

Gouvernement du Québec

O.C. 436-2013, 24 April 2013

Professional Code
(chapter C-26)

Nursing assistants

— Certain professional activities which may be engaged in by nursing assistants

— Amendment

Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants

WHEREAS, under paragraph *h* of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with paragraph *h* of section 94 of the Professional Code, the Ordre des infirmières et infirmiers du Québec consulted the Collège des médecins du Québec and the Ordre des infirmières et infirmiers auxiliaires du Québec before making the Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the professional activities which may be performed by a nursing assistant was published in Part 2 of the *Gazette officielle du Québec* of 9 January 2013 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain professional activities which may be engaged in by nursing assistants

Professional Code
(chapter C-26, s. 94, par. *h*)

1. The Regulation respecting certain professional activities which may be engaged in by nursing assistants (chapter 1-8, r. 3) is amended by replacing, in the second paragraph of section 9, “2013” by “2016”.

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

2659

Gouvernement du Québec

O.C. 439-2013, 24 April 2013

Highway Safety Code
(chapter C-24.2)

Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria
— Ratification and enactment of the Regulation giving effect to the Agreement

Ratification of the Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria, signed at Vienna, on 5 May 2009, and at Québec, on 30 July 2009, and enactment of the Regulation giving effect to the Agreement

WHEREAS the Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria was signed at Vienna on 5 May 2009, and at Québec on 30 July 2009;

WHEREAS the purpose of the Agreement is to ensure reciprocal recognition of certain classes of driver's licences issued by Québec and Austrian authorities and to set forth the terms and conditions allowing for exchange of those licences;

WHEREAS under section 65 of the Highway Safety Code (chapter C-24.2), to drive a road vehicle on a public highway and on certain private roads and lands, a person must hold a driver's licence of the class appropriate to the driving of that vehicle;

WHEREAS section 629 of the Code provides that the Minister of Transport may, according to law, enter into an agreement with any government, department, or body respecting any matter referred to in this Code;

WHEREAS under this section, the Société de l'assurance automobile du Québec is responsible for the implementation of such an agreement;

WHEREAS section 631 of the Code provides that the Government may, by regulation, adopt the necessary measures to give effect to an agreement under section 629 and that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to a regulation under this section;

WHEREAS this Agreement is an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

WHEREAS this Agreement also constitutes an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of this Act;

WHEREAS, under the third paragraph of section 20 of this Act, international agreements referred to in section 22.2 must, to be valid, be signed by the Minister, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of this Act, the ratification of an international agreement, where it concerns an important international commitment, shall not take place until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved this Agreement on 9 June 2011;

WHEREAS under section 21 of this Act, where a person other than the Minister may, according to law, conclude international agreements, the signature of that person shall continue to be required to give effect to the agreements, unless the Government orders otherwise;

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations, La Francophonie and External Trade, as well as of the Minister of Transport:

THAT the Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria, signed at Vienna on 5 May 2009, and at Québec on 30 July 2009, and approved by the National Assembly on 9 June 2011, the text of which is appended to the Regulation giving effect to the Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria, be ratified;

THAT the Regulation giving effect to the Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria, attached to this order in council, be enacted;

THAT the signing of the Agreement by the Minister of Transport not be required to give effect to the Agreement.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation giving effect to the Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria

Highway Safety Code
(chapter C-24.2, s. 631)

1. The Reciprocal Agreement on Driver's Licence Recognition between the gouvernement du Québec and the Republic of Austria, attached hereto, has effect from the date of coming into force of this Regulation.

2. Provisions of the Highway Safety Code (chapter C-24.2) and of its implementing regulations apply to holders of a driver's licence issued by the Republic of Austria, as set forth in the Agreement.

3. This Regulation comes into force on 1 June 2013.

APPENDIX

(s. 1)

**RECIPROCAL AGREEMENT ON DRIVER'S
LICENCE RECOGNITION BETWEEN THE
GOUVERNEMENT DU QUÉBEC AND THE
REPUBLIC OF AUSTRIA****THE GOUVERNEMENT DU QUÉBEC**

represented by the Deputy Minister of Transport,
Mr. Denys Jean,

hereinafter referred to as “Québec”

AND**THE REPUBLIC OF AUSTRIA**

represented by the Section Director, for the Federal
Ministry for Transport, Innovation and Technology,
Dr. Peter Franzmayr

hereinafter referred to as “Austria”

WISHING to facilitate the exchange of driver's licences
for holders of a valid licence issued by one territory who
settle in the other territory;

HAVE AGREED to recognize and facilitate the exchange
of driver's licences in accordance with the following
provisions:

1. DEFINITIONS

In this Agreement,

1.1 “territory” designates Québec or Austria, and
“territories” refers to both Québec and Austria;

“authority” refers to either the Société de l'assurance
automobile du Québec, or the Federal Ministry for
Transport, Innovation and Technology of Austria, as rep-
resentative of the competent *Bezirkshauptmannschaften*
(the “Bezirk” territorial and administrative jurisdictions
situated between the level of municipalities and the feder-
ated state, translator's note) and *Bundespolizeidirektionen*
(federal police authorities);

“driver's licence” means a licence issued by either of
the authorities, authorizing its holder to drive a motor
vehicle, subject to the terms and conditions specific to the
class or category of driver's licence and any other related
condition, and subject to the relevant laws and regulations
in force in the territory;

“valid” means that at the time a driver's licence issued
by one authority is submitted for exchange for a driver's
licence issued by the other authority, the original licence
has not expired, nor been revoked, suspended or cancelled
and is not subject to any restriction preventing its holder
from using it for its intended purpose.

1.2 More specifically for Québec:

A Class 5 driver's licence issued by the Société de
l'assurance automobile du Québec authorizes its holder
to drive a twin axle motor vehicle whose net weight is
less than 4,500 kg (passenger vehicle, mini-van or light
truck), a motor vehicle permanently converted into living
quarters (motor home), a tool vehicle or a service vehicle
(service truck or tow truck) and includes Classes 6D
(mopeds and motorized scooters) and 8 (farm tractors).

A probationary Class 5 licence must be issued before a
driver's licence to an applicant under the age of 25 whose
driving experience is less than 24 months.

1.3 More specifically for Austria:

A Category B driver's licence issued by the competent
authority allows its holder to drive:

— A motor vehicle having a maximum weight not
exceeding 3,500 kg and fitted with no more than eight
seats, other than the driver's, to which can be attached
a trailer whose maximum authorized weight does not
exceed 750 kg;

— A combination of vehicles composed of a Category B
tractor and a trailer, whose combined maximum weight
does not exceed 3,500 kg and where the maximum author-
ized weight of the trailer does not exceed the tare weight
of the tractor;

— A motorcycle with a cylinder displacement of 125 cm³
or less or, if the Category B driver's licence bears the
111 code, an electric-powered motorcycle with a power
rating of 11 kW or less.

**2. RECOGNITION AND EXCHANGE
OF LICENCES**

2.1 The holder of a Québec Class 5 driver's licence or pro-
bationary licence, aged 18 or older, may, within 12 months of
settling in the territory of Austria, exchange this licence
for an Austrian Category B licence without taking a pro-
ficiency examination.

The holder obtains an Austrian driver's licence upon
presentation of the health certificate set forth on the
form previously submitted to the Québec authority and

the identity documents required by the Austrian authority, after payment of the duties and fees prescribed by regulation.

2.2 The holder of a valid Austrian Category B driver's licence may, within 12 months of settling in the territory of Québec, exchange this licence for a Class 5 licence, including Classes 6D and 8, without taking a proficiency examination or vision test.

The holder obtains a Québec driver's licence upon presentation of the identity documents required by the Québec authority, after payment of the duties and fees prescribed by regulation and of the insurance contribution for bodily injury caused by a road accident.

However, an applicant under age 25 is issued a Class 5 probationary licence unless the applicant's driving experience is of 24 months or more.

2.3 The conditions provided for on the original driver's licence are carried over to the new driver's licence, in the form of equivalent codes.

2.4 Driver's licences with or without a photograph, a specimen of which has been provided in accordance with this Agreement, shall be exchanged.

2.5 The authority that is performing the exchange of a licence verifies the identity of the applicant and the validity of the licence presented. It may contact the issuing authority for that purpose.

2.6 The driving experience indicated on the original licence or in the applicant's file by the issuing authority is recognized by the other authority.

2.7 The authority that recovers the original driver's licence during the exchange must return it to the issuing authority.

3. FINAL PROVISIONS

3.1 A sample or certified copy of the different driver's licence models issued by each authority currently admissible for exchange is appended to this Agreement.

Any modification made by an authority to the driver's licence models, after this Agreement is signed, shall be communicated to the other authority.

A sample of the health form required by the Austrian authority is submitted to the Québec authority. Any change made to this certificate and every requirement that is not shown thereon shall be communicated to the Québec authority.

3.2 This Agreement does not invalidate the provisions of any law or regulation applicable in the territories of Québec and Austria with respect to the right to use a foreign driver's licence.

3.3 The authorities shall communicate to each other without delay any legislative change that occurs in Québec and in Austria which could modify this Agreement, and the date of its coming into force and shall make the necessary amendments to the Agreement.

3.4 The designated authorities are responsible for the application of this Agreement. To that end, they shall put the necessary mechanisms into place, including those allowing for the exchange of information and the official validation of licences presented to the other authority under this Agreement.

3.5 The authorities shall assist each other in the application of this Agreement and shall exchange, where necessary, information on licences presented for exchange. A contact point is established in order to directly validate a submitted licence.

The authority exchanging a licence may ascertain its validity with the issuing authority with the use of information technology, as per terms and conditions to be determined between the said authorities.

Requests for information made under this article shall be addressed as follows:

To Québec:

Société de l'assurance automobile du Québec
Service des opérations et de la diffusion
333, boul. Jean-Lesage, C-3-14
Québec (Québec) G1K 8J6
Canada
Fax: 418-644-7167
E-mail:

To Austria:

Bundesministerium für Verkehr,
Innovation und Technologie
Stubenring 1, 1010 Wien
Abteilung ST4
Fax: + 43 (1) 71100 15072
E-mail: st4@bmvit.gv.at

Each authority may change the address to which requests must be sent by a written notice to the other authority.

3.6 All communication concerning this Agreement must be in writing and shall be deemed to have been duly provided and forwarded to the authority at the moment it is handed in person, delivered by courier or by registered mail (postage paid), or sent by fax, to the following addresses:

To Québec:

Société de l'assurance automobile du Québec
Vice-présidence aux services à la clientèle
333, boul. Jean-Lesage, C-1-31
Québec (Québec) G1K 8J6
Canada
Fax: 418-528-1221
E-mail:

To Austria:

Bundesministerium für Verkehr,
Innovation und Technologie
Stubenring 1, 1010 Wien
Abteilung ST4
Fax: + 43 (1) 71100 15072
E-mail: st4@bmvit.gv.at

Each authority may change the address to which documents or communications must be sent by a written notice to the other authority.

3.7 This Agreement shall enter into force upon completion of the internal formalities required by one and the other for that purpose. The date of entering into force is set through an exchange of letters.

3.8 This Agreement is terminated on the ninetieth day after a written notice is sent to that effect, in accordance with related legislation in force in either part.

Signed at Québec, on 30 July 2009, Signed at Vienna, on 5 May 2009,

in duplicate, in French and in German, both texts being equally valid.

FOR THE GOUVERNEMENT
DU QUÉBEC

FOR THE REPUBLIC OF
AUSTRIA

DENYS JEAN

D^R PETER FRANZMAYR

2660

Notice

An Act respecting collective agreement decrees
(chapter D-2)

Industrie de l'automobile – Saguenay–Lac-Saint-Jean — Levy of the Comité paritaire

Amendment various regulations

Notice is hereby given, in accordance with section 19 of the Act respecting collective agreement decrees (chapter D-2), that the Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la région Saguenay–Lac-Saint-Jean and to amend various regulations, made by the Comité paritaire de l'industrie des services automobiles de la région Saguenay–Lac-Saint-Jean at its meeting of 23 November 2011, was approved by the Government (Order in Council 442-2013 dated 24 April 2013) and comes into force on 24 April 2013.

AGNÈS MALTAIS,
Minister of Labour

Gouvernement du Québec

O.C. 442-2013, 24 April 2013

An Act respecting collective agreement decrees
(chapter D-2)

Industrie de l'automobile – Saguenay–Lac-Saint-Jean — Levy of the Comité paritaire

Amendment various regulations

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la région Saguenay–Lac-Saint-Jean and to amend various regulations

WHEREAS, under section 16 of the Act respecting collective agreement decrees (chapter D-2), the Comité paritaire de l'industrie des services automobiles de la région Saguenay–Lac-Saint-Jean was formed to oversee and ascertain compliance with the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (chapter D-2, r. 7);

WHEREAS, under subparagraph g of the second paragraph of section 22 of the Act, the committee made the Regulation respecting the keeping of a system of registration of the Comité paritaire de l'industrie de l'automobile