

24. Section 434 is amended by replacing “2 500 kilograms (5 511,5 lbs)” in paragraph 3 by “3,000 kilograms (6,614 lb.)”.

25. Section 437 is amended

(1) by replacing the portion before paragraph 1 by the following:

“**437.** Before drilling on a working face of an underground mine, it shall be”;

(2) by adding the following after paragraph 2:

“(3) in the case of the floor of a site where drilling is carried out,

(a) washed in accordance with paragraph 1 or fully cleaned with compressed air; and

(b) examined in accordance with paragraph 2 and the observations must be recorded in a register.”.

26. Section 443 is amended by replacing the second paragraph by the following:

“If the provisions of subparagraph *b* of paragraph 3 of section 437 cannot apply and if the working towards which the working face is moving is inaccessible, drilling must be carried out by means of a remote control device under supervision and the drilling area must be evacuated.”.

27. Section 447 is amended by replacing “onto a blasting site” by “to the loading area”.

28. Section 460 is amended by adding the following after paragraph 4:

“(5) be disconnected from the main circuit when it enters a location such as a tunnel, a sub-level or an abandoned sector of the mine.”.

29. Section 463 is amended by replacing paragraph 3 by the following:

“(3) where a worker must remain in the blasting area, the worker must be provided with a shelter that protects against fly-rock; the location, design or construction of the shelter must be certified by a certificate signed and sealed by an engineer.”.

30. Section 465 is replaced by the following:

“**465.** Before firing underground,

(1) a warning must be given in the blasting area by an audible, visual or vocal signal and workers not assigned to the firing must be evacuated from that area; and

(2) when a worker must remain in the blasting area, the worker must be provided with a shelter that protects against fly-rock; the location, design or construction of the shelter must be certified by a certificate signed and sealed by an engineer.”.

31. Schedule II is amended by adding the following at the end:

“Shaft sinking/bucket

3 bells – pause – 1 bell	Hoist	Executive, between the bottom of the shaft and the lower chair
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3 bells – pause – 2 bells	Lower	Executive, between the lower chair and the bottom of the shaft.”.
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32. Schedule III is amended by adding the following at the end of the first paragraph: “In addition, the signals must also serve as destination signals for the lower chair level towards which the workers are descending during the sinking of a shaft:”.

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

6150

Gouvernement du Québec

O.C. 46-2004, 21 January 2004

An Act respecting the Agence nationale d’encadrement du secteur financier
(R.S.Q., c. A-7.03)

Regulation 3 under section 746 of the Act

Regulation 3 under section 746 of the Act respecting the Agence nationale d’encadrement du secteur financier

WHEREAS the Act respecting the Agence nationale d’encadrement du secteur financier (2002, c. 45) was assented to on 11 December 2002;

WHEREAS, under the first paragraph of section 746 of the Act, the Government may, by regulation made before 11 December 2004, adopt any other transitional provision or measure that is expedient for the carrying out of the Act;

WHEREAS, under the second paragraph of that section, a regulation made under the first paragraph shall not be subject to the publication requirement provided for in section 8 of the Regulations Act (R.S.Q., c. R-18.1) and shall enter into force on the date of its publication in the *Gazette officielle du Québec* or at any later date indicated therein and the regulation may also, if it provides therefor, apply from any date not prior to 11 December 2002;

WHEREAS it is expedient to make a regulation under section 746 to adopt certain transitional provisions and other measures expedient for the carrying out of the Act respecting the Agence nationale d'encadrement du secteur financier;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance:

THAT Regulation 3 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation 3 under section 746 of the Act respecting the Agence nationale d'encadrement du secteur financier

An Act respecting the Agence nationale d'encadrement du secteur financier
(R.S.Q., c. A-7.03, s. 746)

1. Section 265 of the Securities Act (R.S.Q., c. V-1.1), amended by section 696 of chapter 45 of the Statutes of 2002, is again amended by adding the following paragraph at the end:

“Where a requirement to file the financial statements under Division II of Chapter II of Title III of the Act is not complied with, the power to order a person to cease any activity in respect of a transaction in securities shall be exercised by the Agency.”

2. Section 273.2 of the said Act, amended by section 696 of chapter 45 of the Statutes of 2002, is again amended by inserting “to the Agency” after “repay” in the second line.

3. Where, under the regime applicable prior to 1 February 2004, a person was to make a decision after a hearing, and since that date the making of the decision has become part of the exercise of an administrative function, the rules of procedure of the former regime remain applicable to a decision still to be rendered if, on 1 February 2004, the decision has not been rendered and if, on that date, the citizen has been called or informed of the date fixed for the hearing.

4. Despite section 713 of the Act respecting the Agence nationale d'encadrement du secteur financier, matters brought before the Commission des valeurs mobilières du Québec before 1 February 2004 which, under section 93 of the Act, are under the jurisdiction of the Bureau de décision et de révision en valeurs mobilières shall be continued before the Bureau.

If the hearing of those matters has already begun, the Bureau shall, as regards the evidence already produced, rely on the exhibits, testimonies, notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing.

The secretary of the Agence nationale d'encadrement du secteur financier shall send to the secretary of the Bureau de décision et de révision en valeurs mobilières the records pertaining to the matters referred to in this section. Once sent, those records become the records of the Bureau.

5. An appeal to the Commission des valeurs mobilières du Québec brought before 1 February 2004 from a decision of the Bureau des services financiers referred to in section 120 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), as it read on 31 January 2004, shall be continued before the Court of Québec.

The secretary of the Agence nationale d'encadrement du secteur shall send to the office of the Court of Québec the records pertaining to the matters referred to in this section. Once sent, those records become the records of the Bureau.

6. Despite the second paragraph of section 742 of the Act respecting the Agence nationale d'encadrement du secteur financier, a member of the Commission des valeurs mobilières du Québec who, on 1 February 2004, had begun to hear a matter but has yet to determine it shall continue to exercise his or her functions in order to conclude the matter.

That person is then, for the time required to conclude the matter, considered to be a supernumerary member of the Bureau de décision et de révision en valeurs mobilières and shall receive from the Bureau the same remuneration as the remuneration the person was receiving on the day before the end of his or her term.

7. A decision referred to in the first paragraph of section 322 of the Securities Act made before 1 February 2004 may be reviewed by the Bureau de décision et de révision en valeurs mobilières if, on 31 January 2004, the time allotted to apply for a review has not expired.

8. The rules of evidence and procedure applicable before the Bureau de décision et de révision en valeurs mobilières apply, as warranted by the status of each case, to matters which, on 1 February 2004, are continued before the Bureau.

Where the parties or interested persons have already been called to the hearing, the former rules of evidence and procedure remain applicable to the matters, unless the parties agree to apply the new rules.

9. This Regulation comes into force on 1 February 2004.

6158

M.O., 2004

Order number 2004-001 of the Minister of Health and Social Services dated 15 January 2004

An Act respecting health services and social services (R.S.Q., c. S-4.2)

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service

WHEREAS, under sections 303 and 314 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Minister of Health and Social Services shall propose a classification of the services offered by family-type resources based on the degree of support or assistance required by users;

WHEREAS, under those same sections, the Minister shall also determine the rates or the scale of rates of compensation applicable to each type of service provided for in the classification;

WHEREAS the Minister made the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service by Minister's Order 93-04 dated 30 November 1993 (1993, *G.O.* 2, 6781);

WHEREAS it is expedient to adjust certain amounts of compensation that may be paid to family-type resources for services offered to their users;

WHEREAS, to that end and in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service was published on page 3143 of the *Gazette officielle du Québec* of 8 October 2003, with a notice that it could be proposed by the Minister on the expiry of 45 days following that publication;

WHEREAS it is expedient to propose the Amendments to the Classification without amendment;

THEREFORE, the Minister of Health and Social Services proposes the Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service, the text of which is attached to this Order.

PHILIPPE COUILLARD,
*Minister of Health
and Social Services*

Amendments to the Classification of services offered by family-type resources and the rates of compensation applicable to each type of service*

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 303 and 314)

1. The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service is amended by inserting the following after section 5:

* The Classification of services offered by family-type resources and the rates of compensation applicable to each type of service was made by Order 93-04 of the Minister of Health and Social Services on 30 November 1993 (1993, *G.O.* 2, 6781). It has not been amended since it was made.