

Regulations and other acts

Gouvernement du Québec

O.C. 422-2000, 29 March 2000

Culler's Act
(R.S.Q., c. M-12.1)

Culler's licence — Amendments

Regulation to amend the Regulation respecting culler's licences

WHEREAS under section 30 of the Culler's Act (R.S.Q., c. M-12.1), the Government may, by regulation:

- (1) determine the conditions for issuing a culler's licence;
- (2) determine the form and content of a culler's licence;
- (3) determine the form, content and conditions of issue of the identity card of a licence holder;
- (4) prescribe the duties payable by a person who sits for an examination and those payable for the issue of a culler's licence or identity card or the issue of a duplicate thereof;

WHEREAS by Order in Council 1588-85 dated 7 August 1985, the Government made the Regulation respecting culler's licences;

WHEREAS it is expedient to amend the Regulation;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting culler's licences, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 26 January 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* or between that date and the date applicable under section 17 of that Act, where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under the same section, the reason justifying such a coming into force shall be published with the regulation;

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

— the Regulation comprises provisions that must come into force before the new fiscal year 2000-2001, mainly those respecting the conditions for obtaining the new identity cards for holders of culler's licences;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Natural Resources:

THAT the Regulation to amend the Regulation respecting culler's licences, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting culler's licences*

Cullers Act
(R.S.Q., c. M-12.1, s. 30)

1. The Regulation respecting culler's licences is amended in section 2

(1) by substituting the following for the part preceding paragraph 1:

“That person must also hold one of the following diplomas, certificates or attestations of studies:”;

(2) by adding the following after the first paragraph:

* The Regulation respecting culler's licences, made by Order in Council 1588-85 dated 7 August 1985 (1985, *G.O.* 2, 3737), was amended once by the Regulation made by Order in Council 792-92 dated 27 May 1992 (1992, *G.O.* 2, 2857).

“A person who holds a diploma, certificate or attestation of studies referred to in subparagraph 4 of the first paragraph must also complete his training by taking a course of at least 90 hours on the scaling methods for timber harvested in forests in the domain of the State given in an educational institution located in Québec.”.

2. The following is substituted for sections 3 and 4:

“3. A person who wishes to obtain a culler’s licence must apply therefor in writing to the Minister, using the form made available for that purpose by the Minister no later than five years following the date on which that person passed the Minister’s examinations in order to obtain the licence.

4. The following documents and the duties prescribed in section 5 must be enclosed with an application for a licence:

(1) a copy of the applicant’s act of birth or birth certificate, if he was born in Canada;

(2) a copy of the applicant’s certificate of Canadian citizenship or landing record attesting to his status as a permanent resident, if he was born outside Canada;

(3) a copy of the diploma, certificate or attestation of studies, required in the first paragraph of section 2, or a certificate attesting that the applicant has obtained that diploma, certificate or attestation of studies from the educational institution that has awarded it;

(4) where the applicant holds a diploma, certificate or attestation of studies referred to in subparagraph 4 of the first paragraph of section 2, a document issued by an educational institution located in Québec attesting that the applicant took the course required in the second paragraph of that section;

(5) a photograph of the applicant taken no more than one year prior to the application, measuring approximately 25 mm by 25 mm and signed on the back by the applicant.

The application for a licence must be supported by an affidavit attesting that the facts and information provided in the application and in the documents enclosed with it are true.”.

3. Section 5 is amended by substituting the figure “40” for the figure “20”.

4. The following is substituted for sections 6 to 8:

“6. Cullers’ licences issued by the Minister to a person who meets the conditions provided for in this Regulation and who is deemed capable of performing culler’s duties shall be drawn up according to Schedule I.

7. An identity card drawn up according to Schedule II shall be provided by the Minister to a licence holder at the time of issue of the licence.

A licence holder must, before the expiry date on his identity card, submit a written application to the Minister for a new identity card, using the form made available for that purpose by the Minister. The application must enclose duties in the amount of \$20 and a photograph of the licence holder taken no more than one year prior to the application, measuring approximately 25 mm by 25 mm and signed on the back by the applicant.

The expiry date may not be less than five years after the date of issue of the identity card.

8. The duties payable by a person who sits for the Minister’s examinations in order to obtain a culler’s licence are \$30.

The duties payable by a person who sits for the Minister’s examinations that verify the competence of holders of culler’s licences are \$30.”.

5. Section 9 is amended by substituting the figure “25” for the figure “20”.

6. The following is substituted for section 9.1:

“9.1. The duties provided for in this Regulation that are equal to or greater than \$35 shall be indexed on 1 April 2001 and thereafter on 1 April of each year according to the increase in the general Consumer Price Index for Canada, for the preceding year. That increase shall be computed from the ratio of the index for the preceding year over the index for the year preceding the latter. The index for one year shall be the average of the monthly indexes published by Statistics Canada.

The duties provided for in this Regulation that are lower than \$35 shall be indexed on 1 April 2001 and thereafter on 1 April every five years according to the increase in the general Consumer Price Index for Canada, for the last five years. That increase shall be computed from the ratio of the index for the preceding year over the index for the fifth year preceding the latter. The index for one year shall be the average of the monthly indexes published by Statistics Canada.

The duties indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Natural Resources shall publish the result of the indexing in Part 1 of the *Gazette officielle du Québec*. In addition, he may ensure a wider circulation by any other means.”

7. Schedules I and II attached to this Regulation are substituted for Forms I to III of the Regulation.

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

SCHEDULE I

(s. 6)

CULLER'S LICENCE

The Minister of Natural Resources issues this licence to

This is to certify that the abovementioned person meets all the conditions provided for in the Cullers Act (R.S.Q., c. M-12.1) and the regulations made under the Act to obtain this licence and that this person is deemed capable of performing the duties of a culler in Québec.

Issued at
On

Minister of Natural Resources

SCHEDULE II

(s. 7)

Ministère des
Ressources naturelles

Date of issue:

Expiry date:

Licence No.:

is a culler within the meaning of the Cullers Act.
(R.S.Q., c. M-12.1)

Minister of Natural Resources

WARNING

1- This card certifies that the person named on the front holds a culler's licence and that he is authorized to act in Québec in that capacity.

2- The person named on the front must, in the performance of his duties as a culler, have this identity card in his possession and show it upon request in accordance with section 5 of the Cullers Act.

3- That person must notify the Minister of Natural Resources of any change in address and ensure that an application for a new identity card has been submitted to the Minister before the expiry date on this card.

3553

M.O., 2000

Order number 432 of the Minister of Natural Resources dated 24 March 2000

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

Regulation respecting unit rates applicable to the calculation of dues for forest management permits for the supply of wood processing plants

WHEREAS under the third paragraph of section 5 of the Forest Act (R.S.Q., c. F-4.1), the Minister shall determine the unit rates for the classes of forest management permits for which the unit rates have not been determined by regulation of the Government;

WHEREAS under section 72 of that Act, the Minister shall determine the unit rate corresponding to the stumpage value according to the rules of calculation determined by regulation of the Government;

WHEREAS by Order in Council number 372-87 dated 18 March 1987, the Government made the Regulation respecting forest royalties;

WHEREAS in accordance with sections 2 and 7 of that Regulation, it is expedient to establish the unit rates for the stumpage value applicable to the calculation of the dues payable by the holder of a forest management permit for the supply of a wood processing plant for the 2000-2001 fiscal year;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order was published in Part 2 of the *Gazette officielle du Québec* of 2 February 2000