

82. Chartered administrators who reproduce or allow the reproduction of the graphic symbol of the Order for advertising purposes shall ensure that the symbol conforms to the original held by the secretary of the Order.

83. Chartered administrators who use the graphic symbol of the Order in advertising placed in printed or televised media shall include the following notice in the advertisement:

“This advertisement is not an advertisement of the Ordre des administrateurs agréés du Québec and does not commit its liability.”.

DIVISION III PARTNERSHIPS OF CHARTERED ADMINISTRATORS

84. The name, as well as an appellation, designation or qualification of a partnership of chartered administrators may not include the designation “chartered administrators” or the initials “Adm. A”, “C. Adm.” or “C.M.C.” unless all partners are members of the Order. The addition of the words “and associates” or another similar designation may not be used unless the number of partners in the partnership is greater than the number of names appearing in the partnership’s name.

85. The name of a chartered administrator who leaves a partnership shall be withdrawn from the name of that partnership within one year of the chartered administrator’s departure, unless a notice that the name will be kept is given to the secretary of the Order within the same time.

However, the notice may not provide for a time period longer than one year.

86. This Code replaces the Code of ethics of chartered administrators (R.R.Q., 1981, c. C-26, r.10) and the Regulation respecting advertising by chartered administrators (R.R.Q., 1981, c. C-26, r.17).

87. This Code 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. 236-2003, 26 February 2003

An Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2)

Management Delegation Program for Lands in the Domain in the State in Regional Parks

WHEREAS, in accordance with article 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1), amended by section 102 of chapter 37 and section 19 of chapter 68 of the Statutes of 2002, the regional county municipalities (RCM) may determine by by-law the location of a regional park on their territory;

WHEREAS, under that same article, for lands in the domain of the State, such a by-law has no effect as to third parties so long as the RCM has not entered into an agreement with the party that has authority over the land allowing the RCM to operate the park;

WHEREAS, under section 17.13 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2), the Minister may, with the approval of the Government, prepare programs for the development of lands in the domain of the State that are under the Minister’s authority or the forest resources in the domain of the State to encourage regional development or implement any other government policy;

WHEREAS, under the third paragraph of section 17.14 of that Act, the Minister may, for the purpose of the programs, entrust the management of such lands in the domain of the State to a legal person which may then exercise the powers and responsibilities determined by the Minister according to the program;

WHEREAS, under the fourth paragraph of section 17.14, the Minister may, to the extent required to implement a program and according to the terms and conditions set out in the program, determine which powers under section 71 of the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1) may be exercised by a municipality under by-laws;

WHEREAS, under articles 14.11 to 14.12.2 of the Municipal Code of Québec, every municipality may participate in a program prepared by the Minister of Natural Resources and the municipality has the necessary powers to meet the commitments and assume the responsibilities arising from the program with regards to any designated land in the domain of the State;

WHEREAS it is expedient to approve the Program that authorizes the Minister of Natural Resources to delegate to RCMs the management for lands in the domain of the State in regional parks;

WHEREAS it is expedient to entrust the administration of the program to the Minister of Natural Resources;

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

THAT the Management Delegation Program for Lands in the Domain of the State in Regional Parks, attached to this Order in Council, be approved;

THAT the administration of the program be entrusted to the Minister of Natural Resources.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

MANAGEMENT DELEGATION PROGRAM FOR LANDS IN THE DOMAIN OF THE STATE IN REGIONAL PARKS

1. OBJECTS OF THE PROGRAM

To facilitate the development of lands in the domain of the State situated in regional parks through management by the RCMs.

To authorize the Minister to delegate to the RCMs the management of land rights in the domain of the State within the main recreational zone and in localized sites in the extensive recreational zone of a regional park.

To encourage regional development through management by the RCMs of land management revenues from lands in the domain of the State that were delegated in connection with a regional park.

2. DEFINITIONS

For the purposes of this Program, unless the context indicates a different meaning,

(a) “management delegation agreement” means an instrument whereby the Minister of Natural Resources entrusts, subject to certain conditions, management powers and responsibilities over part of the lands in the domain of the State to an RCM;

(b) “general agreement” means an instrument between an RCM and government departments or bodies whereby the parties undertake to fulfil the obligations set out in the agreement in establishing and operating a regional park;

(c) “Minister” means the Minister of Natural Resources;

(d) “RCM” means a regional county municipality;

(e) “regional park” means an area set aside by an RCM for a park pursuant to article 688 of the Municipal Code of Québec (R.S.Q., c. C-27.1), amended by section 102 of chapter 37 and section 19 of chapter 68 of the Statutes of 2002;

(f) “development and management plan” means a planning document for the entire territory of a regional park determining the land uses and setting forth the tourism and recreational development policies and objectives, including mention of the provisions of paragraphs 1, 2 and 3 of article 688.2 of the Municipal Code of Québec, the main and extensive recreational zones and the local tourism and recreational sites;

(g) “Program” means this Program, established under Division II.2 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., c. M-25.2);

(h) “local tourism and recreational site” means a limited area, located in the extensive recreational zone and identified on the development and management plan of a regional park, characterized by a specific planned tourism and recreational layout, infrastructure or activity; where the site is located on lands in the domain of the State, a land right may be issued in respect of the site under the Act respecting lands in the domain of the State (R.S.Q., c. T-8.1), amended by section 52 of chapter 68 of the Statutes of 2002 and its regulations, or under a management delegation under this Program;

(i) “extensive recreational zone” means a portion of the territory of a regional park identified on the park’s development and management plan, characterized by planned extensive tourism and recreational activities;

(j) “main recreational zone” means a portion of the territory of a regional park identified on the park’s development and management plan, characterized by planned main tourism and recreational layouts, infrastructures and activities.

3. ELIGIBILITY CONDITIONS

To be eligible under the Program, an RCM must

(1) have signed a general agreement for the operation a regional park with the government departments and bodies concerned;

(2) have passed a resolution stating it has become a party to the management delegation agreement for lands in the domain of the State in the regional park and accepts all the terms, undertakings, obligations and conditions set out in the agreement; and

(3) have created, by by-law, a fund for the development of lands in the domain of the State situated in the regional park under articles 688.7 to 688.9 of the Municipal Code of Québec.

4. APPLICATION

This Program applies to the lands in the domain of the State identified in the general agreement as a regional park that are under the authority of the Minister and in respect of which the powers and responsibilities delegated by the Minister may be exercised.

The Program does not apply to

(1) waters corresponding to the bed of lakes and watercourses up to the normal high-water mark, including hydraulic forces;

(2) lands in the domain of the State that have been submerged as a result of the construction and maintenance of a dam or any works related to the dam and necessary for its operation;

(3) any right-of-way of a road or highway under the management of the Minister of Transport, including but not limited to its infrastructures and all works necessary or incidental to their layout and management; and

(4) any other land identified by the Minister; or

(5) the habitats of threatened or vulnerable species of flora that have been designated or are to be designated, under the authority of the Minister of the Environment, and that are situated in the territory of a regional park.

Where land is required for purposes of public utility or public interest or for any other purpose pursuant to an Order in Council, the Minister may, subject to the sending of a notice, withdraw the land from the application of the Program.

5. LAND MANAGEMENT DELEGATION

For the purposes of the Program, the Minister may enter into a management delegation agreement to delegate to an RCM the management of lands in the domain of the State situated in the main recreational zone and in local sites in the extensive recreational zone of a regional park that must be identified in a schedule to the management delegation agreement.

On that land, the RCM may exercise the powers and responsibilities under the Act respecting lands in the domain of the State and its regulations, and in so doing may

(1) manage land rights already issued. For that purpose, the RCM must manage and respect rights granted until they expire, renew rights and revoke them if the holder fails to comply with the obligations;

(2) grant and manage new land rights in accordance with the development and management plan of the regional park, renew and monitor the rights, modify them with the consent of the parties involved and revoke them if the holder fails to comply with the obligations;

(3) manage buildings, improvements and movable property situated on the lands under the delegation and, as required, dispose of them in accordance with the applicable regulatory provisions, except those used in forest management;

(4) sell lands, grant rights by emphyteutic contract and transfer land by gratuitous title for public utility in accordance with the applicable regulatory provisions. To be able to grant those rights, however, the RCM must first obtain the consent of the Minister who shall favour the maintenance of the integrity of public lands and rights already granted;

(5) grant servitudes and any other right in accordance with the development and management plan of the regional park;

(6) grant temporary occupation licences and visitor's licences;

(7) collect and withhold all land revenues from the management of lands under the delegation, including fees payable under the Act respecting lands in the domain of the State and its regulations;

(8) correct any deed of alienation granted by the RCM and waive or amend, in accordance with sections 35.1 and 40 the Act respecting lands in the domain of the State, any restrictive clause in a deed of alienation granted by the RCM or amend the purposes stipulated in the deed;

(9) authorize the construction of roads other than forest and mining roads, in accordance with section 55 of the Act respecting lands in the domain of the State;

(10) control the use and occupation of the territory by dealing with unlawful occupations and uses, including but not limited to illicit dumps and illegal barriers, under the Act respecting lands in the domain of the State, in accordance with formal rules and terms that respect the principle retained by the Government to the effect that no privilege may be granted to a person unlawfully occupying or using land in the domain of the State, and

by dealing with precarious occupation pursuant to the Regulation respecting the regularization of certain kinds of occupation of lands in the domain of the State made under the Act respecting lands in the domain of the State by Order in Council 233-89 dated 22 February 1989, amended by Order in Council 90-2003 dated 29 January 2003;

(11) institute on its own behalf any penal proceeding for an offence committed on the land under a management delegation and provided for in a provision of the Act respecting lands in the domain of the State and its regulations or in any by-law adopted by the RCM;

(12) exercise any recourse and any power assigned to the Minister by sections 60 to 66 of the Act respecting lands in the domain of the State. In the case, however, of a cancellation on the ground of public interest under section 65 of that Act, the RCM must first obtain the Minister's authorization; and

(13) have the boundary between the domain of the State and the private domain determined and sign the related documents as the owner in the case of cadastral operations, boundary marking or a motion for judicial recognition of the right of ownership in lands in the domain of the State under the management delegation. Any land survey must be carried out in accordance with section 17 of the Act respecting lands in the domain of the State.

6. EXCLUSIONS

The powers delegated by the Minister under this Program do not affect the management of forest, mining, water and other resources under the Forest Act (R.S.Q., c. F-4.1), amended by the Act to ensure the implementation of the Agreement Concerning a New Relationship Between le Gouvernement du Québec and the Crees of Québec (2002, c. 25) and by section 52 of chapter 68 of the Statutes of 2002, the Mining Act (R.S.Q., c. M-13.1), the Watercourses Act (R.S.Q., c. R-13), amended by section 52 of chapter 68 of the Statutes of 2002, or any other Act.

A delegation under this Program does not apply to land in respect of which a delegation was made within the framework of another program to delegate management of lands in the domain of the State to regional county municipalities.

The Minister shall continue to exercise the land management powers and responsibilities that have not been delegated and shall undertake to consult the RCM before issuing land rights.

Delegated powers and responsibilities do not authorize an RCM to make a transaction with any department of the federal government, its bodies or other mandataries.

7. GENERAL TERMS AND CONDITIONS

An RCM entrusted by the Minister under this Program with the management of lands in the domain of the State must, for each of the following elements, comply with the terms and conditions attached:

(1) Acts and regulations: subject to the provisions in section 6, the RCM must comply with the Act respecting lands in the domain of the State and its regulations;

(2) Native peoples: respect governmental aims and policies concerning Native affairs and consult the Minister when dealing with a Native file;

(3) land rights granted by the State: respect, until their expiry, rights granted by the State as provided in the title issued, renew the rights unless the holders of the right are in default and ensure that, in the exercise of the powers and responsibilities delegated under the Program, the exercise of a right granted or to be granted by the State is in no way restricted;

(4) land rights related to vacation sites: respect the development objectives for vacation sites set out in the "Guide de développement de la villégiature sur les terres du domaine public" prepared in April 1994 and in the "Plan régional de développement de la villégiature" or in any replacement document;

(5) rules and procedures: adopt operating rules and administrative procedures to ensure that rights to be granted and lands to be alienated in the territory concerned will be granted and alienated in a manner that is fair for all persons concerned and in observance of the specific principles and objectives defined in the management delegation agreement; and

(6) administrative procedures for land rights management: observe the terms and conditions specified by the Minister in the management delegation agreement as regards land rights management, including bookkeeping and the transmission of the information required to update governmental systems and land information registers.

8. ADMINISTRATION AND REVENUES

The RCM shall collect the rent, charges and administration fees payable under the Act respecting lands in the domain of the State and its regulations, beginning on the date on which the management delegation agreement is signed. However, any sum collected by or owing to the Government of Québec on the day on which the management delegation agreement is signed shall remain under its ownership, without adjustment.

Except for the fees payable for registration in the Terrier which must be remitted to the Minister, the RCM must pay into the development fund it has established all revenues from the alienation, management and development of the lands to which the Program applies. The sums paid into the fund must be used for activities and interventions that develop the regional park.

The administration and management of the lands in the domain of the State under a delegation are the responsibility of the RCM, without financial compensation from the Government.

9. EVALUATION AND FOLLOW-UP

The RCM must prepare and submit to the Minister an annual report on 31 March of its management delegation activities in relation to the lands in the domain of the State. The report must be submitted with a statement of revenue and expenditure from the land management delegation on a form furnished by the Minister.

10. GENERAL LIABILITY

An RCM exercising powers and responsibilities under this Program acts on its own behalf and the action or acts it takes or performs in no way subjects the Government to any liability.

11. FINAL

The effective transfer of the powers and responsibilities under this Program to an RCM shall be the subject of a management delegation agreement that becomes effective on the date of its signature, subject to any special provisions contained in the agreement that relate to the exercise of those powers and responsibilities.

The management delegation agreement ceases to have effect on the thirtieth day following the expiry of the general agreement on the operation of the regional park.

The Minister may terminate the management delegation agreement if the RCM fails to comply with the conditions and provisions governing the exercise of the delegation.

The Minister or the RCM may terminate the management delegation agreement on notice of 60 days sent to the other party.

The Minister re-assumes sole responsibility for the management of the lands in the domain of the State under delegation when the land management delegation terminates.

Upon the Minister re-assuming responsibility for the management of the lands in the domain of the State that were under delegation, the RCM must send to the Minister such information as the Minister may require including land management books and records maintained by the RCM. The RCM must also hand over to the Minister all records previously entrusted to it by the Minister.

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Gouvernement du Québec

O.C. 244-2003, 26 February 2003

Health Insurance Act
(R.S.Q., c. A-29)

Regulation — **Amendment**

Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *b* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine among the services referred to in section 3 of the Act those which are not to be considered as insured services, and how often some of the services referred to in subparagraph *c* of the first paragraph or in the second paragraph of section 3 may be rendered in order to remain insured services;

WHEREAS, under subparagraph *b.1* of the first paragraph of section 69 of the Act, the Government may also, after consultation with the Board or upon its recommendation, make regulations to prescribe the cases, conditions or circumstances in which the services referred to in section 3 are not considered insured services for all insured persons or those insured persons it indicates;

WHEREAS the Government made the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1), and 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 the application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 13 November 2002 with a notice that the Regulation could be made by the Government upon the expiry of 45 days following that publication;