Gazette officielle du Québec

Part 2 Laws and Regulations

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Summary

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PROVINCE OF QUÉBEC

1st SESSION

36th LEGISLATURE

Québec, 22 October 1999

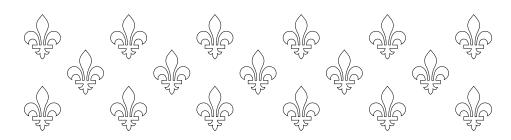
Office of the Lieutenant-Governor

Québec, 22 October 1999

This day, at ten minutes past nine o'clock in the morning, the Honourable the Administrator of Québec was pleased to sanction the following bills:

56 An Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel

To these bills the Royal assent was affixed by the Honourable the Administrator of Québec.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 56 (1999, chapter 41)

An Act respecting the Société de développement de la Zone de commerce international de Montréal à Mirabel

Introduced 13 May 1999 Passage in principle 26 May 1999 Passage 21 October 1999 Assented to 22 October 1999

EXPLANATORY NOTES

This bill establishes a development agency for the Montréal international trade zone at Mirabel, to be known as the Société de développement de la Zone de commerce international de Montréal à Mirabel.

The chief mission of the Société is to promote the development of airport facilities at Mirabel, through the development and operation of the Montréal international trade zone at Mirabel. More specifically, the Société will promote the establishment of businesses in the Montréal international trade zone at Mirabel, solicit, examine and assess investment projects consistent with the development of the international trade zone, and participate, alone or with private-sector or public-sector partners, in the financing of investment projects.

In addition, the Société will be responsible for making recommendations to the Minister of Finance on applications for certificates of eligibility for the fiscal incentives provided for by law in connection with business activities carried on within the Montréal international trade zone at Mirabel.

The Société will administer the financial assistance programs established by the Government to promote the development of the international trade zone, the programs specified in the Société's own business plan, and any other programs for which it is assigned responsibility by the Government. The Société will also act as the Government's mandatary in connection with development projects within the Montréal international trade zone at Mirabel that are of substantial economic interest to Québec.

The bill also contains financial provisions dealing with the financial commitments that the Société and its subsidiaries are authorized to make, and transitional provisions.

Bill 56

AN ACT RESPECTING THE SOCIÉTÉ DE DÉVELOPPEMENT DE LA ZONE DE COMMERCE INTERNATIONAL DE MONTRÉAL À MIRABEL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND MISSION

1. The "Société de développement de la Zone de commerce international de Montréal à Mirabel" is hereby established.

The Société is a legal person and a mandatary of the State.

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

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

- **3.** The main mission of the Société is to promote the development of airport and airport-related facilities at Mirabel, through the development and operation of the Montréal international trade zone at Mirabel, and thereby contribute to economic growth in the Mirabel area, the Greater Montréal area and Québec as a whole.
- 4. In the pursuit of its mission, the Société may, in particular,
- (1) promote the establishment of businesses in the Montréal international trade zone at Mirabel;
- (2) solicit, examine and assess investment projects consistent with the development of the international trade zone;
- (3) bring together private-sector and public-sector interests as partners in investment projects, and facilitate concerted action;
 - (4) contribute financially to the realization of investment projects;

- (5) make a single multiservice access point available to businesses established, or seeking to become established, in the international trade zone;
- (6) construct and administer buildings, alone or in partnership, to ensure the development of the international trade zone;
- (7) advise the Minister on policies and strategies relating to the development of the international trade zone.
- **5.** The Société shall, in addition, make recommendations to the Minister concerning applications for a certificate of eligibility for the fiscal incentives provided for by law in connection with business activities carried on within the Montréal international trade zone at Mirabel.
- **6.** The Société shall advise the Minister on any matter the latter submits to it in a field under its jurisdiction. The Société may include recommendations with its advice.
- **7.** The Government may establish financial assistance programs to promote the development of the Montréal international trade zone at Mirabel, to be administered by the Société. The Government may also assign the administration of any other development assistance program it specifies to the Société.
- **8.** Where a development project in the Montréal international trade zone at Mirabel is of substantial economic interest to Québec, the Government may mandate the Société to grant and administer the financial assistance determined by the Government to facilitate the realization of the project. The Société may be authorized, under the mandate, to set the terms and conditions of the financial assistance.
- **9.** The Société shall exercise any other function assigned to it by the Government.
- **10.** The Société may determine a tariff of commitment, professional and other fees for the use of its services, and for the examination and analysis of applications for a certificate of eligibility for the fiscal incentives provided for by law.

The tariff must be submitted to the Government for approval.

11. The Société may require holders of a certificate of eligibility for the fiscal incentives provided for by law to pay an annual contribution allocated to the financing of its activities and the promotion and development of the international trade zone. The rate and manner of payment of the contribution shall be determined by regulation.

The regulation must be submitted to the Government for approval.

- **12.** The Société may, according to law, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization.
- **13.** The Société may, with the authorization of the Government, acquire or establish any subsidiary useful in the pursuit of its mission.

A legal person or a partnership is a subsidiary of the Société if the latter holds more than 50% of the voting rights attached to all the issued and outstanding shares of the legal person or more than 50% of the interests in the partnership, or if the Société may elect a majority of the directors of the legal person or partnership.

- **14.** Subsidiaries all of whose shares are held directly or indirectly by the Société are mandataries of the State. The provisions of this Act apply to such subsidiaries, with the necessary modifications, except the provisions of sections 1, 17 to 21, 23 and 42 to 47.
- **15.** The Société may not, without the authorization of the Government,
- (1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;
- (2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (3) acquire or hold shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (4) transfer shares in a legal person or an interest in a partnership in excess of the limits or in contravention of the terms and conditions determined by the Government;
- (5) acquire or transfer other assets in excess of the limits or in contravention of the terms and conditions determined by the Government;
 - (6) accept a gift or legacy to which a charge or condition is attached.

The Government may prescribe that one of the provisions of the first paragraph applies to all subsidiaries of the Société or to only one of them.

However, the provisions of the first paragraph do not apply to transactions between the Société and its subsidiaries or between the subsidiaries.

CHAPTER II

ORGANIZATION AND OPERATION

16. The head office of the Société shall be located within the Montréal international trade zone at Mirabel. Notice of the location of the head office shall be published in the *Gazette officielle du Québec*.

The Société may hold its meetings at any place in Québec.

17. The affairs of the Société shall be administered by a board of directors composed of eleven members, including a director general, appointed by the Government.

The director general shall be appointed for a term not exceeding five years, and the other members of the board shall be appointed for a term not exceeding three years.

18. The Government shall designate the chair and vice-chair of the board of directors from among the members of the board.

The positions of director general and chair of the board of directors may be held concurrently.

19. The director general is responsible for the administration and direction of the Société within the scope of its by-laws and policies. The office of director general is a full-time position.

The chair of the board of directors shall call and preside at the meetings of the board and see to the proper operation of the board. The chair shall exercise any other functions assigned to the chair by the board.

The vice-chair shall exercise the functions of the chair when the latter is absent or unable to act.

- **20.** On the expiry of their term, the members of the board of directors shall remain in office until replaced or reappointed.
- **21.** Any vacancy on the board of directors, other than in the position of director general, shall be filled for the unexpired portion of the term of the member to be replaced.

Absence from the number of board meetings determined in the internal bylaws of the Société constitutes a vacancy, in the cases and circumstances indicated therein.

22. The Government shall determine the remuneration, employment benefits and other conditions of employment of the director general.

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

23. The quorum at meetings of the board is the majority of its members, including the director general or the chair.

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

- **24.** The members of the board of directors may waive notice of a meeting. The attendance of a member at a meeting of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.
- **25.** The board members may, if they all agree, take part in a meeting using means which allow them to communicate with each other orally, such as the telephone.
- **26.** A written resolution, signed by all the members entitled to vote, has the same value as if it had been adopted during a meeting of the board of directors.

A copy of all such resolutions shall be kept with the minutes of the proceedings or other equivalent record book.

- **27.** The minutes of meetings of the board of directors, approved by the board and certified by the chair of the board, the director general or the secretary, are authentic, as are documents and copies emanating from the Société or forming part of its records where so certified.
- **28.** An intelligible transcription of a decision or other data stored by the Société on a computer or other computer storage mediums is a document of the Société and constitutes proof of its contents where certified by a person referred to in section 27.
- **29.** A document is binding on the Société or may be attributed to it only if it is signed by the director general, the chair or vice-chair of the board of directors or the secretary or, to the extent determined in the internal by-laws of the Société, by another member of the Société's personnel.
- **30.** The internal by-laws of the Société may allow, subject to the conditions and on the documents determined therein, that a signature be affixed by means of an automatic device, that a signature be electronic, or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 27.

31. The Société may, in its internal by-laws, fix any other operating procedure of the board of directors, establish an executive committee or any other committee, and delegate the exercise of its powers to such a committee.

The by-laws may provide that powers of the board of directors may be delegated to a member of the personnel of the Société.

32. The Société shall assume the defence of any director of the Société prosecuted by a third person for an act done in the exercise of the director's functions and shall pay the damages, if any, occasioned by that act, unless the director has committed a gross fault or a personal fault separable from the exercise of the director's functions.

Notwithstanding the foregoing, in a penal or criminal proceeding, the Société shall assume the payment of the expenses of a director of the Société only if the director had reasonable grounds to believe that the director's conduct was in conformity with the law or if the director has been discharged or acquitted.

33. The Société shall assume the expenses of a director of the Société if, having prosecuted the director for an act done in the exercise of the director's functions, it loses its case and the court so decides.

If the Société wins its case only in part, the court may determine the amount of the expenses to be assumed by the Société.

- **34.** The Société shall fulfil the obligations provided for in sections 32 and 33 in respect of any person who acted at its request as a director for a legal person of which the Société is a shareholder or creditor.
- **35.** The secretary and the other members of the personnel of the Société shall be appointed in accordance with the staffing plan established by regulation of the Société. The regulation shall, in addition, determine the pay scales and rates, employment benefits and other conditions of employment of the personnel members.

The regulation must be submitted to the Government for approval.

- **36.** Any member of the personnel of the Société who has a direct or indirect interest in an enterprise causing the personnel member's personal interest to conflict with that of the Société must, on pain of dismissal, disclose the interest in writing to the director general.
- **37.** The Minister may issue directives concerning the policy and general objectives to be pursued by the Société.

The directives must be approved by the Government, and come into force on the day of their approval. Once approved, they are binding on the Société, and the Société must comply with them.

Every directive shall be tabled in the National Assembly within 15 days of being approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

FINANCIAL PROVISIONS

- **38.** The Government may, subject to the terms and conditions it determines,
- (1) guarantee the payment of the principal of and interest on any loan contracted by the Société or one of its subsidiaries referred to in section 14 and the performance of their obligations;
- (2) authorize the Minister of Finance to advance to the Société or one of such subsidiaries any amount considered necessary for the fulfilment of their obligations or the pursuit of their mission.

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

- **39.** The Société shall finance its operations out of the revenue it derives from its financial intervention, the commitment, professional and other fees it charges and the other monies it receives.
- **40.** The monies received by the Société must be allocated to the payment of its obligations. Any surplus shall be retained by the Société, unless the Government decides otherwise.
- **41.** The Government shall, to the extent and in accordance with the terms and conditions determined in the Société's business plan, pay the costs borne by the Société for the administration of the programs that form part of the plan, the programs entrusted to the Société by the Government under section 7, and the performance of the mandates assigned to the Société by the Government under section 8.

Any loss incurred by the Société in administering such programs and performing such mandates shall, in accordance with the business plan, be reimbursed by the Government.

CHAPTER IV

ACCOUNTS AND REPORTS

- **42.** The fiscal year of the Société ends on 31 March.
- **43.** The Société shall, not later than 31 July each year, file with the Minister its financial statements and a report of its operations for the preceding fiscal year.

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

- **44.** The Minister shall table the report of operations and financial statements of the Société in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.
- **45.** The Société shall formulate, according to the form, content and intervals fixed by the Minister, a business plan that must include the operations of its subsidiaries. The plan must be submitted to the Government for approval.

The business plan shall, on expiry, continue in force until a new plan is approved.

46. The books and accounts of the Société shall be audited by the Auditor General each year and whenever so ordered by the Government.

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

47. The Société shall communicate to the Minister any information required by the Minister concerning its operations and the operations of its subsidiaries.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

48. The Société de développement de la Zone de commerce international de Montréal à Mirabel, established by letters patent issued on 21 April 1999 pursuant to Part III of the Companies Act (R.S.Q., chapter C-38), is hereby dissolved.

Its property, rights and obligations are transferred to the body established by section 1 of this Act.

- **49.** The members of the board of directors of the Société de développement de la Zone de commerce international de Montréal à Mirabel in office on the date of dissolution shall become the directors of the Société until replaced or appointed pursuant to section 17 of this Act.
- **50.** The Minister of Finance is responsible for the administration of this Act.
- **51.** The provisions of this Act come into force on the date or dates to be fixed by the Government.

Regulations and other acts

Gouvernement du Québec

O.C. 1188-99, 20 October 1999

Crop Insurance Act (R.S.Q., c. A-30)

Crop insurance

- Individual plan
- Amendments

Regulation to amend the Regulation respecting crop insurance under the individual plan

WHEREAS under section 59 of the Crop Insurance Act (R.S.Q., c. A-30), amended by section 12 of Chapter 53 of the Statutes of 1998, the Régie des assurances agricoles du Québec may, by regulation approved by the Government, offer an individual insurance plan for commercial crops;

WHEREAS the Régie adopted the Regulation respecting crop insurance under the individual plan, approved by Order in Council 1543-96 dated 11 December 1996;

WHEREAS under section 24 of the Act, amended by section 4 of Chapter 53 of the Statutes of 1998, the Régie may, by regulation, for the crops it determines, offer insurance against one or some of the events mentioned in that section and add other uncontrollable events not attributable to human intervention to those provided for;

WHEREAS under section 61 of the Act, the Régie may also by regulation determine options in the percentages of guaranteed coverage;

WHEREAS under paragraph h of section 74 of the Act, the Régie may, by regulation, prescribe the conditions of and the procedure governing the settlement of claims, and the payment of indemnities and compensation;

WHEREAS at its sitting of 2 September 1999, the Régie adopted the Regulation to amend the Regulation respecting crop insurance under the individual plan, as attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food: THAT the Regulation to amend the Regulation respecting crop insurance under the individual plan, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting crop insurance under the individual plan¹

Crop Insurance Act (R.S.Q., c. A-30, ss. 24, 47, 55 and 74, par. *h*; 1998, c. 53, ss. 4 and 8)

- **1.** Section 3 of the Regulation respecting crop insurance under the individual plan is amended by adding the words "and for the protection of crops A (strawberries) and B (raspberries) of Group 2 "Berries" after the word "crops" at the end of the second paragraph.
- **2.** Section 9 is amended by adding the following paragraph:
- "(5) While in force, the insurance protects the strawberry patches and raspberry patches in production against a loss in yield attributable to the harmful effects of the uncontrollable events specified in the following protection plans:
- (a) Plan A: all the events covered under section 24 of the Act;
 - (b) Plan D: late frost.".
- **3.** Subparagraph 1 of paragraph 1 of section 13 is amended by adding the words "sleet (frozen rain)," after the word "frost".
- **4.** Section 24 is amended by substituting the following for the third paragraph:

"The special protection shall be equal to the average cost of the non-recoverable expenses incurred that have been approved by the Régie for the preparation of the

¹ The Regulation respecting crop insurance under the individual plan, approved by Order in Council 1543-96 dated 11 December 1996 (1996, *G.O.* 2, 5443), was amended by the Regulations approved by Orders in Council 170-99 dated 3 March 1999 (1999, *G.O.* 2, 301), 239-99 dated 24 March 1999 (1999, *G.O.* 2, 414) and 637-99 dated 9 June 1999 (1999, *G.O.* 2, 1634).

area to be seeded multiplied by the coverage to which an insured has subscribed.".

- **5.** The second paragraph of section 26 is amended by substituting the words "the insured value of the area in question" for the words "80 % of the insurable value for the area in question".
- **6.** Section 28 is amended by substituting the words "the insured value of the initial crop" for the words "80 % of the insurable value of the initial crop".
- **7.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1197-99, 20 October 1999

An Act respecting owners and operators of heavy vehicles (1998, c. 40)

Regulation

- Amendments

Regulation to amend the Regulation respecting the Act respecting owners and operators of heavy vehicles

WHEREAS under paragraph 1 of section 3 of the Act respecting owners and operators of heavy vehicles (1998, c. 40), the Government may, by regulation and subject to the conditions it determines, exempt certain heavy vehicles or certain classes of heavy vehicles from the application of all or part of the Act;

WHEREAS under the second paragraph of section 4 of the Act, the Government may, by regulation, exempt any group or any class of persons it determines from the requirement to be registered in the Registre des propriétaires et des exploitants de véhicules lourds. The exemption may be subject to conditions and be granted for a limited period of time;

WHEREAS the Regulation respecting the Act respecting owners and operators of heavy vehicles was made by Order in Council 986-98 dated 21 July 1998;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Regulation respecting the Act respecting owners and operators of heavy vehicles was published in Part 2 of the *Gazette officielle du Québec* of 7 April 1999 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS comments have been made;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the Act respecting owners and operators of heavy vehicles, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY, Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Act respecting owners and operators of heavy vehicles*

An Act respecting owners and operators of heavy vehicles (1998, c. 40, s. 3, par.1, s. 4, 2nd par. and s. 16, 1st par.)

- **1.** Section 1 of the Regulation respecting the Act respecting owners and operators of heavy vehicles is amended
- (1) by substituting the following for paragraphs 2 and 3:
- "(2) natural persons who conduct business other than a business with an organized financial structure, whether it is of a commercial nature or not, consisting in the production or manufacture of goods, their management or alienation, or in the provision of services;
- (3) lessees of heavy vehicles who are not subject to an administrative measure of prohibition or restriction imposed by the Commission des transports du Québec and who operate free of charge heavy vehicles rented for a period of less than 15 consecutive days;";

^{*} The Regulation respecting the Act respecting owners and operators of heavy vehicles was made by Order in Council 986-98 dated 21 July 1998 (1998, *G.O.* 2, 3303) and has not been amended since that date.

- (2) by substituting "519.21 for "519.22" in paragraph 4;
 - (3) by substituting the following for paragraph 5:
- "(5) persons who do not operate heavy vehicles and whose fleet of automobiles does not include any heavy vehicle registered with the Société de l'assurance automobile du Québec.".
- **2.** The following is substituted for section 2:
- **"2.** The following vehicles are totally exempt from the application of the Act respecting owners and operators of heavy vehicles:
- (1) tool vehicles within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2) amended by section 55 of Chapter 40 of the Statutes of 1998;
- (2) combinations of road vehicles where each vehicle has a net weight of 3 000 kg or less, provided that the length of the trailer or the semi-trailer, including the coupling system, is 10 metres or less, except those on which safety marks must be displayed in accordance with Division V of the Transportation of Dangerous Substances Regulation, made by Order in Council 674-88 dated 4 May 1988, as it reads at the time of its application and except those carrying dangerous substances in containers of 454 litres or over;
- (3) the following vehicles, owned by a farmer within the meaning of section 16 of the Highway Safety Code:
- (a) farm machinery within the meaning of section 2 of the Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991, as it reads at the time of its application;
- (b) farm trailers within the meaning of section 2 of the Regulation respecting safety standards for road vehicles, made by Order in Council 1483-98 dated 27 November 1998, as it reads at the time of its application:
- (4) motorized road vehicles whose net weight is 3 000 kg or less on which it is not mandatory to display safety marks in accordance with Division V of the Transportation of Dangerous Substances Regulation, except minibuses, tow trucks and vehicles carrying dangerous substances in containers of 454 litres or over;
- (5) road vehicles which were issued a temporary registration certificate referred to in any of sections 32 to 38, 40 and 41 of the Regulation respecting road vehicle registration, as it reads at the time of its application, and those on which a detachable licence plate having the

prefix "X" referred to in any of sections 145, 146, 160 and 161 of that Regulation.".

- **3.** The following is inserted after section 3:
- "3.1. The fees for an application for registration and for renewal of the registration under the first paragraph of section 16 of the Act respecting owners and operators of heavy vehicles are \$100.".
- **4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 1198-99, 20 October 1999

Transport Act (R.S.Q., c. T-12)

Requirements for bills of lading

Regulation respecting the requirements for bills of lading

WHEREAS under paragraph n of section 5 of the Transport Act (R.S.Q., c. T-12), amended by paragraph 1 of section 156 of chapter 40 of the Statutes of 1998, the Government may, by regulation, determine the requirements applicable to bills of lading in the case of a carrier or any person to whom the Act respecting owners and operators of heavy vehicles applies;

WHEREAS under section 178 of the Act respecting owners and operators of heavy vehicles (1998, c. 40), the first regulations made under the new provisions of the Highway Safety Code enacted by the Act respecting owners and operators of heavy vehicles are not subject to the publication requirement in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS it is expedient to make the Regulation respecting the requirements for bills of lading;

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

THAT the Regulation respecting the requirements for bills of lading, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY, Clerk of the Conseil exécutif

Regulation respecting the requirements for bills of lading

Transport Act (R.S.Q., c. T-12, s. 5, pars. *n* and *r*; 1998, c. 40, s. 156)

- **1.** For the purposes of this Regulation, the meaning of the words "operator of a heavy vehicle", "heavy vehicle" and "transport service intermediary" is the same as under the Act respecting owners and operators of heavy vehicles (1998, c. 40), the meaning of the words "receiver", "shipper" and "carrier" is the same as under the Civil Code and the word "consignee" means a person who has custody of merchandise.
- **2.** The Regulation applies to contracts for the transport of goods for consideration. It does not apply in the following cases:
 - (1) where the contract is for moving:
- (a) used domestic goods, letters and parcels less than 45 kg in weight, motor vehicles, empty containers, empty trailers, wood pallets or live animals;
- (b) bulk material within the meaning of the Transport Act (R.S.Q., c. T-12) and the regulations thereunder;
- (c) the milk and cream referred to in section 11 of the Dairy Products and Dairy Products Substitutes Act (R.S.Q., c. P-30);
- (d) petroleum products in a tank vehicle equipped with a meter and having a maximum capacity of 18 200 litres;
- (e) motor vehicle wrecks and waste or scrap whether it can be recycled or not;
- (f) periodicals for delivery to consumers, paper boys or sales outlets;
 - (g) vehicles by means of a tow truck;
- (h) natural or chemical fertilizers and any substances used for the fertilization and upgrading of soils;
 - (i) houses, offices or plants;
- (j) vehicles using the technique called saddlemount; or
- (k) motor vehicles referred to in paragraph 2 of section 214 of the Highway Safety Code (R.S.Q., c. C-24.2);

- (2) where the transport vehicle is for a shipper's exclusive use: and
- (3) where the contract was entered into outside Québec and the contract and the bills of lading comply with the statutory and regulatory requirements of the place of origin.
- **3.** An operator of heavy vehicles who undertakes to transport goods for a shipper shall issue a bill of lading that meets the conditions of this Regulation. A mandatary may also prepare the bill of lading.
- **4.** The bill of lading shall be written on a form that reproduces, on the front, the information and the specifications given in Schedule 1 and, on the back, those given in Schedule 2.

It is the shipper's responsibility to ensure that each item listed on the bill of lading is clearly and distinctly marked with the name of the consignee and its destination

- **5.** The bill of lading must clearly indicate the terms agreed to by the parties.
- **6.** Each bill of lading must be identified by a specific number code.
- **7.** The bill of lading shall be signed by an operator of heavy vehicles who is acting as a carrier or his mandatary and by the shipper or his mandatary.

Where the signing party is a transport service intermediary, it must be specified on the bill of lading.

- **8.** The specifications in Schedules 1 and 2 are the minimum specifications that shall be entered on the bill of lading.
- **9.** A signed copy of the bill of lading shall be given to the shipper and to the initial carrier.
- **10.** Notwithstanding sections 1 to 9, a short form of the bill lading may be used by a shipper who has goods transported by an operator of heavy vehicles and the latter may accept the form provided that:
- (1) the short form of the bill of lading is provided and issued by the shipper;
- (2) it is agreed by the shipper and the operator of heavy vehicles, on the front and on the back of the short form of the bill of lading, that the minimum conditions in Schedules 1 and 2 apply to the contract specified on the short form.

- **11.** Where an operator of heavy vehicles prepares a waybill for the shipment, the waybill shall bear the same number or the same identification as the original bill of lading, or if applicable, of the short form of the bill of lading; however, the waybill may not replace the bill of lading.
- **12.** An operator of heavy vehicles shall keep a copy of the bills of lading and short forms of the bill of lading respecting the shipping contracts to which he was a party for two years.
- **13.** Any violation by an operator of heavy vehicles of the provisions of section 3 or 12 constitutes an offence punishable by the imposition of a fine ranging from \$250 to \$750.
- **14.** This Regulation replaces sections 19 to 27 and 30 of and Schedule II to the Trucking Regulation made by Order in Council 47-88 dated 13 January 1988.
- **15.** This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

ANNEXE 1 MODÈLE DE CONNAISSEMENT

SCHEDULE 1 MODEL BILL OF LADING

CONNAISSEMENT NON NÉGOCIABLE NO DE CONN. : BILL OF LADING NOT NEGOTIABLE B/L No.

Expéditeur ou agent (nom & adresse)/Consigner or agent (nom & adresse)		2. No opte expe	editeur/Consigner's acct no.	3. Date	4. No	ref. expéditeur/Consignor's ref. no.
		5. Nom du tran	sporteur/Name of carrier		6. No	ref. transporteur/Carrier's ref. no.
7. Consignataire (nom et adresse)/Consignee (name & addres	8)					
		apparent (l	e contenu des colis et sa cond	ition étant inconnus) marquées,	contresigné	rchandises ci-après décrites en bon état les et destinées tel que ci-après
		mentionné	que le transporteur consent à	transporter et à délivrer à leur o	onsignatair	e au point de destination si ce point se par un autre transporteur autorisé à ce
		faire et ce,	aux taux et à la classification	en vigueur à la date de l'expédit	ion.	lises en tout et en partie sur le parcours
Partie à notifier – Courtier en douanes*/Motify party – Cus	otoma bankont	entier ou u	ne portion quelconque de celu	i-ci jusqu'à destination et que to	ut intéresse	é à ladite expédition pour tout service à
9. Partie a normer - Courner en douaries-7.Moutly party - Cus	SIGNIS DIOKEL	effectuer en conditions	n vertu des présentes est sujet contenues au verso des préser	a toutes les conditions imprimée ites qui sont acceptées par l'expe	s ou écrite: éditeur pou	s non prohibées par la loi, incluant les r lui-même et ses ayants droits.
		Received a	t the point of origin on the da	te specified, from the consignor contents and conditions of conte	mentionne	r lui-même et ses ayants droits. d herein, the property herein described, tage unknown) marked, consigned and
		destined as	indicated below, which the c	armer agrees to carry and to deliv	er to the c	onsignee at the sais destinations, if on e route to said destination, subject to the
		rates and c	lassification in effect on the d	ate of shipment.		
		it is mutua.	lly agreed, as to each carrier of of any time interested in all o	t all or any of the goods over all any of the goods,that every ser	or any por vice to be p	tionof the route to destination, and as to performed hereunder shall be subject to tions on back here of, which are hereby
	**	all the cond	titions not prohibited by law, he consignor and accept for h	whether printed or written, inclu imsell and his assigns.	ding condi	tions on back here of, which are hereby
Point d'origine/Point of origin				_		
11. Et route/Destination and		12 VATEUR	DÉCLARÉE / DECLARED	/ALUATION		
11. S. IVIII D'ESMISSION SIN		ı			a 12 may = 4 3 · · ·	ion à maine milure pul /-!
		Responsab n'ait été dé	mie maximum de 4,415 par k clarée au recto par l'expédite	ilogramme selon le poids total d ir (Conditions 9 et 10 au verso).	e i expediti	ion à moins qu'une valeur supérieure
		Maximum	liability of 4,41\$ per kilogran	a, depending on the total weight	of the ship	ment, unless the shipper has declared a
13. Marques et numéros*/ 14. Nombre	total de colis*/	higher valu 15. Description générale de l'	e on the front of the bill of la	ting (Conditions 9 and 10 on ba du véhicule*/	ck).	7. Poids brut et cubage*/
	of packages*	General description of sh	ipment* Vi	chicle no.*		Total weight & cubage*
ļ						
						23. FRAIS DE TRANSPORT/ FREIGHT CHARGES
18. Nombre et type de paquets/ 19. Descripti	ion des marchandises et particu	Iloritás/	20. Poids/Weight 21.	Taux/Rate 22. N	Contant/	À percevoir/
Number and type of packages Particular	ars of goods, marks and except	tions	20. FORGS Weight 21.		Amount	Collect
						Payés d'avance/
						Prepaid
						Les frais seront à percevoir à moins d'avis contraire/
						Freight charges will be collect unless marked prepaid
						патки перви
						24. Si au risque de l'expéditeur, indiquez-le ici/
						If at consignor's risk, write or stamp
						here
						25. Envoi contre remboursement/
						C.O.D. SHIPMENT
		***				Frais de recouvrement/ Collection charges
						À percevoir/
						Collect
						Payés d'avance/ Prepaid
						Montant/Amount
						c. s
26. Entente spéciale entre l'expéditeur	et le transporteur,	y faire référence/			Frais de 1	recouvrement/Collection charges
Spécial agreement between consign		e here				0. \$
AVIS DE RECLAMATION a) Le transporteur n'est responsable de pertes, de dommages	ou de retards aux	NOTICE OF CLAIM a) No carrier is liable for loss	damage or delay to any good,	s carried under the Billof		
marchandises transportées qui sont décrites au connaissement	t, qu'à la condition qu'un	Lading unless notice thereof s shipment of the goods and the	etting out particulars of the or estimated amount claimed in	igin, destination and date of respect of such loss, damage	TOTAL	D. \$
avis ecrit precisant l'origine des marchandises, leur destination, leur date d'expédition et le montant approximatif réclaimé en répeatation de la perte, des dorminges ou du retard ne consistagifiés un insporteur initial ou au transporteur de destination, dans les soixante (60) (60) days after the delivering of the goods or, in the case of failure to make delivery, within systy			28.	l'arrivée*/		
jours suivant la date de la livraison des marchandises ou dans	les cas de non-livraison,	nine (9) months from the date	of shipment.		6	nbound* \$
dans un délai de neuf (9) mois suivant la date de l'expédition b) La présentation de la réclamation finale accompagnée d'u	ne preuve du paiement des		المنتفر والمسروران والوا		29.	
frais de transport doit être soumise au transporteur dans un de la date de l'expédition.	elai de neuf (9) mois suivant	 b) The final statement of the shipment together with a copy 	claim must be filed within nin of the paid freight bill.	e (9) months from the date of		Au-delà*/ Beyond* \$
*****						Autres (précisez)*/
30. N.B. VEUILLEZ PRENDRE CONNAISSANCE DES CONDITIONS AU VERSO, QU		J VERSO, QUI SONT ACC	CEPTÉES PAR LES PRÉ	SENTES/		Others (specify)*
N.B. NOTE CAREFULLY CONDITIONS ON	BACK HEREOF WHICH	H ARE HEREBY ACCEPT	ED			\$
32. Expéditeur/Consignor	33. Transporteur/Carrier		34. Consignataire/Consig	nee	35.	<u> </u>
Date*	Date*		Date*		T	otal des frais*/ Fotal charges*
	Par/Per		Par/Per		Ι.	\$
Information facultative / Optional information	ra/rer		rat/ret			

SCHEDULE 2

MINIMUM SPECIFICATIONS

I. CONDITIONS OF CARRIAGE

- 1. Liability of carrier: The carrier of the goods herein described is liable for any loss of or damage to goods accepted by him or his agent except as hereinafter provided.
- 2. Liability of originating and delivering carriers: Where a shipment is accepted for carriage by connecting carriers, the carrier issuing the bill of lading, hereinafter called the originating carrier, and the carrier who assumes responsibility for delivery to the consignee, hereinafter called the delivering carrier, in addition to any other liability hereunder, are liable for any loss of or damage to the goods while they are in the custody of any other carrier to whom the goods are or have been transferred and from which liability the other carrier is not relieved.
- 3. Recovery from connecting carrier: The originating carrier or the delivering carrier, as the case may be, is entitled to recover from any other carrier to whom the goods are or have been transferred, the amount of the loss or damage that the originating carrier or delivering carrier, as the case may be, may be required to pay hereunder, resulting from loss or damage to the goods while they were in the custody of such other carrier. When shipments are interlined between carriers, settlement of concealed damage claims shall be prorated on the basis of revenues received.
- 4. Remedy by shipper or consignee: Nothing in section 2 or 3 deprives a shipper or a consignee of any rights he may have against any carrier.
- 5. Exemptions from liability: The carrier shall not be liable for loss, damage or delay to any of the goods described in the bill of lading caused by an act of God, the Queen's or public enemies, riots, strikes, a defect or inherent vice in the goods, the act or default of the shipper, owner or consignee, authority of law, quarantine or differences in weights of grain, seed, or other commodities caused by natural causes.
- 6. Delay: No carrier is bound to transport goods by any particular vehicle or in time for any particular market or otherwise than with due dispatch, unless by agreement specifically endorsed on the bill of lading and signed by the parties thereto.
- 7. Routing by carrier: In case of physical necessity where the carrier forwards the goods by a conveyance

that is not a licensed rental vehicle, the liability of the carrier is the same as though the entire carriage were by licensed rental vehicle.

- 8. Stoppage in transit: Where goods are stopped and held in transit at the request of the party entitled to do so, the goods are held at the risk of that party.
- 9. Valuation: Subject to section 10, the amount of any loss or damage for which the carrier is liable, whether or not the loss or damage results from negligence, shall be computed on the basis of:
- (a) the value of the goods at the time of shipment including the freight and other costs if paid; or
- (b) where a value lower than that referred to in paragraph a has been represented in writing by the shipper or has been agreed upon, such lower value shall be the maximum liability.
- 10. Maximum liability: The amount of any loss or damage computed in accordance with the provisions of paragraph *a* or *b* of section 9 must not exceed \$4.41 per kilogram, depending on the total weight of the shipment, unless the shipper has declared a higher value on the front of the bill of lading.
- 11. Shipper's risk: Where it is agreed that the goods are carried at the risk of the shipper of the goods, such agreement covers only such risks as are necessarily incidental to transportation and the agreement shall not relieve the carrier from liability for any loss or damage or delay which may result from any negligence to act or omission of the carrier, his agents or employees and the burden of proving absence of negligence shall be on the carrier.

12. Notice of Claim:

- (1) No carrier is liable for loss, damage or delay to any goods carried under the bill of lading unless notice thereof setting out particulars of the origin, destination and date of shipment of the goods and the estimated amount claimed in respect of such loss, damage or delay is given in writing to the originating carrier or the delivering carrier within 60 days after the delivery of the goods, or, in the case of failure to make delivery, within 9 months from the date of shipment.
- (2) The final statement of the claim must be filed within 9 months from the date of shipment together with a copy of the paid freight bill.
- 13. Articles of extraordinary value: No carrier is bound to carry any documents, specie or any articles of

extraordinary value unless by a special agreement to do so. If such goods are carried without a special agreement and the nature of the goods is not disclosed herein, the carrier shall not be liable for any loss or damage in excess of the maximum liability stipulated in section 10 above.

14. Freight charges:

- (1) If required by the carrier, the freight and all other lawful charges accruing on the goods shall be paid before delivery and, if upon inspection, it is ascertained that the goods shipped are not those described in the bill of lading, the freight charges must be paid upon the goods actually shipped with any additional charges lawfully payable thereon.
- (2) Freight charges are payable on delivery, unless otherwise specified by the shipper on the bill of lading.
- 15. Dangerous goods: Every person, whether as principal or agent, shipping explosives or dangerous goods without previous full disclosure to the carrier as required by law, shall indemnify the carrier against all loss, damage or delay caused thereby, and such goods may be warehoused at the shipper's risk and expense.

16. Undelivered goods:

- (1) where, through no fault of the carrier, the goods cannot be delivered, the carrier shall immediately give notice to the shipper and consignee that delivery has not been made, and shall request disposal instructions.
 - (2) pending receipt of such disposal instructions:
- (a) the goods may be stored in the warehouse of the carrier, subject to a reasonable charge for storage; or
- (b) provided that the carrier has notified the shipper of his intention, the goods may be removed to, and stored in public or licensed warehouse at the expense of the shipper without liability on the part of the carrier and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage.
- 17. Return of goods: Where notice has been given by the carrier in accordance with paragraph 1 of section 16, and no disposal instructions have been received within 10 days from the date of such notice, the carrier may return to the shipper, at the shipper's expense all undelivered shipments for which such notice has been given.
- 18. Alterations: Subject to section 19, any limitation on the carrier's liability on the bill of lading, and any alteration, or addition or erasure in the bill of lading

shall be signed or initialled by the shipper or his agent and the originating carrier or his agent and unless so acknowledged shall be without effect.

19. Weights: It shall be the responsibility of the shipper to show correct shipping weights of the shipment on the bill of lading. Where the actual weight of the shipment does not agree with the weight shown on the bill of lading, the weight shown thereon is subject to correction by the carrier.

20. C.O.D. shipments:

A carrier shall not deliver a C.O.D. shipment unless payment is received in full.

The charge for collecting and remitting the amount of C.O.D. bills for C.O.D. shipments must be collected from the consignee unless the shipper has otherwise so indicated and instructed on the bill of lading.

A carrier shall remit all C.O.D. monies to the shipper or his agent within 15 days after collection.

A carrier shall keep all C.O.D. monies separate from the other revenues and funds of his business in a separate trust fund or account.

A carrier shall include as a separate item in his tariff of rates the charges for collecting and remitting money paid by consignees.

II. OTHER SPECIFICATIONS

21. All other specifications agreed to by the parties shall be indicated on the bill of lading.

3170

Notice

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001)

Classification of employers, statement of wages and rates of assessment

— Experience ratios for 2000

Notice is hereby given that the Commission de la santé et de la sécurité du travail adopted, at its session of October 21, 1999, the "Regulation amending the Regulation respecting the classification of employers, the statement of wages and the rates of assessment and the Regulation respecting experience ratios for 2000".

This regulation was adopted by the Commission without having been the subject of the publication stipulated in section 8 of the Regulations Act (R.S.Q., c. R-18.1) as permitted under section 12 of said Act because, in the opinion of the Commission, the urgency due to the following circumstances justifies the absence of such prior publication:

To follow up on the representations of some employers, the Commission had to make additional analyses that could not be completed prior to the adoption, on September 16, 1999, of the "Regulation amending the Regulation respecting the classification of employers, the statement of wages and the rates of assessment and the Regulation respecting experience ratios for 2000". The results of these analyses require that the Commission make changes to the description of two units. The rates and the experience ratios applicable to certain units for 2000 must also be amended. The amendments must be in force as soon as possible in order to be able to officially inform, beginning from the month of November, the employers concerned of the unit in which they will be classified and of the assessment rate that will apply to them for 2000, which would have been impossible had this regulation been the subject of a prior publication.

TREFFLÉ LACOMBE, Chairman of the Board and Chief Executive Officer of the Commission de la santé et de la sécurité du travail

Regulation amending the Regulation respecting the classification of employers, the statement of wages and the rates of assessment* and the Regulation respecting the experience ratios for 2000

An Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001, a. 454, 1st par., subpar. 4.3°, 5°, 5.1°, 6° and 8°; 1996, c. 70)

Regulation respecting the classification of employers, the statement of wages and the rates of assessment

1. The Regulation respecting the classification of employers, the statement of wages and the rates of assessment is amended by replacing, in schedule 1, units 70010 and 71040 and the rates applicable thereto by the following:

The latest amendments to the Regulation respecting the classification of employers, the statement of wages and the rates of assessment adopted by the Commission de la santé et la sécurité du travail by its resolution A-73-97 of October 16, 1997 (1997, G.O. 2, 5330) were made by the Regulation amending the Regulation respecting the classification of employers, the statement of wages and the rates of assessment adopted by the Commission by its resolution A-71-99 of September 16, 1999 (1999, G.O. 2, 3119); for the previous amendments, please refer to the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 1999, up-to-date as at September 1, 1999.

"Unit number	Unit title	General rate	Special rate
70010	Insurance brokerage; operating a collection agency or a credit bureau; currency or securities brokerage, consulting or negotiation services; commodities exchanges or securities exchanges; financial institutions and financial intermediaries not specified in other units	0.58	0.31
71040	Operating a marine agency or a marine piloting firm; International Air Transport Association or Airline Communications and Information Services; operating a news agency or an advertising agency; rental of advertising space on billboards, display boards and commercial signs; drafting or practising architecture; urban planning services or business or management consulting services; law practice (advocate's or notary's office); accounting services (accountant's office); actuarial practice; operating a travel agency or wholesale tour business; wholesaling, renting or repairing computer systems; computer services, excluding the leasing of the services of data processing personnel; trustee in bankruptcy; taxation services or income tax return preparation services; graphic design services".	0.62	0.35

2. This regulation is amended by substituting the following, in Schedule 1, for the general rate and special rate of Units 51020, 51030, 62120, 62130, 62170, 62180, 64070, 71060, 72010, 73010, 73040, 73060, 73070, 73130, 73140, 74040, 74060:

"Unit number	Unit title	General rate	Special rate
51020	Transporting passengers by intercity bus; school bus service or special transportation by bus; transportation by tour bus or chartered bus, not including vehicle repair and maintenance	3.53	3.17
51030	Mass transit in urban areas, with or without vehicle repair; transporting passengers by taxi	1.74	1.43
62120	Operating a convenience store with or without gasoline sales	2.37	2.04
62130	Operating a grocery-butcher shop	3.45	3.09
62170	Alcoholic beverages retail business	1.42	1.12
62180	Operating a drugstore; operating a tobacco store; herbalist's shop; chocolate, delicacies or cookies shop, beauty products or cosmetics shop, or selling lottery tickets; operating a bus terminal or a contract post office	1.24	0.95
64070	Retailing gasoline, with or without service	2.57	2.24
71060	Operating a security or an investigation agency	1.90	1.58
72010	Sûreté du Québec services; detention services	2.05	1.73
73010	Teaching services (except universities or general and vocational colleges, and except all level student trainees); operating a private museum; operating a historic site; library services	0.87	0.58
73040	Operating a psychiatric hospital	1.34	1.04
73060	Operating a drop-in centre; operating a rehabilitation centre for alcoholics or drug addicts; operating a social or community service agency; operating a health or social services promotion body	2.31	1.99
73070	Operating a rehabilitation centre for the physically handicapped or the socially maladjusted	1.70	1.39
73130	Practising medicine and other specialties in the health-care field, not specified in other units; health or social services not specified in other units; hearing aid specialist's services; optometrist's services; prescription optician's services; manufacturing dentures and braces (dental laboratories); retailing orthopedic aids, wigs or hair pieces	1.05	0.76
73140	Ambulance service	7.94	7.45
74040	Operating a brasserie or a restaurant serving meals, with delivery	3.03	2.68
74060	Take-out food services	2.74	2.40".

Regulation respecting the experience ratios for 2000

3. The Regulation respecting the experience ratios for 2000, adopted by the Commission de la santé et de la sécurité du travail by its resolution A-72-99 of September 16, 1999 (1999, *G.O.* 2, 3159), is amended by replacing, in schedule 1, classification units 70010 and 71040 and the experience ratios corresponding thereto by the following:

"Unit	Description	exp 1996	First-leverience r 1997			Second-le perience 1996	
70010	Insurance brokerage; operating a collection agency or a credit bureau; currency or securities brokerage, consulting or negotiation services; commodities exchanges or securities exchanges; financial institutions and financial intermediaries not specified in other units		0.0218	0.0166	0.0533	0.0651	0.0695
71040	Operating a marine agency or a marine piloting firm; International Air Transport Association or Airline Communications and Information Services; operating a news agency or an advertising agency; rental of advertising space on billboards, display boards and commercial signs; drafting or practising architecture; urban planning services or business or management consulting services; law practice (advocate's or notary's office); accounting services (accountant's office); actuarial practice; operating a travel agency or wholesale tour business; wholesaling, renting or repairing computer systems; computer services, excluding the leasing of the services of data processing personnel; trustee in bankruptcy; taxation services or income tax return preparation services; graphic design services".	0.0152	0.0150	0.0107	0.0412	0.0512	0.0552

4. This regulation applies to the 2000 assessment year.

3173

Draft Regulations

Draft regulation

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

Casino games

— 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 By-Law amending the By-Law respecting casino games, adopted by the Société des loteries du Québec, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to make certain amendments to the casino games aimed at better responding to the needs of the casinos' clientele, and at becoming more competitive with casinos in other jurisdictions.

To that end, the draft regulation, introduces two new games: "War" and "3-Cards Poker".

The rules pertaining to "Keno" have also been modified in response to operational requirements. The rules no longer stipulate specific time limits with respect to prize claims, but require that such time limits be indicated on the ticket. Finally, the rules pertaining to "Pai Gow Poker" have been modified to eliminate any ambiguity related to the role of the dealer and the bank.

To date, the study of the matter reveals no impact on businesses.

Further information can be obtained by contacting M^e Marie-Christine Tremblay, Director, Corporate Secretariat, Loto-Québec, at telephone number (514) 499-5191 or at Fax number (514) 873-8999.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to M^o Marie-Christine Tremblay, Director, Corporate Secretariat, Loto-Québec, 500, rue Sherbrooke Ouest, Office 2100, Montréal (Québec) H3A 3G6.

The comments will be forwarded by the company to the Minister of Finance, who is responsible for the application of the Act respecting the Société des loteries du Québec.

MICHEL CRÊTE, President and Managing Director

By-law amending the By-law respecting casino games¹

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

- **1.** Section 1 of the By-law respecting Casino games is amended by inserting, after the words "Carribean Stud Poker", the following: "3-Cards Poker, War".
- **2.** Section 44 of the said By-law is amended by replacing in paragraphs 1 and 2 the words "of the dealer", everywhere they are found, by the words "of the bank".
- **3.** Section 45 of the said By-law is amended by replacing in paragraphs 1 and 2 the words "of the dealer", everywhere they are found, by the words "of the bank".
- **4.** Section 46 of the said By-law is amended by replacing the words "of the dealer" with the words "of the bank".
- **5.** The said By-law is amended by inserting after section 67.21 the following sub-sections:
- "§8. 3-Cards Poker
- **67.22** 3-Cards Poker is played with one or two decks of cards. The ranks of the cards from the highest to the lowest are as follows: ace, king, queen, jack, ten, nine, eight, seven, six, five, four, three and two. An ace may, however, be used to complete a Straight Flush or a Pair formed with cards two and three.
- **67.23** The combinations of 3-Cards Poker from the highest to lowest are as follows:

¹ The last amendment to the By-law Respecting Casino Games, approved by Order in Council number 1253-93 dated September 1, 1993 (1993, *G.O.* 2, 5130), was made by the By-law approved by Order in Council number 745-96 dated June 19, 1996 (1996, *G.O.* 2, 2779). For prior amendments, see the "*Tableau des modifications et Index sommaire*", Éditeur officiel du Québec, 1999, updated March 1, 1999.

- 1° Straight Flush: a hand consisting of three cards of the same suit in consecutive ranking, with ace, king and queen being the highest ranking Straight Flush, and ace, two and three being the lowest ranking Straight Flush;
- 2° Three-of-a-Kind: a hand consisting of three cards of the same rank regardless of suit, with three aces being the highest ranking Three-of-a-Kind, and three twos being the lowest ranking Three-of-a-Kind;
- 3° Straight: a hand consisting of three cards of consecutive rank regardless of suit, with ace, king and queen being the highest ranking Straight, and an ace, two and three being the lowest ranking Straight;
- 4° Flush: a hand consisting of three cards of the same suit;
- 5° Pair: a hand consisting of two cards of the same rank regardless of suit, with two aces being the highest ranking Pair, and two twos being the lowest ranking pair.
- **67.24** When two hands are identical with regards to the combinations described in section 67.23, or if two hands contain none of the combinations authorized herein, the hand which contains the highest ranking card, is considered to be the highest ranking hand. If there is no such hand, the hands shall be considered a push.
- **67.25** The maximum number of players allowed at a 3-Cards Poker table corresponds to the number of places for wagers designated on the table layout.
- **67.26** The player must place his initial wager or his "pair or plus" wager or both, at the betting positions indicated for each one of these wagers before the dealer announces "No more bets". Afterwards, other than as permitted by Section 67.28, no wager may be placed, amended or withdrawn.
- **67.27** The dealer deals three cards face down in turn to each player and to himself.
- **67.28** After having examined their three cards, each player has the choice of placing an additional wager, which must be identical to the initial wager. If the player decides not to place an additional wager, he loses his initial wager.
- 67.29 The dealer exposes his three cards and sets the highest ranking poker hand possible. To open, the dealer must have a queen, or a king, or an ace or a combination described in article 67.23. If the dealer cannot open, the initial wagers are paid at even money and the additional wagers are a push.

- **67.30** The dealer exposes each player's three cards, one player at a time. The wagers are winning if the player's hand has a higher rank than that of the dealer. The initial and additional wagers are then paid 1 to 1.
- **67.31** If the player, who placed an additional wager has a hand composed of a Straight Flush, a Three-of-a-Kind or a Straight, the initial wager is also paid as follows, regardless of the dealer's hand ranking:

Wager	Payout
Straight Flush Three-of-a-Kind	5 to 1 4 to 1
Straight	1 to 1

67.32 In addition to, or instead of his initial wager, the player may place a "pair or plus" wager. It is a winning wager, if the player's hand is a Straight Flush, Three-of-a-Kind, Straight, Flush or a Pair, regardless of the dealer's hand ranking. The "pair or plus" wager is paid as follows:

Wager	Payout
Straight Flush	40 to 1
Three-of-a-Kind	30 to 1
Straight	6 to 1
Flush	4 to 1
Pair	1 to 1

- **§9.** War
 - **67.33** War is played with six or eight decks of cards.
- **67.34** The rank of the cards from the highest to the lowest is: ace, king, queen, jack, ten, nine, eight, seven, six, five, four, three and two.
- **67.35** The maximum number of players allowed at a War table corresponds to the number of places for wagers designated on the table layout.
- **67.36** The player must place his initial wager on the designated area for that wager on the table layout as well as his supplemental wager, if such is the case, to the right of the initial wager before the first card of the game is distributed.
- **67.37** Starting with the player to his left, the dealer deals a card to each player, as well as to himself. The cards are distributed face up.
- **67.38** Once the cards have been distributed, the dealer compares each player's card with his:

- 1° if the player's card is of higher rank than that of the dealer, the initial wager is a winning wager and is paid 1 to 1;
- 2° if the player's card is of lower rank than that of the dealer, he loses his initial wager;
- 3° if the player's card is of equal rank to that of the dealer, the player may either withdraw from the game, losing half of his initial wager, or he may opt for War.
- 67.39 If the player opts for War, he must place an additional wager equal to his initial wager. The dealer draws three cards from the deck and deals the next card to the player face up. The dealer then draws three more cards from the deck and deals himself the next card face up. The dealer then compares his card to that of the player:
- 1° if the player's card is of higher rank than that of the dealer, the initial wager is a winning wager and is paid 1 to 1;
- 2° if the player's card is of lower rank than that of the dealer, he loses his wagers;
- 3° if the player's card is of equal rank to that of the dealer, the wagers are winning and the initial and additional wagers are paid out at 1 to 1.
- **67.40** In addition to the initial wager, the player can place a supplemental wager. The supplemental wager must be placed on the designated area of the table layout before the dealer announces "No more bets". It is a winning wager if the first card dealt to the player is of equal rank to that of the dealer. The winning supplemental wager pays 10 to 1.".
- **6.** Section 86 of the said By-law is replaced by the following section:
- **"86.** The holder of a valid ticket must, if it is a winning ticket, present it for payment at the location and within the time limit stipulated on the ticket. The payment is made to the holder of the valid winning ticket".
- **7.** This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

NOTICE OF THE RÉGIE DES ALCOOLS, DES COURSES ET DES JEUX REGARDING THE BY-LAW AMENDING THE BY-LAW RESPECTING CASINO GAMES

In accordance with the second paragraph of section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1), the Régie des alcools, des courses et des jeux is publishing its notice relating to the By-law amending the By-law respecting casino games.

M^E SERGE LAFONTAINE, President of the Régie des alcools, des courses et des jeux

Notice of the Régie des alcools, des courses et des jeux regarding the By-law amending the By-law respecting casino games

The Régie des alcools, des courses et des jeux, in plenary meeting on Friday, September 17th, 1999, expresses a favorable opinion regarding the By-law amending the By-law respecting casino games which was transmitted to it by the Société des loteries du Québec on September 9th 1999, in conformity with the second paragraph of Section 13 of the Act respecting the Société des loteries du Québec (R.S.Q., c. S-13.1).

3171

Draft Regulation

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

Social workers — Code of ethics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre des travailleurs sociaux du Québec, at its meeting of 3 June 1999, adopted the Regulation to amend the Code of ethics of the Ordre des travailleurs sociaux du Québec.

That Regulation, the text of which appears below, will be examined by the Office des professions du Québec pursuant to section 95 of the Professional Code. It will then be submitted with the recommendation of the Office to the Government, which may approve it with or without amendments, pursuant to the same section, upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to update the Code of ethics of the Ordre professionnel des travailleurs sociaux du Québec with respect to the duties and obligations of social workers towards the public, colleagues, the profession and the Order.

The Regulation specifies the rules applicable to social workers, particularly by prescribing the terms and conditions governing the exercice of the right of access to and correction of the information contained in their records, as well as their obligation to disclose documents to their clients.

According to the Ordre des travailleurs sociaux du Québec,

- (1) with respect to the protection of the public, the Regulation defines the rights of the clients to be allowed access to the records, to make corrections in a record established in their respect and to obtain documents, in compliance with sections 60.5 and 60.6 of the Professional Code;
- (2) as for the impact of the Regulation on businesses in general, there is none.

Further information on the proposed Regulation may be obtained by contacting Mr. René Pagé, Director General and Secretary, Ordre des travailleurs sociaux du Québec, 5757, avenue Decelles, bureau 335, Montréal (Québec), H3S 2C3; telephone: (514) 731-3925, toll-free number: (888) 731-9420, fax: (514) 731-6785.

Any person having comments to make is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10° étage, Québec (Québec) G1R 5Z3. The Office will forward the comments to the Minister responsible for the administration of legislation respecting the professions; they may also be sent to the professional order that adopted the Regulation, as well as to interested persons, departments or bodies.

JEAN-K. SAMSON, Chairman of the Office des professions du Québec

Regulation to amend the Code of ethics of social workers*

Professional Code (R.S.Q., c. C-26, s. 87)

- **1.** The Code of ethics of social workers is amended by inserting the following after section 3.06.13:
- **"3.06.14.** Where a client authorizes another professional to file a document in a record made in his regard by a social worker, the latter may not allow the client to consult that document without authorization from that other professional.".
- **2.** The following is substituted for subdivision 7 of Division III:
- "\$7. Accessibility and corrections to records and release of documents
- **3.07.01.** In addition to the particular rules prescribed by law, a social worker shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:
- (1) to consult documents that concern him in any record made in his regard;
- (2) to obtain a copy of the documents that concern him in any record made in his regard.
- **3.07.02.** A social worker who grants a request referred to in section 3.07.01 shall give his client access to documents, free of charge, in his presence or in the presence of a person he has authorized. However, a social worker may charge reasonable fees not exceeding the cost for reproducing or transcribing documents or the cost for forwarding a copy, in respect of a request referred to in paragraph 2 of section 3.07.01.

A social worker charging such fees shall, before proceeding with the copying, transcribing or sending of the documents, inform his client of the approximate amount he will have to pay. The social worker has a right to withhold documents until the fees are paid.

3.07.03. A social worker who, pursuant to the second paragraph of section 60.5 of the Professional Code, denies his client access to the information contained in a record made in his regard shall specify to the client, in writing, the reasons for his refusal.

^{*} The Code of ethies of social workers (R.R.Q., 1981, c. C-26, r. 180) was only amended once by the Regulation approved by Order in Council 1367-94 dated 7 September 1994 (1994, *G.O.* 2, 4155).

- **3.07.04.** In addition to the particular rules prescribed by law, a social worker shall promptly follow up, at the latest within 30 days of its receipt, on any request made by his client whose purpose is:
- (1) to cause to be corrected any information that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected, contained in a document concerning him in any record made in his regard;
- (2) to cause to be deleted any information that is outdated or not justified by the object of the record made in his regard;
- (3) to file in the record made in his regard the written comments that he prepared.
- **3.07.05.** A social worker who grants a request referred to in section 3.07.04 shall issue to his client, free of charge, a copy of the document or part of the document that allows his client to see for himself that the information was corrected or deleted or, as the case may be, an attestation that the written comments prepared by his client were filed in the record.

Upon written request from his client, a social worker shall forward a copy of that information, free of charge for his client or, as the case may be, of that attestation to any person from whom the social worker received the information and to any person to whom the information was provided.

3.07.06. A social worker shall promptly follow up on any written request made by his client, whose purpose is to take back a document or paper entrusted to him by his client.

A social worker shall indicate in his client's record, where applicable, the reasons that support his client's application.

- **3.07.07.** A social worker may require that a request referred to in sections 3.07.01, 3.07.04 or 3.07.06 be made at his place of business during his regular working hours.".
- **3.** Section 4.01.01 is amended by substituting the following for that part preceding paragraph *a*:

"In addition to those referred to in sections 59 and 59.1 of the Professional Code and what may be determined pursuant to subparagraph 1 of the second para-

graph of section 152 of the Code, the following acts are derogatory to the dignity of the profession.".

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

3167

Draft Regulation

Transport Act (R.S.Q., c. T-12; 1998, c. 40)

Requirements applicable — Shipping documents, leasing contracts and contracts for services

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 requirements applicable to shipping documents, leasing contracts and contracts for services, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation prescribes that shipping documents must be kept in a heavy vehicle used for the transportation of goods for remuneration. It also prescribes the minimum information that must be contained in the documents concerning the shipping of goods via heavy vehicles, contracts for the leasing of heavy vehicles and contracts for services between operators of heavy vehicles.

Further information may be obtained by contacting Mr. Pierre Mercier, Direction de la sécurité en transport, ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 22° étage, Québec (Québec) G1R 5H1; tel. (418) 644-4719; fax: (418) 644-9072.

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 Transport, 700, boulevard René-Lévesque Est, 29° étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE, Minister of Transport

Regulation respecting the requirements applicable to shipping documents, leasing contracts and contracts for services

Transport Act (R.S.Q., c. T-12, s. 5, pars. *n* and *r*; 1998, c. 40, s. 156)

DIVISION I

INTERPRETATION AND GENERAL

- **1.** For the purpose of this Regulation, the expressions "owners of heavy vehicles", "operators of heavy vehicles", "heavy vehicles" and "transport service intermediary" have the meaning given to them in the Act respecting owners and operators of heavy vehicles (1998, c. 40), the terms "receiver", "shipper" and "carrier" have the meaning given to them in the Civil Code of Québec and the term "consignor" means the person who receives the goods on deposit.
- **2.** An operator of heavy vehicles must keep for not less than two years a copy of each contract and copies of the shipping documents referred to in this Regulation.

Where the operator keeps the contracts and documents in electronic form, he shall make sure that the information contained in those contracts and documents may not be modified.

DIVISION II SHIPPING DOCUMENTS

3. Except for the transportation in bulk of sand, earth, gravel, stone, snow or ice and except for the transportation of goods by bus, documents concerning the shipping of goods shall be kept in the heavy vehicle used for the transportation of those goods, for remuneration, from their loading to their delivery.

Shipping documents may consist of several pieces containing the information required under section 4 or may be in the form of a slip intended to gather such information.

Such information may be kept in electronic form insofar as they may be produced in paper form, without delay, during a road check operation.

- **4.** Shipping documents must contain the following minimum provisions:
- (1) the description of the goods and their quantity in weight, volume, number of identifiable elements or number of containers;
- (2) the reference number, if any, which must be on every document constituting the shipping documents;

- (3) the shipper's name, the name of any other person who, where applicable, entrusted the goods to the operator of the heavy vehicle responsible for their transportation and the name of the receiver or consignor;
- (4) the name of the operator who provides the transportation and his identification number in the Registre des propriétaires et des exploitants de véhicules lourds referred to in section 4 of the Act respecting owners and operators of heavy vehicles, the date on which the goods were entrusted to him, as well as the points of origin and destination of his trip;
- (5) the name and capacity of each person who enters information in the shipping documents;
- (6) the name of the transport service intermediary involved in the organization of the transportation provided by the operator and his identification number, in the list referred to in section 15 of that Act;
- (7) the mention, where applicable, that transportation is successive and provided by several operators.

DIVISION III

CONTRACTS FOR THE LEASING OF HEAVY VEHICLES

- §1. Trucks, trailers and semi-trailers
- **5.** A leasing contract referred to in section 19 of the Act must contain the following minimum provisions:
- (1) the name of the lessee of the heavy vehicle, who must be designated as the operator of the vehicle, his identification number in the register and his address;
- (2) the name of the lessor of the heavy vehicle, who must be designated as the owner of the vehicle, his identification number in the register and his address;
- (3) the make, model, year of manufacture and licence plate number of the leased vehicle;
- (4) the mention, where applicable, that the services of the driver are provided by the lessor and that the lessee accepts the responsibility to control the driver of the leased vehicle;
- (5) the lessee's consent to the possession, control and exclusive use of the leased vehicle for the whole duration of the contract and its commitment to be liable for the operation of the vehicle with respect to the provisions of the Act respecting owners and operators of heavy vehicles and the Highway Safety Code (R.S.Q., c. C-24.2);

- (6) the leasing period during which the lessee acts as the operator of the leased vehicle, which may be designated by the dates of the beginning and end of the contract or, failing that, by the conditions of termination of the leasing contract;
- (7) the date on which the contract is entered into if different from the date of the signing.

The contract must be signed by the lessor and the lessee or their mandataries.

- **6.** The minimum provisions referred to in section 5 also apply, *mutatis mutandis*, to any other contract whose effect is to transfer to the other party the possession, use and control of a heavy vehicle, or to any contract containing any of the following mentions respecting:
- (1) the identification of the vehicle as being operated by the other party;
- (2) the control by the other party of the organization and carrying out of the transportation to be provided by means of the vehicle;
- (3) the integration of the heavy vehicle into the fleet of vehicles of the other party for the purposes of liability insurance coverage;
- (4) the obligation imposed on the owner of the heavy vehicle, or his employees, to comply with all the directions of the other party which prevent him from controlling his vehicle for the duration of the contract;
- (5) the dispossession of the heavy vehicle and of its driver for the benefit of the other party with a view to using the vehicle for transportation not expected at the time the contract was concluded;
- (6) the management of the driver's conditions of employment, including the payment of his remuneration, by the other party.

§2. Buses

- **7.** A contract for the leasing of a bus referred to in section 19 of the Act respecting owners and operators of heavy vehicles must contain the following minimum provisions:
- (1) the name of the lessee of the heavy vehicle, his identification number in the register and his address;
- (2) the name of the lessor of the heavy vehicle, who must be designated as the owner of the vehicle, his identification number in the register and his address;

- (3) the category of bus referred to in section 2 of the Bus Transport Regulation made by Order in Council 1991-86 dated 19 December 1986 as it reads when applied and the licence plate number of the leased vehicle;
- (4) in the case of the leasing contract referred to in section 8.1 of that Regulation, the mention that the lessor remains responsible for the control of the driving of the leased vehicle and commits to be liable for the operation of the vehicle with respect to the provisions of the Act respecting owners and operators of heavy vehicles and the Highway Safety Code;
- (5) in the case of the leasing contract referred to in section 5 of the Bus Leasing Regulation made by Order in Council 159-86 dated 19 February 1986 as it reads when applied, the mention that the lessor is responsible for the control of the driving of the leased vehicle and he commits to be liable for the operation of the vehicle with respect to the provisions of the Act respecting owners and operators of heavy vehicles and the Highway Safety Code;
- (6) the leasing period, which may be designated by the dates of the beginning and end of the contract, by the conditions of termination of the contract or by a reference to the transportation contract;
- (7) the date on which the contract is entered into if different from the date of the signing.

The contract must be signed by the lessor and the lessee or their mandataries.

DIVISION IVCONTRACTS FOR SERVICES

§1. Hauling of trailers

- **8.** A contract for the hauling of a trailer between two operators of heavy vehicles must contain the following minimum provisions:
- (1) the name of the operator of the trailer or semitrailer, his address and identification number in the register;
- (2) the name of the operator of the hauling vehicle, his address and identification number in the register;
- (3) the designation of the person who acts as the operator of the combination of vehicles, his acceptance to be responsible for the control thereof during the carrying out of the contract and his commitment to be liable for the operation of the vehicle with respect to the provisions of the Act respecting owners and operators of heavy vehicles and the Highway Safety Code;

- (4) the period of validity of the contract, which may be designated by the description of the trips, by a reference to the bill of lading, shipping documents or by the dates of the beginning and end of the contract or, failing that, by the conditions of termination of the contract for the hauling of a trailer;
- (5) the date on which the contract is entered into if different from the date of the signing.

The contract must be signed by both operators or their mandataries.

- §2. Contracts for services between two operators
- **9.** A contract for services whereby an operator is substituted for another operator to provide transportation of goods that the latter concluded with a shipper or a receiver must contain the following minimum provisions:
- (1) the name of the party that acted as the carrier with the shipper or receiver, its address and identification number in the register;
- (2) the name of the operator who is substituted for the other operator, his address and identification number in the register;
- (3) the reference number on the bills of lading or shipping documents referring to the trips that are the subject of the contract;
- (4) the mention that the operator who is substituted for the operator who acted as the carrier retains the possession, control and exclusive use of the vehicle used and he is liable for the operation of the vehicle with respect to the provisions of the Act respecting owners and operators of heavy vehicles and the Highway Safety Code:
- (5) the date on which the contract is entered into if different from the date of the signing.

The contract must be signed by both operators or their mandataries.

DIVISION VPENAL PROVISIONS

- **10.** Violation of the provisions of section 2 by an operator of heavy vehicles constitutes an offence punishable by a fine of \$125 to \$375.
- **11.** Violation of the provisions of the first paragraph of section 3 constitutes an offence punishable by a fine of \$125 to \$375 on the driver of the heavy vehicle and

by a fine of \$250 to \$750 on the carrier who acts as the operator and, where applicable, on the operator of the heavy vehicle who was substituted for the operator who concluded the transportation contract.

- **12.** Violation of the provisions of section 4 constitutes an offence punishable by a fine of \$250 to \$750 on the operator of the heavy vehicle and by a fine of \$500 to \$1 500 on the person who gave inaccurate information.
- **13.** Violation of the provisions of any of sections 5 to 9 constitutes an offence punishable by a fine of \$250 to \$750 on the operator of the heavy vehicle.
- **14.** This Regulation replaces sections 28 and 28.1 of the Trucking Regulation made by Order in Council 47-88 dated 13 January 1988.
- **15.** 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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