

1998 so that the regulatory provision continue to have effect, and the Government cannot do so without departing from the prior publication requirement;

WHEREAS the Government made the Regulation respecting the basic prescription drug insurance plan by Order in Council 582-97 dated 30 April 1997;

WHEREAS it is expedient to amend the Regulation;

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

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

THAT the Regulation to amend the Regulation to amend the Regulation respecting the basic prescription drug insurance plan, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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

An Act respecting prescription drug insurance (R.S.Q., c. A-29.01, s. 78)

1. The second paragraph of section 4 of the Regulation to amend the Regulation respecting the basic prescription drug insurance plan is amended by substituting the year "2000" for the year "1998".

2. This Regulation comes into force on 31 December 1998.

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* The Regulation to amend the Regulation respecting the basic prescription drug insurance plan was made by Order in Council 582-97 dated 30 April 1997 (1997, *G.O.* 2, 1949) and has not been amended since.

Gouvernement du Québec

O.C. 1486-98, 27 November 1998

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

Re-determination of employer classifications, of employer assessments and of imputations of the cost of benefits

Regulation respecting the re-determination of employer classifications, of employer assessments and of imputations of the cost of benefits

WHEREAS under subparagraph 12.3 of the first paragraph of section 454 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), as amended by the Act to amend the Act respecting industrial accidents and occupational diseases and the Act respecting occupational health and safety (1996, c. 70), the Commission de la santé et de la sécurité du travail may make regulations determining the circumstances in which, time within which and conditions subject to which the Commission may re-determine the classification, the imputation of the cost of benefits and the assessment, penalty and interest payable by an employer, at a higher or lower level;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft Regulation entitled "Regulation respecting the re-determination of employer classifications and assessments and of the imputation of the cost of benefits was published in Part 2 of the *Gazette officielle du Québec* of 15 July 1998 with a notice that, upon the expiry of 45 days following that publication, it would be adopted by the Commission with or without amendment and submitted to the Government for approval;

WHEREAS the Commission adopted the Regulation at the meeting of its board of directors held on 17 September 1998;

WHEREAS it is expedient to approve the Regulation attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour and Minister responsible for the administration of the Act respecting industrial accidents and occupational diseases:

THAT the Regulation respecting the re-determination of employer classifications, of employer assessments and of imputations of the cost of benefits, attached hereto, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation respecting the re-determination of employer classifications, of employer assessments and of imputations of the cost of benefits

An Act respecting industrial accidents and occupational diseases
(R.S.Q., c. A-3.001, s. 454, par. 1, subpar. 12.3)

DIVISION I

STATEMENT OF PURPOSE

1. The purpose of this Regulation is to provide for the circumstances in which, time within which and conditions subject to which the Commission de la santé et de la sécurité du travail may re-determine the classification, the imputation of the cost of benefits, and the assessment, penalty and interest payable by an employer, at a higher or lower level, as well as the standards applicable to the re-determination.

DIVISION II

RE-DETERMINATION OF THE CLASSIFICATION AND OF THE IMPUTATION OF THE COST OF BENEFITS

2. The Commission may, on its own initiative and in order to rectify an error, re-determine the classification of an employer assigned pursuant to Division III of Chapter IX of the Act, or the imputation of the cost of benefits effected pursuant to Division VI of said Chapter, within six months of its decision, if such decision was not the subject of a decision rendered pursuant to section 358.3 of the Act. However, any such re-determination must be made:

1) in respect of an employer classification, no later than December 31 of the fifth year following the assessment year to which it relates;

2) in respect of the imputation of the cost of benefits, no later than December 31 of the fifth year following the year during which the accident occurred or the disease was reported.

3. The Commission may also, on its own initiative or upon application by the employer, re-determine the classification of an employer or the imputation of the cost of benefits if the Commission's decision was rendered before an essential fact became known.

An application submitted by an employer under the first paragraph must reach the Commission within six months of the employer becoming aware of the essential fact, but before the expiry of the time limits prescribed in subparagraphs 1 and 2 of section 2.

4. A re-determination of the classification or imputation of the cost of benefits carried out on the initiative of the Commission pursuant to the first paragraph of section 3 must be made within six months of the Commission becoming aware of the essential fact but before the expiry of the time limits prescribed in subparagraphs 1 and 2 of section 2.

5. The Commission shall re-determine the classification of an employer initially made in accordance with section 6 of the Regulation respecting the classification of employers, the statement of wages and the rates of assessment, which Regulation was adopted by the Commission pursuant to resolution A-73-97 of October 16, 1997 (1997, G.O. 2, 5330)*, if, within six months of the classification, the employer forwards to the Commission information allowing the Commission to reclassify the employer if the decision was not the subject of a decision rendered pursuant to section 358.3 of the Act.

Where the Commission reclassifies an employer pursuant to the first paragraph, the employer remains liable for payment of the penalty and applicable interest resulting from its delay.

DIVISION III

RE-DETERMINATION OF AN EMPLOYER'S ASSESSMENT

§1. Re-determination of the assessment in the event of the reclassification of an employer

6. The Commission shall re-determine an employer's assessment where it has been reclassified for an assessment year pursuant to Division II.

The Commission shall also re-determine an employer's assessment where the employer's classification for an assessment year was modified by a final decision rendered pursuant to section 358.3 of the Act or by the Commission des lésions professionnelles.

§2. Re-determination of the assessment in the event of a modification to the imputation of the cost of benefits payable as the result of an industrial accident or an occupational disease

7. The Commission shall re-determine an employer's assessment where the imputation of the cost of benefits payable as the result of an industrial accident or an occupational disease taken into account for the purpose

* The text of this Regulation was the subject of an *errata* published in the *Gazette officielle du Québec*, Part 2, of December 3, 1997, No. 50, at pages 5743 to 5781 and in the *Gazette officielle du Québec*, Part 2, of February 25, 1998, No. 9, at pages 1193 to 1197.

of fixing its assessment in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act in respect of an assessment year, is re-determined in accordance with Division II.

The Commission shall also re-determine an employer's assessment where said imputation is modified by a decision rendered pursuant to sections 326, 329 or by a final decision rendered pursuant to section 358.3 of the Act or by the Commission des lésions professionnelles.

§3. Re-determination of the assessment pursuant to a further decision regarding the cost of benefits payable as the result of an industrial accident or occupational disease

8. The Commission may re-determine an employer's assessment pursuant to a decision of the Commission or of the Commission des lésions professionnelles, which decision recognizes the existence of an industrial accident or occupational disease, the cost of the benefits of which would have been used to fix the assessment in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, if that decision is rendered no later than December 31 of the fifth year following the year during which the accident occurred or the occupational disease was reported.

The Commission may also re-determine an employer's assessment pursuant to a decision of the Commission or of the Commission des lésions professionnelles, which decision modifies the cost of benefits payable as the result of an industrial accident or occupational disease which, in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, is used to fix its assessment if the decision is rendered no later than December 31 of the fifth year following the year during which the accident occurred or the occupational disease was reported.

9. The Commission may, upon application of the employer and notwithstanding section 8, re-determine its assessment after the expiry of the time limit prescribed in that section where a decision of the Commission or of the Commission des lésions professionnelles that modifies the cost of benefits payable as the result of an industrial accident or occupational disease, which cost, in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, is used to fix its assessment, is rendered after the expiry of said time limit and pursuant to an application for review submitted under section 358 of the Act or an application for reconsideration of a decision submitted under the second paragraph of section 365 before the expiry of said time limit.

Where the Commission receives an application submitted under the first paragraph, it shall re-determine each assessment of the employer that is affected by the decision. The Commission shall also take into account any modification to the cost of benefits payable as the result of an industrial accident or occupational disease covered by the decision and used to determine its assessment, which modification occurred before the date of the decision.

The application referred to in the first paragraph must reach the Commission within six months of the decision.

§4. Other instances of re-determination of the assessment

10. The Commission may, on its own initiative and in order to rectify an error related to the elements used to fix the assessment of an employer other than those elements referred to in Subdivisions 1 to 3, re-determine the assessment within six months of the notice of assessment, but no later than December 31 of the fifth year following the assessment year, if said notice was not the subject of a decision rendered pursuant to section 358.3 of the Act.

11. The Commission may, on its own initiative, re-determine the assessment of an employer if its decision was rendered before an essential fact related to the elements used to determine the assessment became known, other than those elements referred to in Subdivisions 1 to 3, within six months of the Commission becoming aware of the essential fact, but no later than December 31 of the fifth year following the assessment year.

The Commission may also, upon application of an employer, re-determine its assessment if its decision was rendered before an essential fact related to the elements used to determine the assessment became known and if the application reaches the Commission within six months of the employer becoming aware of the essential fact, but no later than December 31 of the fifth year following the assessment year.

12. Notwithstanding section 11, the Commission may not re-determine an employer's assessment in order to take into account a modification to the gross wages earned by the employer's workers, which wages are used to determine the assessment, in accordance with the regulations enacted under subparagraphs 7, 9 or 12.1 of the first paragraph of section 454 of the Act, where said modification occurred after December 31 of the fifth year following the assessment year during which the wages were earned.

For the purposes of the first paragraph, “insurable wages” means the gross wages taken into consideration, in accordance with sections 289 or 289.1 of the Act, up to the maximum yearly insurable earnings established under section 66 of the Act.

§5. Bankruptcy, winding-up or discontinuance of employer's operations

13. Notwithstanding the provisions of Subdivisions 1 to 4 and except where an employer has, in submitting a statement or providing information required under the Act, negligently misrepresented the facts, made a deliberate omission or committed fraud, the Commission may not re-determine an employer's assessment in the following circumstances:

- 1) where the employer has discontinued its operations, where it is subject to retrospective adjustment of its assessment and where the adjustment was calculated in accordance with Division II of Chapter V of the Regulation respecting retrospective adjustment of the assessment, adopted by the Commission de la santé et de la sécurité du travail by resolution A-85-98 (1998, *G.O.* 2, 4156);
- 2) after the dissolution or voluntary or forced winding up of the employer;
- 3) after discharge by the trustee in bankruptcy, in the event of the bankruptcy of the employer.

DIVISION IV
RE-DETERMINATION OF PENALTIES
AND INTEREST

14. The Commission shall re-determine the applicable interest and penalty where it re-determines an employer's assessment pursuant to this Regulation.

DIVISION V
FRAUD

15. The time limits prescribed in sections 2, 3, 4, 8 and 10, in the first paragraph of section 11 and in section 12 do not apply where an employer, in submitting a statement or providing information required under the Act, has negligently misrepresented the facts or committed a deliberate omission or fraud.

16. This Regulation comes into force on January 1, 1999.

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M.O., 1998

**Order of the Minister of Public Security
dated 3 December 1998**

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

Rules to amend the Bingo Rules

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING that under subparagraph *i* of the first paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines (R.S.Q., c. L-6) and paragraph 3 of section 2 of Chapter 54 of the Statutes of 1997, the Régie des alcools, des courses et des jeux may make rules in the matters mentioned therein concerning lottery schemes;

CONSIDERING that under the third paragraph of section 20 of the Act respecting lotteries, publicity contests and amusement machines, the Minister of Public Security shall approve the rules made by the Régie des alcools, des courses et des jeux under that statutory provision;

CONSIDERING that a draft of the Rules was published in French in the *Gazette officielle du Québec* of 19 August 1998 and in English on 30 September 1998;

CONSIDERING that at its sitting of 27 November 1998, the Board made the Rules to amend the Bingo Rules, attached hereto;

ORDERS:

THAT the Rules to amend the Bingo Rules, attached hereto, be approved.

Sainte-Foy, 3 December 1998

PIERRE BÉLANGER,
Minister of Public Security

Rules to amend the Bingo Rules(*)

An Act respecting lotteries, publicity contests and amusement machines
(R.S.Q., c. L-6, s. 20, 1st par., subpar *i*; 1997, c. 54, s. 2, par. 3)

1. The Bingo Rules are amended by adding the following at the end of the second paragraph of section 7:

* The Bingo Rules, approved by the Order of the Minister of Public Security dated 29 September 1997 (1997, *G.O.* 2, 5116), were last amended by the Rules to amend the Bingo Rules, approved by the Order of the Minister of Public Security dated 14 January 1998 (1998, *G.O.* 2, 347).