

Gazette officielle du Québec

Part 2

Laws and
Regulations

Volume 126

17 August
1994
No. 34



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GOUVERNEMENTALE



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Québec 

Les saisons

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Chacun à sa manière, Marc-Aurèle Fortin, Clarence Gagnon, Cornelius Krieghoff, Marc-Aurèle de Foy Suzor-Côté et Horatio Walker évoquent pour nous des images familières, au gré des changements saisonniers.

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Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 126
17 August 1994
No. 34

Summary

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1. Part 2 contains:

1° Acts assented to, before their publication in the annual collection of statutes;

2° proclamations of Acts;

3° regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

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5° regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by laws;

6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Regulations and other acts

Gouvernement du Québec

O.C. 1180-94, 3 August 1994

An Act respecting agricultural lands
in the public domain
(R.S.Q., c. T-7.1)

Agricultural lands in the public domain — Alienation and leasing — Amendment

Regulation to amend the Regulation respecting the alienation and leasing of agricultural lands in the public domain

WHEREAS sections 9 and 47 of the Act respecting agricultural lands in the public domain (R.S.Q., c. T-7.1) empower the Government to make regulations respecting the alienation or leasing of agricultural lands in the public domain;

WHEREAS a regulation was made by Order in Council 4-90 dated 10 January 1990;

WHEREAS it is expedient to amend section 7 of the Regulation to limit, in all circumstances, the area in hectares that the owner of an agricultural operation may acquire;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 11 May 1994, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the alienation and leasing of agricultural lands in the public domain, attached hereto, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the alienation and leasing of agricultural lands in the public domain

An Act respecting agricultural lands
in the public domain
(R.S.Q., c. T-7.1, s. 9 and s. 47, pars. 1 and 6)

1. The Regulation respecting the alienation and leasing of agricultural lands in the public domain, made by Order in Council 4-90 dated 10 January 1990, is amended by deleting the words “, unless no other person has registered or all persons registered have abandoned in regard to a parcel of land applied for by the owner of that agricultural operation” in section 7.

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

8605

Gouvernement du Québec

O.C. 1187-94, 3 August 1994

Education Act
(R.S.Q., c. I-13.3)

Norms, conditions and procedure for disposing of an immovable of a school board — Amendments

Regulation to amend the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board

WHEREAS under subparagraph 2 of the first paragraph of section 452 of the Education Act (R.S.Q., c. I-13.3), the Government may, by regulation, determine the norms, conditions and procedure for disposing of an immovable of a school board or of the Conseil scolaire de l'île de Montréal and prescribe the cases in which and the conditions under which the disposal is to take place for a nominal price fixed by the Minister;

WHEREAS by Order in Council 37-90 dated 17 January 1990, the Government made the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 13 April 1994 with a notice that it could be submitted for approval by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to amend that Regulation;

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

THAT the Regulation to amend the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board, attached to this Order in Council, be made.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board

Education Act
(R.S.Q., c. I-13.3, s. 452)

1. The Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board, made by Order in Council 37-90 dated 17 January 1990, is amended by substituting the amount "\$100 000" for the amount "\$20 000" in section 1.

2. Section 3 is amended by substituting the following for paragraphs 4 and 6, respectively:

"(4) a private educational institution accredited for purposes of subsidies in accordance with the Act respecting private education (R.S.Q., c. E-9.1);

(6) a public institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Corporation d'hébergement du Québec;"

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

8603

Gouvernement du Québec

O.C. 1188-94, 3 August 1994

Professional Code
(R.S.Q., c. C-26)

Hearing-aid acousticians — Professional liability

Regulation respecting professional liability insurance of hearing-aid acousticians

WHEREAS under paragraph 1 of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau of the Ordre des audioprothésistes du Québec may, by regulation, impose upon the members of the corporation or certain classes of them, in relation to the risk they represent, particularly on those who practise for their own account, the obligation to furnish, by means of an insurance policy, a surety bond or by any other means determined by regulation, a guarantee against any liability they may incur owing to fault or negligence committed in the practice of their profession, or the obligation to join a group plan contract entered into by the corporation or to contribute to a professional liability insurance fund established for such purposes in accordance with section 86.1 of the Code;

WHEREAS under that section, the Bureau made the Regulation respecting professional liability insurance of hearing-aid acousticians;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 16 January 1991, with a notice that it could be submitted to the Government for approval at the expiry of 45 days following that publication;

WHEREAS under section 95 of the Professional Code, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation respecting professional liability insurance of hearing-aid acousticians, attached to this Order in Council, be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting professional liability insurance of hearing-aid acousticians

Professional Code
(R.S.Q., c. C-26, s. 94, par. 1)

1. A hearing-aid acoustician shall hold an insurance policy establishing a guarantee against any liability that he may incur owing to fault or negligence committed in the practice of his profession.

Notwithstanding the above, where the Order takes out, on behalf of all or some of its members, a liability insurance policy complying with this Regulation, a hearing-aid acoustician shall, for the purposes of the first paragraph, join that group insurance policy.

2. Notwithstanding section 1, a hearing-aid acoustician is not required to hold such policy where he is entered on the roll of the Ordre des audioprothésistes du Québec but under no circumstances performs any of the acts referred to in section 7 of the Hearing-aid Acousticians Act (R.S.Q., c. A-33). In that case, he shall send to the secretary of the Order an application for exemption containing at least the information required under Schedule I.

3. The insurance policy shall contain the following provisions:

(1) the minimum guarantee is \$1 000 000 per claim and \$5 000 000 for the aggregate of the claims made in respect of the guarantee period;

(2) the insurer undertakes to pay on behalf of the insured, within the limits of the guarantee and without exclusions applicable to third parties, any amount that the insured may be legally required to pay to a third party as damages in respect of a claim submitted during the period covered by the guarantee and resulting from services rendered by the insured, his employees or trainees working under his responsibility in the performance of their duties, or from the failure of those persons to render such services;

(3) the insurer's obligation covers any claim submitted in the 5 years following a guarantee period during which the hearing-aid acoustician dies;

(4) the guarantee covers services rendered or the failure to render services, from the coming into force of the insurance policy to the end of the guarantee period;

(5) the insurer undertakes to take up the defence of the insured and to assume his defence in any action

brought against him; the costs and expenses incurred in proceedings against the insured, including those of the defence and interest on the guarantee amount, are the responsibility of the insurer, in addition to the amounts provided for in paragraph 1;

(6) the insurer undertakes to issue, for the subsequent 5-year period, to a hearing-aid acoustician who ceases permanently to practise his profession during a period guaranteed by the insurer, an insurance policy complying, *mutatis mutandis*, with the requirements of this Regulation and covering services rendered by the hearing-aid acoustician, his employees or trainees working under his responsibility in the performance of their duties, or the failure of those persons to render such services, prior to the cessation of practice;

(7) the insurer undertakes to give notice to the Order or to the insured, as the case may be, within the 30 days preceding the amendment, cancellation or non-renewal of the insurance contract; and

(8) the insurer undertakes to notify the Order where it pays an amount of money as a result of the fault or negligence of a hearing-aid acoustician in the practice of his profession.

4. A hearing-aid acoustician who ceases to practise shall, prior to the cessation of practice, obtain, for a period of at least 5 years, the insurance coverage referred to in paragraph 6 of section 3.

5. In the case provided for in the first paragraph of section 1, a hearing-aid acoustician shall, prior to 1 November each year, provide the secretary of the Order with proof that he holds an insurance policy that is valid for a period of 12 months following that date and that complies with this Regulation.

Where the name of a hearing-aid acoustician is entered or re-entered on the roll on a date other than 1 November, he shall provide the secretary of the Order with proof that he holds an insurance policy that is valid until at least the following 1 November and that complies with this Regulation.

In the case provided for in the second paragraph of section 1, an insurance certificate shall be issued to every hearing-aid acoustician who joins the insurance policy taken out by the Order, and a copy of that insurance policy shall be given to him on written request.

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

SCHEDULE I**APPLICATION FOR EXEMPTION**

(s. 2)

I am entered on the roll of the Ordre des audioprothésistes du Québec and under no circumstances do I perform any of the acts specified in section 7 of the Hearing-aid Acousticians Act (R.S.Q., c. A-33).

I hereby agree to notify the secretary immediately and to send him proof that I hold an insurance policy complying with this Regulation if I begin to perform any of the acts specified in section 7 of the Hearing-aid Acousticians Act.

Signature of hearing-aid acoustician

Oath taken before _____

(name and position, profession or
quality of person authorized to
receive (oath))

at _____ on _____
(municipality) (date)

(Signature of person authorized to receive oath)

8604

Gouvernement du Québec

O.C. 1203-94, 3 August 1994

Labour Code
(R.S.Q., c. C-27)

Code of Penal Procedure
(R.S.Q., c. C-25.1)

Rules of Procedure of Labour Court**Rules of Procedure of the Labour Court**

WHEREAS under the second paragraph of section 138 of the Labour Code (R.S.Q., c. C-27), after consultation with the Conseil consultatif du travail et de la main-d'oeuvre, the majority of the members of the Court, at a meeting called by the chief judge, may make regulations applicable to the procedure and the trial of suits before it;

WHEREAS under section 368 of the Code of Penal Procedure (R.S.Q., c. C-25.1), the judges of the Court of Appeal, the Superior Court, the Court of Québec or the Labour Court may adopt, for the exercise of their respective jurisdictions, the rules of practice judged nec-

essary for the proper carrying out of that Code and those rules of practice must be adopted by a majority of the judges concerned, either at a meeting convened for the purpose by the chief justice or upon consultation held with the judges at the request of the chief justice by certified or registered mail;

WHEREAS under section 370 of the Code of Penal Procedure, the powers and duties conferred upon or assigned to a judge under articles 3 and 368 of that Code may also be exercised by the Labour Court within the limits of its jurisdiction as provided for by law until, pursuant to chapter 85 of the statutes of 1987, it ceases to exercise penal jurisdiction;

WHEREAS the Conseil consultatif du travail et de la main-d'oeuvre was consulted on 9 February 1993;

WHEREAS the Rules of Procedure of the Labour Court attached to this Order in Council were adopted with the assent of the majority of the judges of the Labour Court convened for that purpose by the chief judge of the Labour Court at a meeting held in Québec on 12 October 1993;

WHEREAS under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Rules of Procedure of the Labour Court were published as a draft in the *Gazette officielle du Québec* of 4 May 1994;

WHEREAS under section 138 of the Labour Code and section 368 of the Code of Penal Procedure, the Rules of Procedure of the Labour Court must be approved by the Government;

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

THAT in accordance with section 138 of the Labour Code and section 368 of the Code of Penal Procedure, the Rules of Procedure of the Labour Court, attached hereto, be approved and come into force in accordance with the law.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Rules of Procedure of the Labour Court

Made with the consent of the majority of the judges of the Labour Court at a meeting called for such purpose by the Chief Judge of the Labour Court and held in Québec on 12 October 1993

LOUIS MORIN,
Chief Judge of the Labour Court

Rules of Procedure of the Labour Court

Labour Code
(R.S.Q., c. C-27, s. 138, 2nd par.)

Code of Penal Procedure
(R.S.Q., c. C-25.1, arts. 368 and 370)

DIVISION 1 GENERAL

§1. Office of the Court

1. The offices of the Court shall be located at 255, boulevard Crémazie Est, 7^e étage, Montréal (Québec), H2M 1L5, and at Édifice n° 1 du Samuel-Holland, 1245, chemin Sainte-Foy, bureau 340, Québec (Québec), G1S 4W7. They shall be open on juridical days from Monday to Friday, between the hours of 8:30 a.m. and 4:30 p.m.

2. They shall serve the administrative regions described in the Schedule to these Rules.

3. The clerk shall keep up-to-date registers, indexes and records in which he shall record the following information for each case:

(1) with respect to the exercise of administrative jurisdiction:

- (a) the number of the record;
- (b) the names of the parties and of their representatives;
- (c) the nature and date of receipt of all proceedings;
- (d) the date of the hearing;
- (e) the date on which the case is postponed in the event of adjournment;
- (f) the date on which the case was taken under advisement;
- (g) the date and nature of any judgment; and
- (h) the date of service, the nature and the record number of any recourse exercised against a judgment of the Court;

(2) with respect to the exercise of penal jurisdiction:

- (a) the number of the statement of offence;

(b) the name of the Court;

(c) the name of the judge who completed a proceeding or before whom it was brought;

(d) the full name and address of the prosecutor;

(e) the name or description of the defendant;

(f) a description of the offence;

(g) the date of service of the statement of offence;

(h) the manner in which the statement of offence was served;

(i) the dates of adjournments;

(j) a brief note concerning other proceedings;

(k) the nature of the judgment and, where applicable, the sentence imposed;

(l) the date of the conviction or of the acquittal, of the filing of the judgment and, where applicable, of the sentencing;

(m) the amount of the costs imposed in respect of each offence;

(n) the amount of the bail bond; and

(o) the order to imprison the defendant for failure to pay the fine.

4. During office hours, any person may have access to all registers, indexes and records of the office of the Court, as well as to all records of the Court, with the exception of anything that is confidential under the Labour Code. A record may be consulted only in the presence of the clerk. If the clerk is unable to be present during such consultation, a written acknowledgement of consultation shall be obtained and filed in the record.

Copies of documents may be obtained upon payment of the fees or costs determined in the Tariff of Court Fees in Civil Matters and of Court Office Fees, made by Order in Council 738-86 dated 28 May 1986, or in the Tariff of court costs in penal matters, made by Order in Council 1412-93 dated 6 October 1993, whichever is applicable.

§2. The hearing

5. Morning and afternoon hearings shall begin at 9:30 a.m. and 2 p.m. respectively.

6. The clerk shall draw up the minutes of the hearing in which shall be recorded

- (1) the name of the judge presiding over the hearing;
- (2) the date, time and place of the hearing;
- (3) the various steps of the sitting;
- (4) the identity of the parties, their representatives and the witnesses;
- (5) the exhibits produced; and
- (6) the conclusions of the orders made and decisions rendered during the hearing.

7. Anything which disrupts the hearing is prohibited.

8. No adjournment may be granted by the sole fact that the parties consent thereto.

DIVISION 2 EXERCISE OF ADMINISTRATIVE JURISDICTION

§1. Service and notices

9. All proceedings shall be served by bailiff, by registered or certified mail, by messenger service with a delivery receipt or by an acknowledgment of receipt.

Upon a motion with reasons and if the circumstances so warrant, a judge may authorize another mode of service.

10. A judgment rendered orally is deemed rendered on the date it is pronounced.

11. A judgment rendered in writing shall bear the date on which it is filed at the office of the Court. Such filing shall be acknowledged by means of the stamp of the office of the Court.

12. A copy of the judgment shall be sent to the parties as soon as it is filed.

13. Any application to adjourn the hearing submitted orally before the hearing shall immediately be followed by a writing setting out the reasons relied on in support of such application. A copy of the writing shall be given to the other parties.

14. A notice of presentation shall be given for a motion for leave to appeal. In any other matter, the Court shall fix the date of the hearing and shall call the parties.

15. In matters of leave to appeal and in matters of appeal, the judge may, with the agreement of the parties, replace the hearing with arguments in writing or with a telephone conference.

16. Upon receipt of the notice of hearing, the parties shall communicate the name, address and telephone number of their representatives to the clerk.

§2. Documents

17. Upon receipt of an application submitted under section 47.4 of the Labour Code, the clerk shall send to the parties a copy of the application, together with the complaint to the Minister of Labour, where applicable.

18. If the evidence before the labour commissioner, the Régie du bâtiment or a municipality contemplated in section 132 of the Building Act (R.S.Q., c. B-1.1) was made the subject of an official stenographic transcript at the request of a party and if that party wishes to use it in court, such transcript shall be immediately filed at the office of the Court upon service of the motion to appeal.

§3. Appeals under the Building Act (R.S.Q., c. B-1.1) and under the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20)

19. A motion to appeal from a decision of the Régie du bâtiment or a municipality contemplated in section 132 of the Building Act (R.S.Q., c. B-1.1) shall indicate

- (1) the number of the record;
- (2) the name and domicile of the applicant;
- (3) the date and nature of the decision of the Régie or the municipality;
- (4) the name of the municipality, where applicable;
- (5) the grounds for the appeal; and
- (6) the conclusions sought.

20. An appeal from a decision of the chairman of the Commission de la construction du Québec under section 93 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20) shall be brought within the time limits provided for in that section and in the same manner as an appeal brought under section 108.3 of that Act, namely, by way of a notice setting out

- (1) the number of the record;
- (2) the name and domicile of the applicant;
- (3) the date and nature of the decision of the chairman of the Commission;
- (4) the relevant facts; and
- (5) the conclusions sought.

§4. *Keeping of recordings and disposal of records*

21. Hearings shall be recorded by means of a tape recorder or similar device, or by means of stenography or stenotypy; tapes shall be kept for 2 years after the judgment of the Court is rendered or until the final judgment is rendered in the event that recourse is exercised against such judgment.

A copy of such tapes may be obtained upon payment of the fees and costs determined in the Tariff of court costs in penal matters, made by Order in Council 1412-93 dated 6 October 1993, or in the Regulation respecting the tariff of fees for the taking down and transcription of depositions of witnesses, made by Order in Council 2253-83 dated 1 November 1983, whichever is applicable.

22. Any party that filed exhibits may claim them from the office of the Court 3 months after the Court renders its decision. The clerk may dispose of unclaimed exhibits 2 years after the Court renders its decision.

§5. *The trial*

23. Appeals relating to applications for certification and complaints under section 16 of the Labour Code shall be considered urgent.

24. An application for precedence may be granted upon a motion brought before the Chief Judge of the Court.

25. Before hearing a case, the judge in charge of the record may call the parties or their representatives to a preliminary meeting to discuss means by which the hearing may be simplified or shortened. At such meeting, the judge may ask whether all possibilities for an out-of-court settlement have been explored.

26. Should there be a withdrawal or some other settlement of a matter, the parties shall so inform the clerk immediately.

DIVISION 3 EXERCISE OF PENAL JURISDICTION

27. The date, time and place for filing any oral application subject to prior notice, as well as any application in writing, shall be agreed to in advance by the clerk and the party presenting the application.

28. Where a similar application is filed in a judicial district other than the judicial district of Montréal or Québec, the party filing the application shall send to the office of the Court in the judicial district of Montréal or Québec, as the case may be, at least 5 clear days before the date of filing, a copy of the documents served on the opposing party.

29. A defendant who, prior to the trial, decides to change his plea in response to the indictment shall immediately so inform the office of the Court in the judicial district of Montréal or Québec, as the case may be.

30. For the purposes of article 32, article 55, par. 2 and article 169 of the Code of Penal Procedure, the office of the Court shall be that mentioned in the general provisions of these Rules with respect to the judicial districts of Montréal and Québec. For the other judicial districts, it shall be established as the office of the Court of Québec in each chief place.

SCHEDULE

I — Administrative regions served by the office of the Court in the judicial district of Québec

Region 01 Bas-Saint-Laurent, which is comprised of the following regional county municipalities:

Matane
La Matapédia
La Mitis
Rimouski-Neigette
Les Basques
Rivière-du-Loup
Témiscouata
Kamouraska

Region 02 Saguenay-Lac-Saint-Jean, which is comprised of the following regional county municipalities:

Le Domaine-du-Roy
Lac-Saint-Jean-Est
Maria-Chapdelaine
Le Fjord-du-Saguenay

Region 03 Québec, which is comprised of the Communauté urbaine de Québec and the following regional county municipalities:

Charlevoix-Est
Charlevoix
La Côte-de-Beaupré
L'Île-d'Orléans
La Jacques-Cartier
Portneuf

Region 04 Mauricie-Bois-Francs, which is comprised of the following regional county municipalities:

Le Haut-Saint-Maurice
Mékinac
Le Centre-de-la-Mauricie
Maskinongé
Francheville
Nicolet-Yamaska
Bécancour
Arthabaska
L'Érable

The Municipalité régionale de comté de Drummond shall be served by the Montréal offices.

Region 09 Côte-Nord, which is comprised of the following regional county municipalities:

Caniapiscau
La Haute-Côte-Nord
Manicouagan
Sept-Rivières
Minganie

and the Municipalité Côte-Nord-du-Golfe-Saint-Laurent.

Region 11 Gaspésie-Îles-de-la-Madeleine, which is comprised of the following regional county municipalities:

Denis-Riverin
La Côte-de-Gaspé
Pabok
Bonaventure
Avignon
Les Îles-de-la-Madeleine

Region 12 Chaudière-Appalaches, which is comprised of the following regional county municipalities:

L'Islet
Montmagny
Bellechasse

Les Etchemins
Desjardins
Les Chutes-de-la-Chaudière
La Nouvelle-Beauce
Robert-Cliche
Beauce-Sartigan
Lotbinière
L'Amiante

II — Administrative regions served by the office of the Court in the judicial district of Montréal

Region 04 The Municipalité régionale de comté de Drummond only

Region 05 Estrie, which is comprised of the following regional county municipalities:

Le Granit
Asbestos
Le Haut-Saint-François
Le Val-Saint-François
Sherbrooke
Coaticook
Memphrémagog

Region 06 Montréal, which is comprised of the Communauté urbaine de Montréal

Region 07 Outaouais, which is comprised of the Communauté urbaine de l'Outaouais and the following regional county municipalities:

La Vallée-de-la-Gatineau
Les Collines-de-l'Outaouais
Papineau
Pontiac

Region 08 Abitibi-Témiscamingue, which is comprised of the following regional county municipalities:

Abitibi-Ouest
Abitibi
Vallée-de-l'Or
Témiscamingue
Rouyn-Noranda

Region 10 Nord-du-Québec, which is comprised of the entire territory not organized into regional county municipalities located north of the regional county municipalities of Abitibi-Ouest, Abitibi, Vallée-de-l'Or, Le Haut-Saint-Maurice, Le Domaine-du-Roy, Maria-Chapdelaine, Le Fjord-du-Saguenay and Caniapiscau, namely,

the Municipalité de la Baie-James;
the towns of Matagami, Lebel-sur-Quévillon, Chibougamau and Chapais;
the Cree communities;
the northern village municipalities in the Kativik region
the local communities of Beaucanton, Villebois and Val-Paradis

Region 13 Laval, which is comprised of the Municipalité régionale de comté de Laval

Region 14 Lanaudière, which is comprised of the following regional county municipalities:

Matawinie
D'Autray
Joliette
Montcalm
L'Assomption
Les Moulins

Region 15 Laurentides, which is comprised of the following regional county municipalities:

Les Laurentides
Les Pays-d'en-Haut
La Rivière-du-Nord
Thérèse-De Blainville
Deux-Montagnes
Argenteuil
Antoine-Labelle
Mirabel

Region 16 Montérégie, which is comprised of the following regional county municipalities:

Acton
La Haute-Yamaska
Brome-Missisquoi
Le Bas-Richelieu
Les Maskoutains
Rouville
Le Haut-Richelieu
La Vallée-du-Richelieu
Lajemmerais
Champlain
Vaudreuil-Soulanges
Beauharnois-Salaberry
Le Haut-Saint-Laurent
Roussillon
Les Jardins-de-Napierville

Gouvernement du Québec

O.C. 1205-94, 3 August 1994

An Act respecting the civil aspects of international and interprovincial child abduction
(R.S.Q., c. A-23.01)

Taking of effect

— Poland

Taking of effect, in respect of Poland, of the Act respecting the civil aspects of international and interprovincial child abduction

WHEREAS section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01; S.Q., 1994, c. 15) provides that the Government, upon the recommendation of the Minister of Justice and, as the case may be, of the Minister for Canadian Intergovernmental Affairs or the Minister of International Affairs, Immigration and Cultural Communities, shall designate, by order published in the *Gazette officielle du Québec*, any State, province or territory in which he considers that Québec residents may benefit from measures similar to those set out in the Act;

WHEREAS that section also provides that the order shall indicate the date of taking of effect of the Act for each State, province or territory designated therein;

WHEREAS the Government designated Poland by Order in Council 1321-93 dated 15 September 1993;

WHEREAS that Order in Council provides that the Act will take effect, in respect of Poland, at a later date fixed by the Government;

WHEREAS it is expedient to fix the date of taking of effect of the Act in respect of that State;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice and the Minister of International Affairs, Immigration and Cultural Communities:

THAT the Act respecting the civil aspects of international and interprovincial child abduction take effect in respect of Poland on 1 February 1994.

BENOÎT MORIN,
Clerk of the Conseil exécutif



Draft Regulations

Draft Regulation

Medical Act
(R.S.Q., c. M-9)

Physicians

— Acts which may be done by classes of persons other than physicians
— 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 respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (Amendment)" made by the Bureau of the Corporation professionnelle des médecins du Québec, the text of which appears below, may be submitted to the Government, which may approve it with or without amendment, upon the expiry of 45 days following this publication.

Any person having comments to make is asked to transmit them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, complexe de la Place Jacques-Cartier, 320, rue Saint-Joseph Est, 1^{er} étage, Québec (Québec), G1K 8G5. These comments will be forwarded by the Office to the Minister responsible for the administration of legislation concerning the professions; they may also be forwarded to the professional corporation that made the Regulation as well as to the persons, departments and agencies concerned.

ROBERT DIAMANT,
*Chairman of the Office
des professions du Québec*

Regulation amending the Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians

Medical Act
(R.S.Q., c. M-9, s. 19, 1^{er} par., subpar. b)

1. The Regulation respecting the acts contemplated in section 31 of the Medical Act which may be done by classes of persons other than physicians (R.R.Q., 1981, c. M-9, r. 1) is amended:

(1) by adding the following paragraph after paragraph x of section A-1.06 of Schedule A:

y) hepatitis A	X					X
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(2) by substituting the letters "a to y" for the letters "a to r" in the column "Other conditions" of section A-1.06 of Schedule A.

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

8601



Municipal affairs

Gouvernement du Québec

O.C. 1175-94, 3 August 1994

Amalgamation of the Paroisse de Saint-Liboire and the Village de Saint-Liboire

WHEREAS each of the municipal councils of the Paroisse de Saint-Liboire and the Village de Saint-Liboire adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality resulting from the amalgamation of the 2 municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs;

WHEREAS objections were sent to the Minister of Municipal Affairs and he did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application with the amendments proposed by the Minister of Municipal Affairs and approved by the councils of the applicant municipalities;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT the application be granted and that the local municipality resulting from the amalgamation of the Paroisse de Saint-Liboire and the Village de Saint-Liboire be constituted, under the following conditions:

1. The name of the new municipality is "Municipalité de Saint-Liboire".
2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 20 April 1994; that description is attached as Schedule A to this Order in Council.
3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).
4. The new municipality will be part of the Municipalité régionale de comté des Maskoutains.

5. A provisional council will be in office until the first general election. It will be composed of all the members of the 2 councils existing at the time of the coming into force of this Order in Council. The quorum will be half the members in office, plus one. The 2 mayors will alternate as mayor of the provisional council for equal periods. A drawing of lots at the first meeting of the provisional council will determine which of the 2 mayors will serve as mayor first.

6. The first provisional council meeting will be held on the second juridical Monday following the coming into force of this Order in Council. It will be held at 8:00 p.m. at the town hall of Saint-Liboire, without any further notice.

7. The first general election will be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council. Where that date is the first Sunday of December or January, the first general election shall take place on the first Sunday of February. The second general election will be held on the first Sunday of November, 1998.

8. The council of the new municipality will be composed of 7 members, including a mayor and 6 councillors. The councillors' seats will be numbered from 1 to 6 beginning with the first general election.

9. The resolutions adopted by the former municipalities under section 45 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, c. 37) will continue to apply to the new municipality as if it had adopted them.

10. Mr. Jean-Noël Lemonde, assistant secretary-treasurer of the former Paroisse de Saint-Liboire and former Village de Saint-Liboire, will act as assistant secretary-treasurer until such time as the council composed of the persons elected at the first general election decides otherwise in accordance with the Act.

11. Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force will continue to be applied by the council of the new municipality, and the expenditures and revenues will have to be accounted for separately as if those municipalities continued to exist. Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation will be charged to the budgets of each of the former municipali-

ties in proportion to their standardized real estate values within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), as appearing in their budgets.

The terms and conditions for distributing the cost of the joint services provided for in the intermunicipal agreements in force before the coming into force of this Order in Council will continue to apply until the end of the last fiscal year for which the new municipality applied separate budgets.

12. At the end of the last fiscal year for which the new municipality applied separate budgets, it will pay into its general fund a portion or all of the surplus accumulated on behalf of the former municipalities.

Seventy percent of the amount so paid will come from the surplus accumulated on behalf of the former Paroisse de Saint-Liboire, not exceeding the total amount of that accumulated surplus, and 30 % will come from the surplus accumulated on behalf of the former Village de Saint-Liboire.

Where the amount of the surplus accumulated on behalf of the former Village de Saint-Liboire is insufficient to carry out the operation provided for in the preceding paragraph, the amount of the surplus accumulated on behalf of the former Paroisse de Saint-Liboire will be reduced so that it equals 70 % of the total amount paid by the two former municipalities into the general fund of the new municipality.

13. Any funds remaining from the surplus accumulated on behalf of a former municipality after the operation provided for in section 12 is carried out will be used for the benefit of the ratepayers of the former municipality that accumulated them. They may be used for carrying out public works in the territory of that former municipality or for reducing the special real estate taxes applicable to the ratepayers in that territory.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipality adopted a separate budget will remain chargeable to all the taxable immovables in that municipality.

15. The balance of the principal and interest of borrowing by-laws 134 and 138 adopted by the former Village de Saint-Liboire will become chargeable to the immovables in the sector of the new municipality which, at the time of the coming into force of this Order in Council, is serviced by the waterworks and sewer system, in accordance with the taxation clauses provided for in those by-laws.

The taxation clauses provided for in those by-laws are amended accordingly. The new municipality may amend those by-laws in accordance with the Act, where it carries out works to extend that waterworks and sewer system.

16. The balance of the principal and interest of borrowing By-law 262 adopted by the former Paroisse de Saint-Liboire will remain chargeable to all the taxable immovables in the territory formed by that former municipality.

17. Any debt or gain that may result from legal proceedings for any action taken by a former municipality shall continue to be charged to or shall continue to benefit all the taxable immovables in that municipality.

18. The new municipality shall have the rights, obligations and responsibilities of the former municipalities. It shall become, without continuance of suit, a party to any proceeding in the place and stead of those municipalities.

The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each of the former municipalities shall remain in force in the territory for which they were drawn up, until they are amended, cancelled or revoked, insofar as they are compatible with this Order in Council.

19. The common municipal court of Saint-Hyacinthe will have jurisdiction over the territory of the new municipality. Pursuant to section 18.3 of the Act to amend the Act respecting municipal courts (1993, c. 62), an agreement amending the agreement deemed to have been concluded between the Ville de Saint-Hyacinthe and the Village de Saint-Liboire is attached to the Minister's recommendation.

20. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

BENOÎT MORIN,
Clerk of the Conseil exécutif

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE MUNICIPALITÉ DE SAINT-LIBOIRE, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DES MASKOUTAINS

The current territory of the Village de Saint-Liboire and of the Paroisse de Saint-Liboire, in the Municipalité régionale de comté des Maskoutains, comprising, in

reference to the cadastres of the parishes of Saint-Liboire and Saint-Simon, the lots or parts of lots and their present and future subdivisions, as well as the roads, highways, streets, autoroutes, railway rights of way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the dividing line between the cadastres of the parishes of Saint-Liboire and Saint-Simon and the dividing line between the cadastres of the parishes of Saint-Liboire and Sainte-Hélène; thence, successively, along the following lines and demarcations: the dividing line between the cadastres of the parishes of Saint-Liboire and Sainte-Hélène; the line dividing the cadastre of the Paroisse de Saint-Liboire from the cadastres of the Paroisse de Saint-Éphrem-d'Upton and the Village de Saint-Éphrem-d'Upton, that line extended across the public highways and watercourses that it meets; the broken line dividing the cadastre of the Paroisse de Saint-Liboire from the cadastres of the parishes of Saint-Valérien-de-Milton, Saint-Dominique and Sainte-Rosalie, that line extended across the public highways and watercourses that it meets; part of the broken line dividing the cadastres of the parishes of Saint-Liboire and Saint-Simon to the apex of the southern angle of lot 341 of that last cadastre; in reference to the cadastre of the Paroisse de Saint-Simon, the line dividing lots 341, 340, 339, 338, 337 and 336 from lot 327; the dividing line between lots 336 and 335; part of the northeastern line of lot 336, being the southwestern side of the right of way of a public road, to the extension of the northwestern line of lot 422 of the cadastre of the Paroisse de Saint-Liboire; the said extension to the apex of the western angle of the said lot; finally, northeasterly, part of the broken line dividing the cadastres of the parishes of Saint-Liboire and Saint-Simon, extended across the public highways that it meets, to the starting point; those limits define the territory of the Municipalité de Saint-Liboire.

Ministère des Ressources naturelles
Service de l'arpentage
Charlesbourg, 20 April 1994

Prepared by: GILLES CLOUTIER,
Land Surveyor

8608

Gouvernement du Québec

O.C. 1176-94, 3 August 1994

Amalgamation of the Village de Linière and the
Paroisse de Saint-Côme-de-Kennebec

WHEREAS the Village de Linière and the Paroisse de Saint-Côme-de-Kennebec were amalgamated to form a new local municipality;

WHEREAS the Order in Council respecting that amalgamation was made on 23 March 1994;

WHEREAS a spelling error was made in the name of the new municipality in the preparation of the Order in Council;

WHEREAS the name of the new municipality should have read "Municipalité de Saint-Côme-Linière" rather than "Municipalité de Saint-Côme-de-Linière" as appears in the joint application of the two municipalities;

WHEREAS it is expedient, under section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), to amend that Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs:

THAT section 1 of the operative provisions of Order in Council 395-94 of 23 March 1994 be amended by substituting the words "Municipalité de Saint-Côme-Linière" for the words "Municipalité de Saint-Côme-de-Linière";

THAT this Order in Council be published in the *Gazette officielle du Québec*.

BENOÎT MORIN,
Clerk of the Conseil exécutif

8609



Erratum

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

Men's clothing
— Amendments
— Erratum

Gazette officielle du Québec, Part 2, Laws and Regulations, No. 29 dated 20 July 1994.

"Decree to amend the Decree respecting the men's clothing industry"
(Order in Council 932-94 dated 22 June 1994)

1. On page 2679, the title of the table of the hourly minimum wage rates which read "As of 94 07 28", mentioned in subsection (1) of section 9.02.1, introduced by section 3 of the amending decree, is replaced by the following:

"As of 94 08 03".

2. On page 2679, the title of the table of apprentices wages which read "As of 94 07 28" mentioned in section 9.03, introduced by section 5 of the amending decree, is replaced by the following:

"As of 94 08 03".

3. On page 2679, the words and dates "As of 28 July 1994" appearing in sub-paragraph *a* of paragraph 1" of section 9.08, introduced by section 6 of the amending decree, are replaced by the following:

"As of 3 August 1994".

8602



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Abbreviations: A: Abrogated, N: New, M: Modified

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