

Draft Regulations

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Fonds forestier — Contribution of holders of timber supply and forest management agreements — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

This draft Regulation proposes to establish, for the 1999-2000 fiscal year, the rate per cubic metre of timber on the basis of which the contribution of holders of timber supply and forest management agreements to the Fonds forestier will be determined.

Under section 12 of the Act, the draft Regulation may be made at the expiry of a shorter period than the period provided for in section 11 of the Act, because the urgency due to the following circumstances warrants it:

— the rate per cubic metre is established on the basis of the total volume of timber allotted to the holders of timber supply and forest management agreements and that data is now available for the 1999-2000 fiscal year;

— the rate per cubic metre must be in effect on 1 April 1999 in order to allow the collection of the contributions of holders of timber supply and forest management agreements to the Fonds forestier, which would not be the case if the 45-day period of consultation provided for in section 11 of the Regulations Act were fully complied with.

Further information concerning the draft Regulation may be obtained by contacting Ms. Francine Beaulieu, Director, Coordination sectorielle, Ministère des Ressources naturelles, Forêt Québec, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4; tel.: (418) 627-8652; fax: (418) 528-1278.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 15-day period, to the Minister of

Natural Resources, 5700, 4^e Avenue Ouest, local A-308, Charlesbourg (Québec) G1H 6R1.

JACQUES BRASSARD,
Minister of Natural Resources

Regulation to amend the Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier*

Forest Act
(R.S.Q., c. F-4.1, ss. 73.4 and 172, par. 18.2)

1. Section 2 of the Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier is amended by adding the following paragraph after paragraph 3:

“(4) \$0.245 for the 1999-2000 fiscal year.”.

2. Section 5 is deleted.

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

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Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Forests in the public domain — Scaling of timber harvested

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 scaling of timber harvested in forests in the public domain, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

* The Regulation respecting the contribution of holders of timber supply and forest management agreements to the Fonds forestier was made by Order in Council 1115-96 dated 4 September 1996 (1996, *G.O.* 2, 3980) and has not been amended since then.

The purpose of the draft Regulation is to establish the scaling methods and the procedure for the approval of the scaling method applicable to any person harvesting timber in a forest in the public domain, as well as to the holder of a forest management permit issued for the supply of a wood processing plant supplying itself with timber harvested in forests in the public domain. Its purpose is also to define, for any holder of a forest management permit issued for the supply of a wood processing plant, the rules relating to the process applicable to scaling carried out in the cutting area before the timber is transported and those relating to the process applicable to scaling carried out outside the cutting area after the timber is transported. In addition, the draft Regulation determines, for the holder of such a permit, the rules relating to the transmission of scaling or inventory data, as well as obligations that must be met on the site in order to allow for the verification of the data.

The draft Regulation would replace the Regulation respecting the scaling standards for timber harvested in forests in the public domain, made by Order in Council 654-94 dated 4 May 1994. Its purpose is essentially to update the Regulation in order to harmonize the new standards with the instructions relating to the timber scaling methods established by the Ministère des Ressources naturelles and which are, for the most part, currently applied by the holders of forest management permits for the supply of a wood processing plant.

The three main changes made to the current Regulation by the draft Regulation concern:

- the measures to control the scaling data, as well as the measures to control the transportation of timber, in particular where the transportation is carried out after timber scaling;

- the time limits for scaling timber after it is transported;

- the period for transmitting to the Minister of Natural Resources the scaling and inventory data estimating felled timber not yet scaled or declared.

Thus, the draft Regulation should have little impact on the way forestry undertakings covered by the draft Regulation conduct their operations and, consequently, should have no significant financial impact on them.

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Mr. Rémy Girard, Associate Deputy Minister, Forêt Québec, Ministère des

Ressources naturelles, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

JACQUES BRASSARD,
Minister of Natural Resources

Regulation respecting scaling of timber harvested in forests in the public domain

Forest Act
(R.S.Q., c. F-4.1, ss. 26 and 172, pars. 4 and 19)

DIVISION I GENERAL

1. In this Regulation, unless the context indicates otherwise,

“apparent volume” means the volume of the space occupied by a pile of timber; (*volume apparent*)

“cutting area” means the territory within the limits of which timber is harvested or the territory within the limits of which the holder of a forest management permit issued for the supply of a wood processing plant supplying itself with timber harvested in forests in the public domain; (*parterre de coupe*)

“solid volume” means the actual volume of a piece of timber; (*volume solide*)

“volume table” means a table that makes it possible to determine the volume of a piece of timber, using one or more of its other known dimensions; (*tarif de cubage*)

“working day” means a day other than those enumerated in article 6 of the Code of Civil Procedure (R.S.Q., c. C-25), Saturdays and 24 and 31 December. (*jour ouvrable*)

2. Division II applies to any person harvesting timber in a forest in the public domain, as well as to any holder of a forest management permit issued for the supply of a wood processing plant supplying itself with timber harvested in forests in the public domain.

Divisions III to VI apply to any holder of a forest management permit issued for the supply of a wood processing plant which harvests timber or supplies itself with timber harvested in forests in the public domain.

DIVISION II

SCALING METHODS AND APPROVAL OF THE SCALING METHOD

3. A culler who holds a permit issued under the Cullers Act (R.S.Q., c. M-12.1) shall scale timber according to species or group of species and quality, according to one of the following methods or a combination of them:

(1) scaling by the piece, which consists in calculating the solid volume of each piece of sawn timber from its length and diameter;

(2) scaling by apparent volume, which consists in calculating the apparent volume of pieces of sawn and piled timber from the height, width and length of each pile;

(3) scaling of unsawn timber, which consists in calculating the solid volume of unsawn and piled trunks from the measurement of the diameter of the widest cut on the trunks and in establishing, by sampling, a stump volume table that makes it possible to calculate the average volume of the trunks based on their diameter;

(4) mass/volume scaling, which consists in calculating the volume of a quantity of timber from its total mass converted into a solid volume using the mass/volume conversion factor; that factor is the ratio between the total mass of the samples taken at random from the aggregate of the mass and the solid volume of those same samples.

4. No harvesting of or supplying with timber harvested in forests in the public domain may be carried out before the Minister has approved the chosen scaling method.

The application for approval of the scaling method shall be made on the form provided therefor by the Minister.

5. Timber harvested in a forest in the public domain shall be scaled in the cutting area before it is transported, or outside the cutting area after it is transported according to what is provided for in the approval of the scaling method and in accordance with the method.

The timber scaling data shall appear on the appropriate scaling form complying with the model drawn up for that purpose by the Minister.

Any scaling form, duly completed, shall be dated and signed by a culler who holds a permit issued under the Cullers Act.

DIVISION III

SCALING IN THE CUTTING AREA BEFORE TRANSPORTATION

6. As soon as scaling forms are completed, dated and signed, copies of them shall be deposited in a sealed container located where the timber was scaled.

7. Scaled timber may not be transported outside the cutting area, unless the driver of the road vehicle in which timber was loaded is in possession of a transportation information document in which the following information was entered:

(1) the source and destination of the timber;

(2) the date and time of departure from the loading point;

(3) the registration number of the vehicle; and

(4) the scaling project number, as well as the compilation unit number under which the timber was scaled, entered in the approval of the scaling method.

8. During transportation, a copy of the transportation information document shall be deposited in a sealed container at the place indicated.

A copy of the document shall also be handed over on arrival at the unloading point.

9. The copy of the transportation information document handed over on arrival shall be completed by a person in charge of unloading timber by indicating the date and hour of arrival.

Copies of the documents shall be kept and recorded in a register kept for that purpose by the holder of a forest management permit.

DIVISION IV

SCALING OUTSIDE THE CUTTING AREA AFTER TRANSPORTATION

10. Unscaled timber may not be transported outside the cutting area unless the driver of the road vehicle in which timber was loaded is in possession of a form entitled "Autorisation de transport des bois/Enregistrement d'un chargement" complying with the model drawn up for that purpose by the Minister and in which the following information was entered:

(1) the information mentioned in paragraphs 1 to 3 of section 7;

(2) the scaling project number, as well as the compilation unit number under which timber will be scaled, entered in the approval of the scaling method; and

(3) the species or group of species of the timber to be transported.

11. During transportation, a copy of the form mentioned in section 10 shall be deposited in a sealed container at the place indicated.

A copy of the form shall also be handed over on arrival at the unloading site.

12. The copy of the form handed over on arrival shall be completed by a culler who holds a permit issued under the Cullers Act by indicating on it the date and hour of arrival and, where applicable, the data relating to the result obtained at the time of weighing.

Copies of the forms shall be kept and deposited in a register kept for that purpose by the holder of a forest management permit.

13. Scaling forms shall be completed by a culler at the latest on the fifth working day following the day of reception of the timber. That period is reduced to two working days where the mass/volume scaling method is carried out with grapple samples.

Copies of the scaling forms, as well as a summary of the registrations of the forms entitled "Autorisation de transport des bois/Enregistrement d'un chargement" shall be deposited in a sealed container where the timber was scaled as soon as the documents are completed, dated and signed by the culler.

DIVISION V TRANSMISSION OF THE SCALING OR INVENTORY DATA

14. Scaling forms, duly completed, or the data contained therein, where it was transmitted by electronic means, shall be transmitted to the Minister at the latest on the fifth working day following the day on which the copies of the forms were deposited in the sealed container.

The forms entitled "Autorisation de transport des bois/Enregistrement d'un chargement", duly completed, or the data contained therein, where it was transmitted by electronic means, shall be transmitted to the Minister at the latest on the fifth working day following the day on which they were completed.

15. An inventory estimating the timber felled but not scaled or not declared on the last day of a calendar month, or the data that it contains, where it was transmitted by electronic means, shall be transmitted to the Minister every month at the latest on the fifth working day of the following month.

The inventory shall indicate the location of the timber subject to the inventory and be drawn up on a form complying with the model drawn up for that purpose by the Minister. It is used to determine the volume harvested until the timber is scaled and declared to the Minister.

16. The transmission of the scaling or inventory data by electronic means shall comply with the technical specifications made by the Minister.

The information transmitted by electronic means shall correspond to that contained in the forms.

17. A copy supporting the transmission of the scaling or inventory data shall be kept until the person who transmitted it makes sure with the Minister that the data the Minister has in his possession is really the data that was transmitted to him.

DIVISION VI VERIFICATION OF SCALING AND CORRECTION

18. Timber shall be left undisturbed at the place where it was scaled for at least two clear working days after the copies of the scaling forms containing the data relating to scaled timber are deposited in the sealed container, where scaling is carried out according to one of the methods provided for in paragraph 1, 2 or 3 of section 3, or at least one clear working day after the copies of those forms are deposited in the sealed container, where scaling is carried out according to the method provided for in paragraph 4 of section 3.

The first paragraph also applies where a correction having the effect of modifying the duties to pay is made to the scaling. Notwithstanding the foregoing, the prescribed periods are calculated as of the date of the transmission to the Minister of the new form making the correction or the date of the transmission by electronic means of the data contained therein.

19. Timber shall be re-scaled or scaling corrected, as the case may be, upon the request of the Minister, where the verification carried out by the Minister shows discrepancies greater than 3 %.

Where timber must be re-scaled, timber scaled again shall be left undisturbed at the place where it was scaled until the expiry of one of the periods provided for in the first paragraph of section 18, as the case may be.

DIVISION VII STANDARDS APPLICABLE TO SEALED CONTAINERS

20. Any sealed container required for the purpose of this Regulation shall

- (1) be made of a hard structure;
- (2) have a volume of no less than 0.2 m³;
- (3) be waterproof and impervious enough to shelter the documents deposited therein from bad weather;
- (4) be equipped with a padlocked door allowing the persons in charge of the application of this Regulation to have access to the documents deposited therein;
- (5) bear the notice “scaling”, in the case of a sealed container referred to in section 6 or 13, or the notice “transportation”, in the case of a sealed container referred to in section 8 or 11; and

- (6) be located in a place easy of access.

DIVISION VIII PENAL PROVISIONS

21. Any person harvesting timber in a forest in the public domain and contravening one of the provisions of the first paragraph of section 4 or 5 commits an offence punishable under section 181 of the Forest Act (R.S.Q., c. F-4.1).

Any holder of a forest management permit issued for the supply of a wood processing plant supplying itself with timber harvested in forests in the public domain who contravenes one of the provisions referred to in the first paragraph also commits an offence punishable under section 181 of the Forest Act.

22. Any holder of a forest management permit issued for the supply of a wood processing plant harvesting timber or supplying itself with timber harvested in forests in the public domain who contravenes one of the provisions of sections 6 to 14, the first paragraph of section 15 or sections 17 to 19 commits an offence punishable under section 181 of the Forest Act.

23. Any driver of a road vehicle or any carrier who contravenes one of the provisions of sections 7, 8, 10 or 11 commits an offence punishable under section 181 of the Forest Act.

DIVISION IX MISCELLANEOUS

24. This Regulation replaces the Regulation respecting the scaling standards for timber harvested in forests in the public domain, made by Order in Council 654-94 dated 4 May 1994.

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

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Draft Regulation

Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Installation of petroleum equipment — Amendments

Notice is hereby given that the Minister of Labour has received an application to amend the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r.33) from the contracting parties covered by the Decree and that, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Decree to amend the Decree respecting the installation of petroleum equipment, a copy of which is attached hereto, may be made by the Government upon the expiry of the 45 days following this publication.

The purpose of this draft regulation is to actualize certain working conditions which have remained unchanged since 18 July 1996.

To that end, it proposes to amend the definition of the class C mechanic, to improve the provision for remunerating the travelling time of the employee outside of the hours of the standard working day, to establish the parameters for calculating the indemnity for the annual vacation in the case of an absence for reasons that have already been accepted, to establish new wage rates, to increase the contribution to the fringe benefits plan and to specify the terms for its application.