
Damage to the brachiocephalic artery or subclavicular artery	See related injuries		
Damage to the superior vena cava	See related injuries		
Damage to the brachio-cephalic vein or subclavicular vein	See related injuries		
Damage to the blood vessels in the arm (axillary, brachial, radial, cubital)	See related injuries	• Sprains	
Damage to pulmonary vessels (artery and/or vein)	See related injuries	Hip sprain	2
		Knee sprain	2
		Ankle sprain	2
		Foot sprain	2

• Fractures		Region 3A: Spinal column (fracture)	
Fracture of the acetabulum	2	Region 3B: Spinal column (hernia or sprain)	
Fracture of femoral neck	2		
Diaphyseal fracture of the femur	2	• Contusions	
Inferior epiphyseal fracture of the femur	2	Contusion of the posterior wall of the trunk	3
Fracture of the patella	2		
Superior epiphyseal fracture of the tibia and/or fibula	2	• Sprains	
Diaphyseal fracture of the tibia and/or fibula	2	Cervical or cervicothoracic sprain	
Ankle fracture	2	Cervical sprain without objective clinical sign (cervicalgia, WAD I)	3
Calcaneal fracture	2	Cervical sprain with musculoskeletal signs (WAD II)	2
Fracture of the talus	2	Cervical sprain with neurological signs (WAD III)	2
Fractures of other bones of the tarsus and/or metatarsus	2	Thoracic or thoracolumbar sprain	
Fracture of one or more phalanges of the toes	2	Thoracic or thoracolumbar sprain without objective clinical sign (dorsalgia)	3
		Thoracic or thoracolumbar sprain with musculoskeletal signs	2
		Thoracic or thoracolumbar sprain with neurological signs	2
• Dislocations without fracture		Lumbar or lumbosacral sprain	
Dislocation of the hip	2	Lumbar or lumbosacral sprain without objective clinical sign (lumbago)	3
Dislocation of the patella	2	Lumbar or lumbosacral sprain with musculoskeletal signs	2
Dislocation of the knee	2	Lumbar or lumbosacral sprain with neurological signs	2
Dislocation of the ankle	2		
Dislocation of the foot	2	• Fractures	
		Cervical spine	
• Wounds		Fracture of one or more cervical vertebrae without neurological lesion	2
Abrasions to the leg	3	Fracture of one or more cervical vertebrae with neurological lesion	1
Deep abrasions to the ankle or knee, with loss of substance	2		
Traumatic arthrotomy of the knee	2	Thoracic spine	
Traumatic arthrotomy of the ankle	2	Fracture of one or more thoracic vertebrae without neurological lesion	2
Wound(s) to the ankle or knee requiring a cast	See arthrotomy	Fracture of one or more thoracic vertebrae with neurological lesion	1
Leg wound(s), with damage to tendons	2		
Leg wound(s)	3	Lumbar and sacral spine	
		Fracture of one or more lumbar vertebrae without neurological lesion	2
• Nerve damage		Fracture of one or more lumbar vertebrae with neurological lesion	1
Damage to the sciatic nerve	1	Fracture of the sacrum and/or coccyx without neurological lesion	2
Damage to the crural nerve	1	Fracture of the sacrum and/or coccyx with neurological lesion	1
Damage to the posterior tibial nerve	1		
Damage to the common fibular nerve	1	• Dislocations without fracture	
Damage to the lumbosacral plexus	1	Dislocation of one cervical vertebra	2
Damage to the cutaneous nerves of the leg	3	Dislocation of one thoracic and/or lumbar vertebra	2
• Blood vessel damage			
Damage to the common and/or superficial femoral artery	See related injuries		
Damage to the femoral and/or saphenous veins	See related injuries		
Damage to popliteal blood vessels	See related injuries		
Damage to tibial blood vessels	See related injuries		
• Superficial injuries			
Superficial injury to a leg	3		

• Wounds		• Dislocations	
Wound to the posterior wall of the trunk	3	Dislocation in the pelvis	2
• Isolated injury to the spinal cord		• Wounds	
Spinal cord injury of the cervical spine		Wound of the front and/or side abdominal wall	3
without vertebral lesion	1	Wound of the external genital organs	3
Spinal cord injury of the thoracic spine		Wound of the perineum	3
without vertebral lesion	1	Vaginal wound	3
Spinal cord injury of the lumbar spine		• Injury to internal organs	
without vertebral lesion	1	of the abdomen and pelvis	
Spinal cord injury to the sacral spine		Damage to the stomach	See laparotomy
without vertebral lesion	1	Damage to the small intestine	See laparotomy
Cauda equina injury without vertebral lesion	1	Damage to the large intestine	
• Damage to the roots and rachidian plexus		and/or rectum	See laparotomy
Damage to one or more cervical roots	1	Damage to the pancreas	See laparotomy
Damage to one or more thoracic roots	1	Damage to the liver	See laparotomy
Damage to one or more lumbar roots	1	Damage to the spleen	See laparotomy
Damage to one or more sacral roots	1	Damage to the kidney	See laparotomy
• Other impairments of the spine		Damage to the bladder and/or	
Herniated cervical disc	2	the urethra	See laparotomy
Herniated thoracic, lumbar or		Damage to the urethra	See laparotomy
lumbosacral disc	2	Damage to internal genital organs	See laparotomy
Acquired spondylolisthesis	See lumbar sprain	Damage to other intra-abdominal	
	Type I, II or III	organs (gall bladder, cystic ducts,	
		peritoneum, adrenal gland)	3
Region 4: Pelvis, abdomen and pelvic structures		• Abdominal wall, inguinal	
• Amputations		or femoral trauma	
Amputation of the penis	2	Inguinal or femoral hernia	See laparotomy
Amputation of the testicles, including rupture	2	Incisional hernia	See laparotomy
		Epigastric or umbilical hernia	See laparotomy
• Complications		• Blood vessel damage	
Premature delivery or miscarriage	1	Damage to the abdominal aorta	See laparotomy
Pregnancy complications	1	Damage to the inferior vena cava	See laparotomy
Laparotomy	2	Damage to the celiac trunk and/or	
• Contusions where skin is not broken		mesenteric arteries	See laparotomy
Wound of the abdominal wall	3	Damage to the portal vein and/or	
Wound of genital organs	3	splenic vein	See laparotomy
• Foreign bodies		Damage to renal blood vessels	See laparotomy
Foreign body in the digestive apparatus	3	Damage to iliac blood vessels	See laparotomy
• Sprains		Region 5: Head, neck, face	
Thoracic or thoracolumbar sprain	See spinal column	• Impairment of the eye and of its adjacent	
Sacroiliac sprain	2	structures	
Pelvic sprain (pubic symphysis)	2	Eyelid tear with impairment of the lacrimal ducts	3
• Fractures		Eyelid or periocular tear without impairment	
Fracture of the pubis	2	of the lacrimal ducts	3
Fracture of the ilium and/or ischium	2	Choroidal and/or retinal detachment	3
Multiple fractures of the pelvis	2	Traumatic enucleation	2
		Hemorrhage of the iris or ciliary body	2
		Vitreous hemorrhage	2
		Hemorrhage and rupture of the choroid	2
		Retinal or preretinal hemorrhage	2

Subconjunctival hemorrhage	2	Fracture of the orbital floor or lower orbital wall	1
Perforation of the eyeball	2	Fracture of the larynx and/or trachea	1
Trauma to the eyeball	2	Fracture of the palate and/or tooth sockets	3
Orbital wound	2	Fracture of the orbit (excluding fractures of the upper wall or orbital floor)	3
• Burns		Fracture of base without intracranial trauma	1
Burn to the cornea or conjunctival sac	2	Fracture of base with intracranial trauma	1
First-degree burn to the head and/or neck	3	Fracture of calvarium without intracranial trauma	1
Second-degree burn to the head and/or neck	1	Fracture of calvarium with intracranial trauma	1
Deep second-degree burn to the head and/or neck	1	• Dislocations	
Third-degree burn to the head and/or neck	1	Temporo-maxillary dislocation	3
Burn to the mucous membrane of the mouth and/or pharynx	3	• Wounds	
Internal burn to the larynx, trachea and/or lung	See burns to the head or neck	Facial wound	3
Unspecified burn to the eye and its adjacent structures	See burns to the head or neck	Thyroid gland wound	See related wounds
Burn to the eyelid and/or periocular region	See burns to the head or neck	Head wound, excluding face	3
• Complications		Outer ear injury	3
Stroke	1	Injury of the internal parts of the mouth, including the tongue	3
Cerebral embolism	1	Neck wound	3
• Contusions		Laryngeal and/or tracheal wound	See related wounds
Contusion of the face, scalp and/or neck	3	Pharyngeal wound	See related wounds
Contusion of the eyelid and/or the periocular region	3	Wound of the tympanum and/or eustachian tube	See related wounds
Contusion of orbital tissue	2	• Intracranial trauma not associated with a skull fracture	
Contusion of the eyeball	2	Concussion	
• Foreign bodies		Mild craniocerebral trauma (loss of consciousness for less than 30 minutes and/or Glasgow Coma score of 13 or more and/or post-traumatic amnesia for less than 24 hours)	3
Foreign body in the mouth	3	Moderate or severe craniocerebral trauma	1
Foreign body in the cornea	3	Cerebral contusion or laceration	1
Foreign body in the ear	3	Intracranial hemorrhage	1
Foreign body in the conjunctival sac	2	Subarachnoid hemorrhage, extradural or subdural hematoma	1
• Sprains		Trauma to the labyrinth	1
Sprain (displacement) of the nasal septum cartilage	3	• Superficial trauma	
Maxillary sprain	3	Superficial trauma of the conjunctiva	3
• Fractures		Superficial trauma of the cornea	3
One or more broken teeth	3	Superficial injury to the face, neck and/or scalp	3
Fracture of bones of the nose	3	Damage to superficial nerves of head and/or neck	3
Mandible fracture	3	• Cranial nerve damage	
Fracture of the malar bone and/or maxilla	3	Damage to the common motor ocular nerves	1
LeFort I-type fracture	3	Damage to the abducens nerve	1
LeFort II-type fracture	2	Damage to the optic nerve and/or visual pathways	2
LeFort III-type fracture	2	Damage to the trochlear (pathetic) nerve	1

SCHEDULE I.1

(s. 2)

DETAILED EVALUATION OF PERSONAL HOME ASSISTANCE REQUIREMENTS

Each activity in the detailed table must be evaluated to determine the personal home assistance requirements:

No assistance required: the victim is capable of carrying out the activity alone, safely and effectively.

Partial assistance required: the victim is capable of safely and effectively carrying out alone a significant part of the activity, but requires the regular help of another person to carry out the activity completely.

Maximum assistance required: the victim is incapable of safely and effectively carrying out the activity alone and requires the help of another person during the entire activity or most of it. The assistance may be physical or verbal.

DETAILED EVALUATION CHART

Personal home assistance requirements	None	Partial	Maximum
Personal hygiene and care			
1. personal hygiene	0	5	9
2. dressing and undressing	0	3	6
3. eating	0	8	15
Bladder and intestinal elimination			
4. use of toilet	0	6	11
5. menstrual hygiene	0	0.3	0.6
6. use of disposable briefs	0	7	14
7. emptying of bladder into a bag attached to the skin	0	5	9
8. emptying of bladder by catheterism	0	14	27
9. emptying of bladder by a catheter à demeure	0	6	12
10. emptying of the bladder by urinary condom	0	7	15
11. emptying of the bladder by urinary condom and by tapping	0	11	21
12. emptying of the intestine into a bag attached to the skin	0	8	15

Personal home assistance requirements	None	Partial	Maximum
13. emptying of the intestine through the use of a suppository, an enema solution or anal stimulation	0	5	9
14. irrigation of the bladder	0	1	2
Health care			
15. taking of medication	0	2	3
16. tracheostomy maintenance and aspiration	0	8	15
17. clapping, thoracic pressure, postural drainage	0	2	4
18. skin care (prevention of pressure wounds)	0	2	3
19. home exercise program	0	2	3
20. other health care (in accordance with the method prescribed in the description of activities)	0	—	36
21. putting in place a prosthesis or an orthosis	0	2	3
22. maintenance of special equipment	0	1	2
Locomotion			
23. arising from bed and going to bed	0	3	6
24. use of available facilities at home	0	2	3
25. using a mode of transportation	0	1	2
26. use of patient lifting devices or transfers with two helpers	0	3	6
Household activities			
27. preparation of a light meal	0	5	9
28. preparation of a complex meal	0	4	7
29. daily housekeeping	0	3	6
30. weekly housecleaning	0	2	3
31. care of household linen and clothes	0	1	2
32. shopping and services	0	2	3
33. budget management	0	0.5	1
34. Leisure activities	0	12	30
35. Sleep	0	48	72
TOTAL SCORE	—	—	—

DESCRIPTION OF ACTIVITIES

Personal hygiene and care

1. personal hygiene means to wash every part of the body including hair; dental hygiene; transfer to bathtub or shower, grooming (shaving, applying makeup, combing hair; doing nails, hair removal). If the assistance requirements are for appearance purposes only, they must involve at least three activities to be rated “partial assistance;”

2. dressing and undressing means to dress and undress oneself, including outdoor clothing;

3. eating means to serve oneself a beverage, season and cut food, lift food to one’s mouth. This includes feeding oneself using special equipment, such as a nasogastric tube or a tube used in a gastrostomy;

Bladder and intestinal elimination

4. use of toilet means to use a toilet or commode, a urinal or bedpan; wipe oneself, rearrange clothing and stand up. This activity is rated “no assistance” where a special device for bladder or intestinal elimination is used;

5. menstrual hygiene means to put a sanitary napkin, tampon or disposable brief in place and clean the genital region;

6. use of disposable briefs means to put on and remove the brief; ensure hygiene; put on clothing and transfer to bed if necessary. This activity is rated “no assistance” where another special device for bladder or intestinal elimination is used (activities 7 through 14) or if activity No. 4 “use of toilet” is rated;

7. emptying of bladder into a bag attached to the skin (ileac bladder) means to use (put in place and remove) and maintain the equipment, ensure hygiene; rearrange clothing;

8. emptying of bladder by catheterism means to use and maintain the equipment, ensure hygiene, rearrange clothing, perform transfers;

9. emptying of bladder by a catheter à demeure (and bag) means to use and maintain the equipment, ensure hygiene, rearrange clothing;

10. emptying of the bladder by urinary condom (and bag) means to use and maintain the equipment (including emptying the bag), ensure hygiene, rearrange clothing, perform transfers;

11. emptying of the bladder by urinary condom with tapping (and bag) means to use and maintain the equipment; tapping, ensure hygiene, rearrange clothing, perform transfers;

12. emptying of the intestine into a bag attached to the skin (colostomy, ileostomy) means to use and maintain the equipment; ensure hygiene, rearrange clothing;

13. emptying of the intestine with an enema solution, a suppository or anal stimulation means to use and maintain the equipment; ensure hygiene, put the disposable brief in place if necessary and rearrange clothing;

14. irrigation of the bladder means to use and maintain the equipment; ensure hygiene;

Health care

15. taking of medication means to prepare, ingest or apply medication (pills, ointments, drops, bandages, and injections). If the medication is associated with the accident, required assistance is rated whether or not it is a result of the accident. If the medication is not associated with the accident, required assistance is rated if it is a result of the accident;

16. tracheostomy maintenance and aspiration means to maintain the tracheostomy and withdraw secretions;

17. clapping, thoracic pressure, postural drainage means to apply the techniques of clearing the respiratory tract during infections. It is rated “maximum assistance” where the assistance is required more than three months a year;

18. skin care means to carry out daily skin care to prevent pressure-induced ulcerations; repositioning regularly during the day, regular skin examination. The required assistance to turn the person over at night will be evaluated in activity No. 35 “Sleep”;

19. home exercise program means to carry out an exercise program prescribed and supervised by a health professional. The program’s aim must be to treat injuries associated with the accident or maintain the person’s state of health, and must present advantages over direct treatment by the health professional alone;

20. other health care means to provide medically prescribed health care other than that specifically provided for in the grid. Three points are attributed for every 15 minutes of assistance required per day. A maximum of 36 points (3 hours per day) may be attributed. If the other health care is associated with the accident, the required assistance, whether or not it is a result of the

accident, must be rated according to the grid. If the other health care is not associated with the accident, the required assistance must be a result of the accident in order to be rated according to the grid;

21. putting in place a prosthesis or an orthosis means to put on or take off a prosthesis or orthosis, including compressive clothing, splints or compensatory aids;

22. maintenance of special equipment means to clean and maintain special equipment such as a wheelchair, prosthesis, orthosis or compensatory aid. This excludes equipment for bladder and intestinal elimination with a special device. Where maximum assistance is required less than three times a week, it is rated as “partial assistance”;

Locomotion

23. arising from bed and going to bed means to get out of bed and to go to bed for the night;

24. use of available facilities at home means to move about inside the home; to enter and leave one’s home; to make use of the facilities other than those required for the activities provided for in the grid; to open and close the windows and doors; to make use of the furniture, to operate switches and use communication devices (telephone, radio, television);

25. using a mode of transportation means to get into a vehicle, to get out of it; put in and take out a wheelchair or walking assists if necessary. This excludes assistance required for health services associated with the accident;

26. use of patient lifting devices or transfers with two helpers means that it is necessary to use a lifting device or two helpers are required to perform transfers; where only one helper is required, it is evaluated in the “personal hygiene and care” section;

Household activities

27. preparation of a light meal means to plan and prepare two meals per day consisting of simple foods, reheated meals or those requiring little preparation. The activity usually corresponds to the preparation of breakfast and lunch;

28. preparation of a complex meal means to plan and prepare one meal per day requiring several steps in its preparation. The activity usually corresponds to the preparation of dinner;

29. daily housekeeping means to wash the dishes; to wipe the counters, the table and cooking surface; to clean the sink; to put things away; to sweep the floor; to make the bed;

30. weekly housecleaning means to wash the floors, bathroom appliances and electrical appliances; to dust; to vacuum; to take out the garbage. The activity includes the annual cleanup: to wash the windows, walls and ceilings; to clean the cupboards, closets, floors, carpets; to wash the curtains and clean the drapes;

31. care of household linen and clothes means to wash, dry, iron, fold and put away household linen and clothes;

Other activities

32. shopping and services means to plan and make purchases, including household items and clothing, shopping for groceries, at the drugstore, hardware store; to make appointments; to use public transit and services, including personal care (hairdresser, dentist, physician). This excludes activities related to health services associated with the accident;

33. budget management means to plan and carry out activities related to managing personal finances and supervising income and expenses. Managing the budget is considered to occur before shopping and using services;

34. eisure activities means the physical or verbal assistance required so that the health and safety of the victim and those close to him are not endangered while the victim is awake and not busy with the activities listed in the grid. Having no service would result in the deterioration of the victim’s physical or mental condition. This excludes other services by accompanying persons already provided for by the Société through other measures, such as an availability allowance or rehabilitation. This includes additional assistance, but not special assistance, that is required to do school work at home;

35. sleep means the physical or verbal assistance required so that the health and safety of the victim and those close to him are not endangered while the victim is asleep. Having no service would result in the deterioration of the victim’s physical or mental condition. Assistance required to turn the victim over at night is rated “partial assistance”.

SCHEDULE I.2

(s. 2)

— Adjustment of the detailed evaluation of personal home assistance requirements for victims under 16 years of age.

— Where the independence of a victim under 16 years of age is rated “none” or “limited” in accordance with the adjustment table, only the “no assistance” or “partial assistance” ratings may be attributed to the detailed evaluation table. However, the “partial assistance” rating is attributed to the detailed evaluation table if the assistance requirement is significantly greater than the usual parental assistance expected for a person of that age.

— Where the independence of a victim under 16 years of age is rated “total” in accordance with the adjustment table, the rating attributed to the assistance requirement is not adjusted.

— For household activities (activities 27 to 34), no assistance requirement is recognized for a victim under 12 years of age.

— The indication “N.A.” means no adjustment is applicable to this activity.

— An asterisk indicates that the adjustment is made only if the activity is associated with the automobile accident. If the activity is related to a condition prior to the accident, the adjustment is made according to the age at which independence would normally be acquired had the accident not occurred.

Description of the levels of independence

None: The contribution to the activity of the child under 16 years of age is slight. The parent must be present at all times, so that the activity is carried out safely and effectively.

Limited: The contribution to the activity of the child under 16 years of age is significant. The parent must, however, get involved regularly, either with verbal or physical assistance, so that the activity is carried out safely and effectively.

Total: The child under 16 years of age is able to carry out the activity safely and effectively. The parent does not have to get involved on a regular basis.

ADJUSTMENT TABLE

Independence of a child according to age (in years)	None (age)	Limited (age)	Total (age)
Personal hygiene and care			
1. personal hygiene	0 to 41/2	41/2 to 61/2	61/2 or +
2. dressing and undressing	0 to 2	2 to 6	6 or +
3. eating	0 to 2	2 to 6	6 or +
Bladder and intestinal elimination			
4. use of toilet	0 to 21/2	21/2 to 6	6 or +
5. menstrual hygiene	N.A.	N.A.	N.A.
6. use of disposable briefs	0 to 21/2*	21/2 to 6*	6 or +*
7. emptying of the bladder into a bag attached to the skin	0 to 21/2*	21/2 to 6*	6 or +*
8. emptying of the bladder by catheterism	0 to 21/2*	21/2 to 6*	6 or +*
9. emptying of the bladder by a catheter à demeure	0 to 21/2*	21/2 to 6*	6 or +*
10. emptying of the bladder by urinary condom	0 to 21/2*	21/2 to 6*	6 or +*
11. emptying of the bladder by urinary condom and by tapping	0 to 21/2*	21/2 to 6*	6 or +*
12. emptying of the intestine into a bag attached to the skin	0 to 21/2*	21/2 to 6*	6 or +*
13. emptying of the intestine through the use of a suppository, an enema solution or anal stimulation	0 to 21/2*	21/2 to 6*	6 or +*
14. irrigation of the bladder	0 to 21/2*	21/2 to 6*	6 or +*
Health care			
15. taking of medication	N.A.*	N.A.*	N.A.*
16. tracheostomy maintenance and aspiration	N.A.*	N.A.*	N.A.*
17. clapping, thoracic pressure, postural drainage	N.A.*	N.A.*	N.A.*
18. skin care (prevention of pressure wounds)	N.A.*	N.A.*	N.A.*

Independence of a child according to age (in years)	None (age)	Limited (age)	Total (age)
19. home exercise program	N.A.	N.A.	N.A.
20. other health care (in accordance with the method prescribed in the description of activities)	N.A.	N.A.	N.A.
21. putting in place a prosthesis or an orthosis	N.A.	N.A.	N.A.
22. maintenance of special equipment	N.A.	N.A.	N.A.
Locomotion	•	•	•
23. arising from bed and going to bed	0 to 2	2 to 7	7 or +
24. use of available facilities at home	0 to 7	7 to 12	12 or +
25. using a mode of transportation	0 to 2	2 to 7	7 or +
26. use of patient lifting devices or transfers with two helpers	N.A.	N.A.	N.A.
Household activities	•	•	•
27. preparation of a light meal	0 to 12	12 to 16	16 or +
28. preparation of a complex meal	0 to 12	12 to 16	16 or +
29. daily housekeeping	0 to 12	12 to 16	16 or +
30. weekly housecleaning	0 to 12	12 to 16	16 or +
31. care of household linen and clothes	0 to 12	12 to 16	16 or +
32. shopping and services	0 to 12	12 to 16	16 or +
33. budget management	0 to 12	12 to 16	16 or +
34. Leisure activities	0 to 12	12 to 16	16 or +
35. Sleep	0 to 12	12 to 16	16 or +

SCHEDULE I.3

(s. 4)

TABLE

Where injuries were sustained in more than one anatomical region for which personal home assistance expenses were reimbursed in accordance with section 4 of

this Regulation, the selection priority for a maximum of three anatomical regions is determined in the following order:

- (1) arms and/or thorax (regions 1A and 1B);
- (2) legs (regions 2A and 2B);
- (3) spinal column (fracture) (region 3A);
- (4) pelvis, abdomen, pelvic structures (region 4);
- (5) spinal column (hernia or sprain) (region 3B);
- (6) head, neck, face (region 5).

Region	Region	Region	%
arms and/or thorax-one side injured			17 %
arms and/or thorax-both sides injured			44 %
arms and/or thorax-one side injured	leg one leg injured		31 %
arms and/or thorax-one side injured	leg both legs injured		44 %
arms and/or thorax-both sides injured	leg one leg injured		44 %
arms and/or thorax-both sides injured	leg both legs injured		44 %
arms and/or thorax-one side injured	leg one leg injured	spinal column (fracture)	38 %
arms and/or thorax-one side injured	leg both legs injured	spinal column (fracture)	44 %
arms and/or thorax-both sides injured	leg one leg injured	spinal column (fracture)	44 %
arms and/or thorax-both sides injured	leg both legs injured	spinal column (fracture)	44 %
arms and/or thorax-one side injured	leg one leg injured	pelvis, abdomen, pelvic structures	38 %
arms and/or thorax-one side injured	leg both legs injured	pelvis, abdomen, pelvic structures	44 %
arms and/or thorax-both sides injured	leg one leg injured	pelvis, abdomen, pelvic structures	44 %
arms and/or thorax-both sides injured	leg both legs injured	pelvis, abdomen, pelvic structures	44 %
arms and/or thorax-one side injured	leg one leg injured	spinal column (hernia and/or sprain)	31 %
arms and/or thorax-one side injured	leg both legs injured	spinal column (hernia and/or sprain)	44 %
arms and/or thorax-both sides injured	leg one leg injured	spinal column (hernia and/or sprain)	44 %

Region	Region	Region	%
arms and/or thorax-both sides injured	leg both legs injured	spinal column (hernia and/or sprain)	44 %
arms and/or thorax-one side injured	leg one leg injured	head, neck, face	31 %
arms and/or thorax-one side injured	leg both legs injured	head, neck, face	44 %
arms and/or thorax-both sides injured	leg one leg injured	head, neck, face	44 %
arms and/or thorax-both sides injured	leg both legs injured	head, neck, face	44 %
arms and/or thorax-one side injured	spinal column (fracture)		24 %
arms and/or thorax-both sides injured	spinal column (fracture)		44 %
arms and/or thorax-one side injured	spinal column (fracture)	pelvis, abdomen, pelvic structures	31 %
arms and/or thorax-both sides injured	spinal column (fracture)	pelvis, abdomen, pelvic structures	44 %
arms and/or thorax-one side injured	spinal column (fracture)	spinal column (hernia and/or sprain)	24 %
arms and/or thorax-both sides injured	spinal column (fracture)	spinal column (hernia and/or sprain)	44 %
arms and/or thorax-one side injured	spinal column (fracture)	head, neck, face	24 %
arms and/or thorax-both sides injured	spinal column (fracture)	head, neck, face	44 %
arms and/or thorax-one side injured	pelvis, abdomen, pelvic structures		31 %
arms and/or thorax-both sides injured	pelvis, abdomen, pelvic structures		44 %
arms and/or thorax-one side injured	pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)	31 %
arms and/or thorax-both sides injured	pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)	44 %
arms and/or thorax-one side injured	pelvis, abdomen, pelvic structures	head, neck, face	31 %
arms and/or thorax-both sides injured	pelvis, abdomen, pelvic structures	head, neck, face	44 %
arms and/or thorax-one side injured	spinal column (hernia and/or sprain)		24 %

Region	Region	Region	%
arms and/or thorax-both sides injured	spinal column (hernia and/or sprain)		44 %
arms and/or thorax-one side injured	spinal column (hernia and/or sprain)	head, neck, face	24 %
arms and/or thorax-both sides injured	spinal column (hernia and/or sprain)	head, neck, face	44 %
arms and/or thorax-one side injured	head, neck, face		24 %
arms and/or thorax-both sides injured	head, neck, face		44 %
Region	Region	Region	%
leg one leg injured			17 %
leg both legs injured			31 %
leg one leg injured	spinal column (fracture)		24 %
leg both legs injured	spinal column (fracture)		31 %
leg both legs injured	spinal column (fracture)	pelvis, abdomen, pelvic structures	24 %
leg one leg injured	spinal column (fracture)	pelvis, abdomen, pelvic structures	31 %
leg one leg injured	spinal column (fracture)	spinal column (hernia and/or sprain)	24 %
leg both legs injured	spinal column (fracture)	spinal column (hernia and/or sprain)	31 %
leg one leg injured	spinal column (fracture)	head, neck, face	24 %
leg both legs injured	spinal column (fracture)	head, neck, face	31 %
leg one leg injured	pelvis, abdomen, pelvic structures		24 %
leg both legs injured	pelvis, abdomen, pelvic structures		31 %
leg one leg injured	pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)	24 %
leg both legs injured	pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)	31 %
leg one leg injured	pelvis, abdomen, pelvic structures	head, neck, face	24 %

Region	Region	Region	%
leg both legs injured	pelvis, abdomen, pelvic structures	head, neck, face	31 %
leg one leg injured	spinal column (hernia and/or sprain)		24 %
leg both legs injured	spinal column (hernia and/or sprain)		31 %
leg one leg injured	spinal column (hernia and/or sprain)	head, neck, face	24 %
leg both legs injured	spinal column (hernia and/or sprain)	head, neck, face	31 %
leg one leg injured	head, neck, face		17 %
leg both legs injured	head, neck, face		31 %

Region	Region	Region	%
spinal column (fracture)			24 %
spinal column (fracture)	pelvis, abdomen, pelvic structures		24 %
spinal column (fracture)	pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)	24 %
spinal column (fracture)	pelvis, abdomen, pelvic structures	head, neck, face	24 %
spinal column (fracture)	spinal column (hernia and/or sprain)		24 %
spinal column (fracture)	spinal column (hernia and/or sprain)	head, neck, face	24 %
spinal column (fracture)	head, neck, face		24 %

Region	Region	Region	%
pelvis, abdomen, pelvic structures			24 %
pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)		24 %
pelvis, abdomen, pelvic structures	spinal column (hernia and/or sprain)	head, neck, face	24 %
pelvis, abdomen, pelvic structures	head, neck, face		24 %

Region	Region	Region	%
spinal column (hernia and/or sprain)			17 %
spinal column (hernia and/or sprain)	head, neck, face		24 %
head, neck, face			17 %.

8. The provisions of Chapter I of the Regulation respecting the reimbursement of certain expenses, enacted by section 1 of this Regulation, apply to victims of automobile accidents occurring from 1 January 2000 onward; the victims of accidents occurring before that date continue to be governed by the provisions of Chapter I of the Regulation as they read on 31 December 1999.

9. This regulation comes into force on 1 January 2000.

3087

Draft Regulation

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

Compensation under Chapter II of Title IV of the Act

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting compensation under Chapter II of Title IV of the Automobile Insurance Act, adopted by the Société de l'assurance automobile du Québec and whose text appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The draft Regulation prescribes the new requirements applicable to claims for compensation submitted by victims of automobile accidents for bodily injury or property damage not covered by the Automobile Insurance Act or by an insurance contract, where the person responsible is insolvent or cannot be found.

Further information may be obtained by contacting Ms. Christiane Lévesque, at the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-5-37, C.P. 19600, Québec, G1K 8J6 (tel. (418) 528-3470, fax: (418) 644-8075, E-mail: Christiane.Levesque@saaq.gouv.qc.ca).

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Chairman and Chief Executive Officer of the Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, C.P. 19600, Québec, G1K 8J6 (fax: (418) 644-0339).

JEAN-YVES GAGNON,
Chairman and Chief Executive Officer

Regulation respecting compensation under Chapter II of Title IV of the Automobile Insurance Act

Automobile Insurance Act
(R.S.Q., c. A-25, s. 195, par. 36; 1999, c. 22, s. 38, par. 4)

1. A person who submits a claim for compensation to the Société de l'assurance automobile du Québec must also submit the sworn statement prescribed by section 144 of the Automobile Insurance Act (R.S.Q., c. A-25), and in the case of a claim covered by section 148 of the Act, amended by section 29 of chapter 22 of the statutes of 1999, the police report on the accident or event.

2. For the purposes of implementing section 145, amended by section 28 of chapter 22 of the statutes of 1999, and section 148 of the Automobile Insurance Act, the deductible is the greater of the following:

(1) \$500;

(2) for damage to an automobile, 10 % of the value of the automobile determined on the day of the accident according to the gross sale price indicated for a vehicle of the same make, model and features, in the latest edition of the Guide d'Évaluation des Automobiles or, the Guide d'Évaluation des Camions Légers, in such case, published by Hebdo Mag Inc.

For a model year prior to those covered by the edition, the sale price considered is the one indicated in the edition for the nearest model year, from which amount must be subtracted 1 % of the sale price for each month elapsed between the vehicle's model year and the earliest year covered by the edition.

Where the make or model of automobile is not covered by the Guide, the Société shall make an evaluation of the automobile or have this done.

3. The following qualify for reimbursement on presentation of receipts, according to the rates prescribed by the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1

and 209.2 of the Highway Safety Code (Order in Council 1426-97 dated 29 October 1997):

(1) towing charges for the damaged automobile from the site of the accident to the nearest garage;

(2) daily impounding charges for the automobile from the date the claim for reimbursement is submitted, to the date on which the damage appraisal was made by the expert designated by the Société under subparagraph 1 of the first paragraph of section 148 of the Automobile Insurance Act.

4. Where the owner chooses not to have repairs made to property that been damaged, the Société pays:

(1) in the case of an automobile, the cost of labour at an hourly rate of \$18;

(2) in the case of other goods, half the cost of labour for the repair of damage, as appraised by the expert designated by the Société under section 148.

5. Before making payment, the Société may require a check of repairs to damaged property.

6. This regulation comes into force on 1 January 2000.
3091

Draft Regulation

Education Act
(R.S.Q., c. I-13.3)

Definition of resident in Québec — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the definition of resident in Québec, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to recognize the status of resident in Québec, for the purposes of the Education Act, for persons who hold a selection certificate issued by Québec and for certain persons who have left Québec temporarily. Those persons may benefit from the advantages granted by law to residents in Québec regarding tuition fees.

To date, study of the matter has shown no impact on businesses.

Further information may be obtained by contacting Suzanne Messier, Bureau de la sous-ministre de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec, G1R 5A5; tel: (418) 643-3810.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec, G1R 5A5.

FRANÇOIS LEGAULT,
Minister of Education,

Regulation to amend the Regulation respecting the definition of resident in Québec*

Education Act
(R.S.Q., c. I-13.3, s. 455)

1. Section 1 of the Regulation respecting the definition of resident in Québec is amended by substituting the following for subparagraphs 6 and 7 of the first paragraph:

“(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(7) he has been residing in Québec for at least three months without having resided in another province for more than three months and his parents or sponsor do not have their residence elsewhere in Canada;

(8) he was a resident in Québec according to subparagraph 7 for three consecutive years in the last five years; or

(9) his spouse was or is residing in Québec according to one of the preceding subparagraphs.”.

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

3085

Draft Regulation

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3)

Financial assistance for education expenses — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting financial assistance for education expenses, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation proposes to recognize the status of resident of Québec, for the purposes of the application of the Act respecting financial assistance for education expenses, with respect to persons who have a selection certificate issued under Québec legislation and certain persons who temporarily resided outside Québec. They will thus benefit from the same advantages under the Act as residents of Québec in matters of financial assistance for education expenses. Amendments have also been made to the Regulation to harmonize and clarify certain provisions.

To date, study of the draft Regulation has shown no impact on businesses.

Further information may be obtained by contacting Suzanne Messier, Office of the Deputy Minister, Ministère de l'Éducation, 1035, rue De La Chevrotière, 15^e étage Québec (Québec) G1R 5A5; tel. (418) 643-3810.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec (Québec) G1R 5A5.

FRANÇOIS LEGAULT,
Minister of Education

* The Regulation respecting the definition of resident in Québec was made by Order in Council 1110-97 dated 28 August 1997 (1997, G.O. 2, 4562).

Regulation to amend the Regulation respecting financial assistance for education expenses*

An Act respecting financial assistance for education expenses
(R.S.Q., c. A-13.3, s. 57; 1997, c. 90, s. 12)

1. Section 76 of the Regulation respecting financial assistance for education expenses is amended

(1) by substituting the following for paragraph 3:

“(3) his parents or sponsor are deceased and one of his parents or his sponsor resided in Québec at the time of death;”;

(2) by substituting the following for paragraphs 5, 6 and 7:

“(5) Québec is the last place where he resided for 12 consecutive months without pursuing full-time studies;

(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(7) he has resided in Québec for at least three months without having resided in another province for more than three months and his parents or sponsor do not reside elsewhere in Canada;

(8) he resided in Québec in accordance with paragraph 7 for three consecutive years within the previous five years;

(9) his spouse resides or resided in Québec in accordance with one of the above paragraphs.”.

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

3100

* The Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, *G.O.* 2, 1685), was last amended by the Regulation made by Order in Council 1424-98 dated 19 November 1998 (1998, *G.O.* 2, 4491). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.

Draft Regulation

General and Vocational Colleges Act
(R.S.Q., c. C-29)

Definition of resident in Québec

— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the definition of resident in Québec, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to recognize the status of resident in Québec, for the purposes of the General and Vocational Colleges Act, for persons who hold a selection certificate issued by Québec and for certain persons who have left Québec temporarily. Those persons may benefit from the advantages granted by law to residents in Québec regarding tuition fees.

To date, study of the matter has shown no impact on businesses.

Further information may be obtained by contacting Suzanne Messier, Bureau de la sous-ministre de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec, G1R 5A5; tel: (418) 643-3810.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Education, 1035, rue De La Chevrotière, 16^e étage, Québec, G1R 5A5.

FRANÇOIS LEGAULT,
Minister of Education

Regulation to amend the Regulation respecting the definition of resident in Québec*

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 24.4; 1997, c. 87, s. 19)

1. Section 1 of the Regulation respecting the definition of resident in Québec is amended by substituting the following for subparagraphs 6 and 7 of the first paragraph:

* The Regulation respecting the definition of resident in Québec was made by Order in Council 910-98 dated 8 July 1998 (1998, *G.O.* 2, 3040).

“(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(7) he has been residing in Québec for at least three months without having resided in another province for more than three months and his parents or sponsor do not have their residence elsewhere in Canada;

(8) he was a resident in Québec according to subparagraph 7 for three consecutive years in the last five years; or

(9) his spouse was or is residing in Québec according to one of the preceding subparagraphs.”.

2. 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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Draft Regulation

An Act respecting private education
(R.S.Q., c. E-9.1)

Definition of resident in Québec — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the definition of resident in Québec, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to recognize the status of resident in Québec, for the purposes of the Act respecting private education, for persons who hold a selection certificate issued by Québec and for certain persons who have left Québec temporarily. Those persons may benefit from the advantages granted by law to residents in Québec regarding tuition fees.

To date, study of the matter has shown no impact on businesses.

Further information may be obtained by contacting Suzanne Messier, Bureau de la sous-ministre de l'Éducation, 1035, rue De La Chevrotière, 15^e étage, Québec, G1R 5A5; tel: (418) 643-3810.

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FRANÇOIS LEGAULT,
Minister of Education

Regulation to amend the Regulation respecting the definition of resident in Québec*

An Act respecting private education
(R.S.Q., c. E-9.1, s. 111; 1997, c. 87, s. 32)

1. Section 1 of the Regulation respecting the definition of resident in Québec is amended by substituting the following for subparagraphs 6 and 7 of the first paragraph:

“(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(7) he has been residing in Québec for at least three months without having resided in another province for more than three months and his parents or sponsor do not have their residence elsewhere in Canada;

(8) he was a resident in Québec according to subparagraph 7 for three consecutive years in the last five years; or

(9) his spouse was or is residing in Québec according to one of the preceding subparagraphs.”.

2. 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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* The Regulation respecting the definition of resident in Québec was made by Order in Council 911-98 dated 8 July 1998 (1998, G.O. 2, 3041).

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

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