

Gazette officielle du Québec

Part 2

Laws and
Regulations

Volume 127

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Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 127
13 September 1995
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Summary

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

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4° Orders in Council of the Government, decisions of the Conseil du trésor and ministers' orders whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

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 law;

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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Coming into force of Acts

Gouvernement du Québec

O.C. 1177-95, 30 August 1995

**An Act to amend Youth Protection Act
(1994, c. 35)**

— Coming into force certain provisions

COMING INTO FORCE of section 44 and of paragraph 3 of section 61 of the Act to amend the Youth Protection Act (1994, c. 35)

WHEREAS the Act to amend the Youth Protection Act (1994, c. 35) was assented to on 17 June 1994;

WHEREAS under Order in Council 1279-94 dated 17 August 1994, most of the provisions of that Act came into force on 1 September 1994;

WHEREAS it is expedient to fix the date of the coming into force of section 44 and paragraph 3 of section 61 of the Act to amend the Youth Protection Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 28 September 1995 be fixed as the date of coming into force of section 44 and paragraph 3 of section 61 of the Act to amend the Youth Protection Act (1994, c. 35).

LOUIS BERNARD,
Clerk of the Conseil exécutif

9323



Regulations and other acts

Gouvernement du Québec

O.C. 1158-95, 30 August 1995

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31)

Various schemes
— Amendments

Regulation to amend various farm income stabilization insurance schemes

WHEREAS under sections 2, 5, 6 and 6.1 of the Act respecting farm income stabilization insurance (R.S.Q., c. A-31), the Government made the Income Stabilization Insurance Scheme for Lamb Producers by Order in Council 1837-92 dated 16 December 1992, the Income Stabilization Insurance Scheme for Feeder Cattle and Slaughter Cattle Producers by Order in Council 1845-86 dated 10 December 1986, the Income Stabilization Insurance Scheme for Feeder Calf Producers by Order in Council 898-89 dated 14 June 1989, the Income Stabilization Insurance Scheme for Heavy Calf Producers by Order in Council 1793-86 dated 3 December 1986, the Farm income stabilization insurance scheme for feeder hog producers by Order in Council 839-93 dated 16 June 1993, the Income Stabilization Insurance Scheme for Piglet Producers, by Order in Council 845-92 dated 10 June 1992 and the Income Stabilization Insurance Scheme for Apple Producers by Order in Council 1115-94 dated 20 July 1994;

WHEREAS the updating of the estimates for compensation, of the state of the insurance fund and of the number of items insured requires an adjustment of assessment rates established for those stabilization insurance schemes for the 1995-1996 insurance year;

WHEREAS it is expedient not to index, from the 1996 insurance year, certain values assigned to production and marketing structures and the values assigned to items considered in calculating annual receipts, the net annual income and the stabilized net annual income, which will result in important budgetary savings;

WHEREAS it is expedient to make the Regulation to amend various farm income stabilization insurance schemes;

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

THAT the Regulation to amend various farm income stabilization insurance schemes, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend various farm income stabilization insurance schemes

An Act respecting farm income stabilization insurance (R.S.Q., c. A-31, ss. 6 and 6.1)

Income Stabilization Insurance Scheme for Lamb Producers

1. The Income Stabilization Insurance Scheme for Lamb Producers, made by Order in Council 1837-92 dated 16 December 1992 and amended by the Regulations made by Orders in Council 1516-93 dated 3 November 1993 and 1749-94 dated 14 December 1994, is further amended by substituting the following for the second paragraph of section 15:

"From the 1995 insurance year, the annual amount of the assessment shall be \$33.00 for each insurable ewe."

2. Schedule 1 to that Scheme is amended by inserting the following after section 6:

"6.1 Any balance on the medium and long-term loans provided for in No. 15 of the annual adjustment standards of the table in Division VII is indexed only until the 1995 insurance year, inclusively."

3. Section 12 of that Schedule is amended by substituting the following for the first and second paragraphs:

"12. The fixed assets, cash disbursements and depreciation established in Divisions VI and VII represent the amounts determined by the Régie on the basis of the indexes established for the 1988-1989 insurance year.

For subsequent years, the acquisition dates and costs of immoveable and moveable property are adjusted, until the 1995 insurance year inclusively, in accordance with the annual adjustment standards described in the tables of Division VI.

From the 1996 insurance year and for subsequent years, the dates and amounts determined in the table of Division VI, as adjusted for the 1995 insurance year, remain in force without further adjustment.

The amounts provided for in the table of Division VII are adjusted each fiscal year in accordance with the annual adjustment standards contained in that table."

4. That Schedule is amended by deleting, in paragraph 2 of section 13, the words "the Régie then revises the acquisition dates and costs of moveable and immoveable property required;"

5. That Schedule is amended by revoking section 14.

Income Stabilization Insurance Scheme for Feeder Cattle and Slaughter Cattle Producers

6. The Income Stabilization Insurance Scheme for Feeder Cattle and Slaughter Cattle Producers, made by Order in Council 1845-86 dated 10 December 1986 and amended by the Regulations made by Orders in Council 1455-87 dated 23 September 1987, 286-88 dated 2 March 1988, 764-88 dated 18 May 1988, 1934-88 dated 21 December 1988, 646-89 dated 3 May 1989, 1324-89 dated 16 August 1989, 711-90 dated 23 May 1990, 1074-90 dated 1 August 1990, 1336-91 dated 2 October 1991, 1166-92 dated 12 August 1992, 1723-92 dated 2 December 1992, 1516-93 dated 3 November 1993 and 1749-94 dated 14 December 1994, is further amended by substituting the following for the second paragraph of section 19:

"From the 1995 insurance year, the annual amount of the assessment shall be \$56.00 for each insurable head of feeder cattle."

7. Schedule 1 to that Scheme is amended by inserting the following after section 6:

"6.1 Any balance on the medium and long-term loans provided for in No. 14 of the annual adjustment standards of the table in Division VII is indexed only until the 1995 fiscal year, inclusively."

8. Section 12 of that Schedule is amended by substituting the following for the first and second paragraphs:

"12. The fixed assets, cash disbursements and depreciation established in Divisions VI and VII represent the amounts determined by the Régie on the basis of the indexes established for the 1985 fiscal year.

For subsequent years, the acquisition dates and costs of immoveable and moveable property are adjusted, until the 1995 fiscal year inclusively, in accordance with the annual adjustment standards described in the tables of Division VI.

From the 1996 fiscal year and for subsequent years, the dates and amounts determined in the table of Division VI, as adjusted for the 1995 fiscal year, remain in force without further adjustment.

The amounts provided for in the table of Division VII are adjusted each fiscal year in accordance with the annual adjustment standards contained in that table."

9. That Schedule is amended by deleting, in paragraph 2 of section 13, the words "the Régie thereafter revises the acquisition dates and costs of fixed assets, as required;"

10. That Schedule is amended by revoking section 14.

Income Stabilization Insurance Scheme for Feeder Calf Producers

11. The Income Stabilization Insurance Scheme for Feeder Calf Producers, made by Order in Council 898-89 dated 14 June 1989 and amended by the Regulations made by Orders in Council 711-90 dated 23 May 1990, 1074-90 dated 1 August 1990, 1336-91 dated 2 October 1991, 1166-92 dated 12 August 1992, 1723-92 dated 2 December 1992, 1516-93 dated 3 November 1993 and 1749-94 dated 14 December 1994, is further amended in section 17 by substituting the following for the second paragraph:

"From the 1995 insurance year, the annual amount of the assessment shall be \$97.00 for each insurable cow."

12. Schedule 1 to that Scheme is amended by inserting the following after section 4:

"4.1 Any balance on the medium and long-term loans provided for in No. 12 of the annual adjustment standards of the table in Division VII is indexed only until the 1995 insurance year, inclusively."

13. Section 10 of that Schedule is amended by substituting the following for the first and second paragraphs:

"10. The fixed assets, cash disbursements and depreciation established in Divisions VI and VII represent the amounts determined by the Régie on the basis of the indexes established for the 1986 fiscal year.

For subsequent years, the acquisition dates and costs of immoveable and moveable property are adjusted, until the 1995 fiscal year inclusively, in accordance with the annual adjustment standards described in the tables of Division VI.

From the 1996 fiscal year and for subsequent years, the dates and amounts determined in the table of Division VI, as adjusted for the 1995 fiscal year, remain in force without further adjustment.

The amounts provided for in the table of Division VII are adjusted each fiscal year in accordance with the annual adjustment standards contained in that table."

14. That Schedule is amended by deleting, in paragraph 2 of section 11, the words "; the Régie revises the acquisition dates and costs of the moveable and immoveable property as required,".

15. That Schedule is amended by revoking section 12.

Income Stabilization Insurance Scheme for Heavy Calf Producers

16. The Income Stabilization Insurance Scheme for Heavy Calf Producers, made by Order in Council 1793-86 dated 3 December 1986 and amended by the Regulations made by Orders in Council 1820-87 dated 2 December 1987, 286-88 dated 2 March 1988, 764-88 dated 18 May 1988, 1934-88 dated 21 December 1988, 646-89 dated 3 May 1989, 1324-89 dated 16 August 1989, 711-90 dated 23 May 1990, 1074-90 dated 1 August 1990, 525-91 dated 17 April 1991, 1317-91 dated 25 September 1991, 1639-91 dated 4 December 1991, 1166-92 dated 12 August 1992, 1723-92 dated 2 December 1992, 1516-93 dated 3 November 1993 and 1749-94 dated 14 December 1994, is further amended in section 22 by substituting the following for the second paragraph:

"From the 1995 insurance year, the annual amount of the assessment shall be \$24.00 for each grain-fed calf and \$36.00 for each milk-fed calf."

17. Schedule 1 to that Scheme is amended by inserting the following after section 7:

"7.1 Any balance on the medium and long-term loans provided for in No. 15 of the annual adjustment standards of the "milk-fed calf" table and in No. 15 of the annual adjustment standards of the "grain-fed calf" table in the table of Division VII are subject to be indexed only until the 1995 insurance year, inclusively."

18. Section 13 of that Schedule is amended by substituting the following for the first and second paragraphs:

"13. The fixed assets, cash disbursements and depreciation established in Divisions VI and VII represent the amounts determined by the Régie on the basis of the indexes established for the 1990 insurance year in the case of grain-fed calves and from the 1993 insurance year for milk-fed calves.

For subsequent years, the acquisition dates and costs of immoveable and moveable property are adjusted, until the 1995 insurance year inclusively, in accordance with the annual adjustment standards described in the tables of Division VI.

From the 1996 insurance year and for subsequent years, the dates and amounts determined in the table of Division VI, as adjusted for the 1995 insurance year, remain in force without further adjustment.

The amounts provided for in the table of Division VII are adjusted each insurance year in accordance with the annual adjustment standards contained in that table."

19. That Schedule is amended by deleting, in paragraph 2 of section 14, the words "the Régie shall review the acquisition date and cost of the fixed assets as required;".

20. That Schedule is amended by revoking section 15.

Farm income stabilization insurance scheme for feeder hog producers

21. The Farm income stabilization insurance scheme for feeder hog producers, made by Order in Council 839-93 dated 16 June 1993, amended by the Regulations made by Orders in Council 867-94 dated 15 June 1994, 666-95 dated 17 May 1995, 792-95 dated 14 June 1995 and 967-95 dated 19 July 1995, is further amended in section 17 by substituting the following for the second paragraph:

"From the 1995-1996 insurance year, the annual amount of the assessment shall be \$7.62 for each insurable hog."

Income Stabilization Insurance Scheme for Piglet Producers

22. The Income Stabilization Insurance Scheme for Piglet Producers, made by Order in Council 845-92 dated 10 June 1992, amended by the Regulations made by Order in Council 41-93 dated 20 January 1993,

867-94 dated 15 June 1994, 666-95 dated 17 May 1995 and 792-95 dated 14 June 1995, is further amended in section 17 by substituting the following for the second paragraph:

"From the 1995-1996 insurance year, the annual amount of the assessment shall be \$42.00 for each insurable sow."

Income Stabilization Insurance Scheme for Apple Producers

23. The Income Stabilization Insurance Scheme for Apple Producers, made by Order in Council 1115-94 dated 20 July 1994, amended by the Regulation made by Order in Council 897-95 dated 28 June 1995, is further amended in section 13 by substituting the following for the second paragraph:

"From the 1995-1996 insurance year, the annual amount of the assessment shall be 0.014697\$/kg."

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

9329

Gouvernement du Québec

O.C. 1168-95, 30 August 1995

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

Woodworking — Extension

Decree to extend the Decree respecting the woodworking industry

WHEREAS the Government made the Decree respecting the woodworking industry (R.R.Q., 1981, c. D-2, r. 3);

WHEREAS in accordance with section 10.01 of the Decree, it remains in force until 30 September 1995;

WHEREAS the Association des industries de portes et fenêtres du Québec, a contracting party to the Decree, is opposed to its automatic renewal;

WHEREAS under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may extend that Decree;

WHEREAS it is expedient to extend the Decree until 31 March 1996;

WHEREAS under section 11 of the Regulations Act (R.S.Q., c. R-18.1), no proposed regulation may be made before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which it may be made, where the notice or the Act provides for a longer period;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published pursuant to section 8 of the Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency owing to the following circumstances justifies the absence of prior publication and such coming into force:

— it is essential to extend the Decree so that it remains in force for the time required to make a decision whether the manufacturing of aluminum doors and windows and sealed glass units, which are presently governed by the Decree respecting the flat glass industry, should be included within the scope of the Decree respecting the woodworking industry;

— the Decree respecting the woodworking industry is in force until 30 September 1995; after that date, employers now covered by the Decree will no longer be required to grant the working conditions provided for in the Decree and the employees not governed by a collective agreement could have some of their working conditions changed to their disadvantage;

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

THAT the Decree to extend the Decree respecting the woodworking industry, attached hereto, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Decree to extend the Decree respecting the woodworking industry

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting the woodworking industry (R.R.Q., 1981, c. D-2, r. 3), amended by Orders in Council 1103-83 dated 25 May 1983, 1124-87 dated 22 July 1987 and 1029-90 dated 11 July 1990, extended by Orders in Council 393-92 dated 18 March 1992, 1411-92 dated 23 September 1992, 1886-92 dated 16 December 1992, 874-93 dated 16 June 1993, 1719-93 dated 1 December 1993, amended by Order in Council 306-94 dated 2 March 1994, extended by Order in Council 319-95 dated 15 March 1995 and amended by Orders in Council 605-95 dated 3 May 1995 and 989-95 dated 19 July 1995, is further extended until 31 March 1996.

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

9330

Gouvernement du Québec

O.C. 1169-95, 30 August 1995

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

Garage employees

- Mauricie
- Extension

Decree to extend the Decree respecting garage employees in the Mauricie region

WHEREAS the Government made the Decree respecting garage employees in the Mauricie region (R.R.Q., 1981, c. D-2, r. 45);

WHEREAS in accordance with section 11.01 of the Decree, it remains in force until 9 October 1995;

WHEREAS the Association des grossistes en pièces d'automobiles de la région de Trois-Rivières, one of the contracting parties to the Decree, is opposed to the automatic renewal of the Decree;

WHEREAS the Government may extend the Decree under section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2);

WHEREAS it is expedient to extend the Decree until 9 October 1996;

WHEREAS under section 11 of the Regulations Act (R.S.Q., c. R-18.1), no proposed regulation may be made before the expiry of 45 days from its publication in the *Gazette officielle du Québec*, or before the expiry of the period indicated in the notice accompanying it or in the Act under which the proposed regulation may be made, where the notice or the Act provides for a longer period;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published pursuant to section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

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

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency owing to the following circumstances warrants the absence of prior publication and such coming into force:

— the Decree respecting garage employees in the Mauricie region is in force until 9 October 1995, after which date the working conditions of certain employees covered by the Decree could be changed unfavourably;

— it is essential to further extend the Decree so as to allow sufficient time for the contracting parties and the main opponents of the Decree to know the results of steps taken by the ministère de l'Emploi with representatives of the automobile sector in relation to the implementation of a provincial regulation respecting qualifications in the automobile trades, as those results will influence their negotiations on the future of the Decree;

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

THAT the Decree to extend the Decree respecting garage employees in the Mauricie region, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Decree to extend the Decree respecting garage employees in the Mauricie region

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, s. 8)

1. The Decree respecting garage employees in the Mauricie region (R.R.Q., 1981, c. D-2, r. 45), amended by Orders in Council 2489-83 dated 30 November 1983, 491-89 dated 29 March 1989, 229-90 dated 21 February 1990, 148-91 dated 6 February 1991 and 1124-92 dated 29 July 1992, and extended by Orders in Council 1367-93 dated 22 September 1993 and 1495-94 dated 5 October 1994, is further extended until 9 October 1996.

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

9331

Gouvernement du Québec

O.C. 1178-95, 30 August 1995

Youth Protection Act
(R.S.Q., c. P-34.1)

Financial assistance for adoption of a child

Regulation respecting financial assistance to facilitate the adoption of a child

WHEREAS under subparagraph *f* of the first paragraph of section 132 of the Youth Protection Act (R.S.Q., c. P-34.1), amended by paragraph 3 of section 61 of Chapter 35 of the Statutes of 1994, the Government may make regulations to determine in what cases, according to what criteria and on what conditions an institution operating a child and youth protection centre may grant financial assistance to facilitate the adoption of a child;

WHEREAS in accordance with the second paragraph of section 132 of the Youth Protection Act (R.S.Q., c. P-34.1) and with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation respecting financial assistance to facilitate the adoption of a child was published in Part 2 of the *Gazette officielle du Québec* of 5 April 1995 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation respecting financial assistance to facilitate the adoption of a child, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation respecting financial assistance to facilitate the adoption of a child

Youth Protection Act
(R.S.Q., c. P-34.1, s. 132, 1st par., subpar. *f*; 1994, c. 35, s. 61, par. 3)

DIVISION I ELIGIBILITY

1. Financial assistance may be granted to a person who has lodged a child for at least one year in his home, in the capacity of a foster family referred to in the first paragraph of section 312 of the Act respecting health services and social services (R.S.Q., c. S-4.2), a child under 18 years of age in respect of whom that person has filed an application for adoption with an institution operating a child and youth protection centre.

Notwithstanding the foregoing, the placement period shall be of 6 months in the case of a child having a deficiency or adjustment problems

(1) where the parents have agreed to the adoption; or

(2) where the child has been judicially declared eligible for adoption.

2. The institution operating a child and youth protection centre shall make an assessment report that establishes that the adoption pertains to

(1) a child under 18 years of age;

(2) a child under 10 years of age who is in either of the following situations:

(a) placing him with a view to his adoption with another person would be detrimental to him, at least for one of the following reasons:

i. the child has developed personal relations of a parental nature with the person who lodged him in the capacity of a foster family; or

ii. the child is the brother or sister of a child already entrusted to or adopted by that foster family; or

(b) the child has difficulties due to a deficiency or has adjustment problems.

DIVISION II APPLICATION FOR AND PAYMENT OF FINANCIAL ASSISTANCE

3. An application for financial assistance shall be filed with the institution operating the child and youth protection centre, which shall ensure that the person making the application receives help.

The application shall be made in writing and shall contain at least the following information:

(1) the full name of the adopter, his address, date of birth, civil status and social insurance number; and

(2) the full name of the child in respect of whom an application for adoption is made and his date of birth.

4. The institution operating the child and youth protection centre shall examine the application and shall inform the person concerned of its decision in writing.

If the application is granted, the institution operating the child and youth protection centre shall pay the financial assistance.

DIVISION III DURATION, RENEWAL AND CALCULATION OF FINANCIAL ASSISTANCE

5. Financial assistance is granted for one year from the date of the order of placement of the child with a view to his adoption and may be renewed for 2 consecutive years following the date of the order. Notwithstanding the foregoing, financial assistance shall cease when the child reaches 18 years of age.

An application for renewal shall be filed by the person who is in the situation described in section 1 with the institution operating the child and youth protection centre within 60 days prior to the date on which financial assistance is to cease.

6. The amount of financial assistance shall be composed of the rate of compensation to which the person would have been entitled as a foster family under sections 303 and 314 of the Act respecting health services and social services, less the amount of the child tax benefit and the amount of family allowances to which the person would have also been entitled under the Act respecting family assistance allowances (R.S.Q., c. A-17) excluding, in the latter case, the allowance for handicapped children provided for in that Act.

7. During the first year, the person is entitled to 100 % of the amount calculated in accordance with section 6. The person is entitled to only 75 % of that amount upon the first renewal and to only 50 % of that amount upon the second renewal.

8. This Regulation replaces the Regulation respecting financial assistance to facilitate adoptions, made by Order in Council 963-86 dated 25 June 1986.

Notwithstanding the foregoing, any application filed before 28 September 1995 shall be examined in accordance with the Regulation respecting financial assistance to facilitate adoptions, made by Order in Council 963-86 dated 25 June 1986. It shall be filed with the institution operating the child and youth protection centre, which shall examine it and inform the person concerned of its decision.

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

9332

Gouvernement du Québec

O.C. 1179-95, 30 August 1995

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

Regulation — Amendments

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

WHEREAS the powers conferred on the Government by the thirteenth paragraph of section 3, by the fourth paragraph of section 66.1 and by subparagraphs *b*, *b.1*, *b.2*, *c* and *d* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29) enable the Government to amend the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1) in order to

— make the names of the institutions used in the regulation consistent with the names used in the Act respecting health services and social services (R.S.Q., c. S-4.2); and

— make the descriptions of the oral surgery and dental services consistent with those appearing in the agreements concluded under the Health Insurance Act;

WHEREAS the Régie de l'assurance-maladie du Québec has been consulted;

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 hereto was published in Part 2 of the *Gazette officielle du Québec* of 8 March 1995, together with a notice that it could be made by the Government upon the expiry of 45 days following the date of that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Regulation respecting the application of the Health Insurance Act, attached hereto, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

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

Health Insurance Act
(R.S.Q., c. A-29, s. 3, 13th par., s. 66.1, 4th par., and s. 69, 1st par., subpars. a, b, b.1, b.2, c, d, o and v)

1. The Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r. 1), amended by the Regulations made by Orders in Council 3397-81 dated 9 December 1981 (Suppl., p. 84), 1125-82 dated 12 May 1982 (Suppl., p. 105), 1181-82 dated 19 May 1982 (Suppl., p. 106), 1712-82 dated 13 July 1982 (Suppl., p. 107), 1789-82 dated 12 August 1982, 2448-82 dated 27 October 1982, 2546-82 dated 10 November 1982, 2630-82 dated 17 November 1982, 2678-82 dated 24 November 1982, 3018-82 and 3019-82 dated 21 December 1982, 13-83 and 14-83 dated 12 January 1983, 165-83 dated 2 February 1983, 539-83 dated 23 March 1983, 692-83 and 693-83 dated 13 April 1983, 763-83 dated 20 April 1983, 1771-83 dated 1 September 1983, 1828-83 dated 7 September 1983, 937-84 dated 11 April 1984, 1374-84 and 1375-84 dated 13 June 1984, 1513-84 dated 27 June 1984, 1769-84 and 1770-84 dated 8 August 1984, 1813-84 dated 16 August 1984, 1893-84 dated 22 August 1984, 2051-84 dated 19 September 1984, 2298-84 dated 17 October 1984, 2751-84 dated 12 December 1984, 321-85 dated 21 February 1985, 661-85 dated 3 April 1985, 944-85 dated 22 May 1985, 1119-85 dated

12 June 1985, 1516-85 dated 17 July 1985, 2276-85 and 2277-85 dated 31 October 1985, 2494-85 dated 27 November 1985, 445-86 dated 9 April 1986, 654-86 dated 14 May 1986, 1179-86 dated 30 July 1986, 1538-86 dated 8 October 1986, 1730-86 dated 19 November 1986, 1936-86 dated 16 December 1986, 1026-87 dated 23 June 1987, 1258-87 and 1259-87 dated 12 August 1987, 1556-87 dated 7 October 1987, 1656-87 dated 28 October 1987, 1834-87 dated 2 December 1987, 1937-87 dated 16 December 1987, 424-88 dated 23 March 1988, 618-88 and 619-88 dated 27 April 1988, 841-88 dated 1 June 1988, 950-88 dated 15 June 1988, 1550-88 dated 12 October 1988, 1634-88 dated 26 October 1988, 1823-88 dated 7 December 1988, 1887-88 and 1888-88 dated 14 December 1988, 1980-88 dated 21 December 1988, 922-89 and 924-89 dated 14 June 1989, 967-89 dated 21 June 1989, 1214-89 dated 26 July 1989, 1600-89 dated 10 October 1989, 224-90 dated 21 February 1990, 512-90 dated 11 April 1990, 858-90, 860-90, 861-90 and 862-90 dated 20 June 1990, 1027-90 dated 11 July 1990, 1473-90 dated 10 October 1990, 1735-90 dated 12 December 1990, 384-91 dated 20 March 1991, 862-91, 863-91 and 864-91 dated 19 June 1991, 940-91 dated 3 July 1991, 1064-91 dated 24 July 1991, 1134-91 dated 14 August 1991, 1500-91, 1501-91 and 1502-91 dated 30 October 1991, 1834-91 dated 18 December 1991, 499-92 and 500-92 dated 1 April 1992, 903-92 and 904-92 dated 17 June 1992, 948-92 dated 23 June 1992, 1002-92 dated 30 June 1992, 1192-92 dated 19 August 1992, 1244-92 dated 26 August 1992, 1402-92 dated 23 September 1992, 1469-92 and 1470-92 dated 30 September 1992, 1509-92 dated 7 October 1992, 1755-92 dated 2 December 1992, 1890-92 dated 16 December 1992, 124-93 dated 3 February 1993, 209-93 dated 17 February 1993, 423-93 dated 24 March 1993, 729-93 dated 20 May 1993, 744-93 and 745-93 dated 26 May 1993, 869-93 dated 16 June 1993, 950-93 and 951-93 dated 30 June 1993, 1472-93 dated 20 October 1993, 1899-93 dated 15 December 1993, 69-94 dated 10 January 1994, 612-94 dated 27 April 1994, 896-94 dated 15 June 1994, 1779-94 dated 14 December 1994 and 386-95 dated 22 March 1995, is further amended, in section 1,

(1) by substituting the following for paragraph *l*:

"(l) "institution": an institution referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) or in the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);" and

(2) by substituting the following for paragraph *u*:

"(u) "hospital centre": a hospital centre within the meaning of the Act respecting health services and social

services or the Act respecting health services and social services for Cree Native persons;”.

2. Section 22 is amended

(1) by substituting the words “a facility maintained by an institution authorized” for the words “an institution authorized” in paragraph *b*; and

(2) by substituting the words “a facility maintained by an institution which operates a hospital centre” for the words “a hospital centre”, in the part preceding subparagraph *i* of paragraph *l*, in subparagraph *iv* of paragraph *n*, in subparagraphs *i* and *ii* of paragraph *o*, and in paragraphs *p*, *q*, *q.1*, *s*, and *t*”.

3. Section 23.1 is amended

(1) by substituting the words “in a facility maintained by the institution which operates the hospital centre and situated” for the words “in a hospital centre situated” in the first paragraph; and

(2) by substituting the words “of the facility maintained by the institution which operates the hospital centre in which” for the words “of the hospital centre in which” in subparagraph 3 of the second paragraph.

4. Section 23.2 is amended by substituting the words “in a facility maintained by the institution which operates the hospital centre and situated” for the words “in a hospital centre situated”.

5. Section 26.1 is amended by substituting the words “a centre operated by an institution other than the institution with which he is in a period of training or for the Corporation d'urgences-santé de la région de Montréal-Métropolitain” for the words “an institution other than the institution in which the physician is in a training period or for a regional council” in the first paragraph.

6. Section 31 is amended

(1) by substituting, in the French version of paragraph *D*, the words “maxillaire” and “mandibulaire” for the words “maxillaire supérieur” and “maxillaire inférieur” in the list of fracture reduction services; and

(2) by substituting, in paragraph *D*, the list of the following services for the list of osteotomy services:

- “— Mandible
 - vertical or horizontal branch by intra or extraoral approach
 - segmental

- Maxilla
 - Le Fort I
 - Le Fort II
 - Le Fort III
 - segmental
 - zygomatic arch
 - nasal pyramid
 - Interdental”.

7. Section 35 is amended

(1) in paragraph *E*, by striking out the following services in the list of obturation services:

- “— silicate
- resin or composite”;

(2) in paragraph *E*, by inserting the following services after the list of obturation services:

- “— Complete reconstitution of one third of an incisor
- Complete reconstitution of an anterior tooth in aesthetic material”;

(3) in paragraph *E*, by substituting the title and list of the following services for the title and list of crown services:

- “Prefabricated crown
 - aesthetic material on anterior deciduous tooth
 - metallic”;

(4) in the French version of paragraph *G*, by substituting the words “maxillaire” and “mandibulaire” for the words “maxillaire supérieur” and “maxillaire inférieur” in the list of fracture reduction services; and

(5) in paragraph *G*, by substituting the list of the following services for the list of osteotomy services:

- “— Mandible
 - vertical or horizontal branch by intra or extraoral approach
 - segmental
- Maxilla
 - Le Fort I
 - Le Fort II
 - Le Fort III
 - segmental
 - zygomatic arch
 - nasal pyramid
 - Interdental”.

8. Section 36 is amended

(1) in paragraph *E*, by striking out the following services in the list of obturation services:

- silicate
- resin or composite”;

(2) in paragraph *E*, by inserting the following services after the list of obturation services:

- Complete reconstitution of one third of an incisor
- Complete reconstitution of an anterior tooth in aesthetic material”;

(3) in paragraph *E*, by substituting the title and list of the following services for the title and list of crown services

- “Prefabricated crown
- aesthetic material on anterior deciduous tooth
- metallic”;

(4) in the French version of paragraph *G*, by substituting the words “maxillaire” and “mandibulaire” for the words “maxillaire supérieur” and “maxillaire inférieur” in the list of fracture reduction services; and

(5) in paragraph *G*, by substituting the list of the following services for the list of osteotomy services:

- Mandible
 - vertical or horizontal branch by intra or extraoral approach
 - segmental
- Maxilla
 - Le Fort I
 - Le Fort II
 - Le Fort III
 - segmental
 - zygomatic arch
 - nasal pyramid
- Interdental”.

9. Section 54 is amended by substituting the following for the second sentence:

“Those instalments are paid in the form of a cheque made out jointly to the scholar and to the university agency in which the scholar pursues his research work or to the institution which operates the centre in which the scholar pursues such work.”.

10. Section 66 is amended by substituting the words “who practise their profession in a centre operated by an institution or of those who practise the same kind of activity in such a centre” for the words “of an institution as a whole, or of those who practice the same kind of activity in the institution”.

11. Section 67 is amended by substituting the words “who practises his profession in a centre operated by an institution” for the words “in an institution”.

12. Section 67.0.1 is amended by substituting the words “of a centre operated by an institution” for the words “of the institution” in paragraph 1.

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

9333

Gouvernement du Québec

O.C. 1209-95, 6 September 1995

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Labour standards
— Regulation

Regulation to amend the Regulation respecting labour standards

WHEREAS under paragraph 1 of section 89 of the Act respecting labour standards (R.S.Q., c. N-1.1), the Government, by regulation, may fix standards respecting the minimum wage;

WHEREAS by Order in Council 873-81 dated 11 March 1981, the Government made the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3);

WHEREAS in accordance with sections 33 and 92 of the Act respecting labour standards and 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 labour standards was published in Part 2 of the *Gazette officielle du Québec* of 14 June 1995 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS the Minister of State for Concerted Action and Minister of Employment examined the comments received on the draft Regulation;

WHEREAS it is expedient to make the Regulation without amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Concerted Action and Minister of Employment:

THAT the Regulation to amend the Regulation respecting labour standards, attached to this Order in Council, be made.

LOUIS BERNARD,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting labour standards

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 89, par. 1)

1. The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3), amended by the Regulations made by Orders in Council 1394-86 dated 10 September 1986, 1340-87 dated 26 August 1987, 1316-88 dated 31 August 1988, 1468-89 dated 6 September 1989, 1288-90 dated 5 September 1990, 1201-91 dated 28 August 1991, 1292-92 dated 1 September 1992, 1237-93 dated 1 September 1993 and 1375-94 dated 7 September 1994, is further amended by substituting, in section 3, the amount "\$6.45" for the amount "\$6.00".

2. Section 4 of the Regulation is amended by substituting the amount "\$5.73" for the amount "\$5.28".

3. Section 5 of the Regulation is amended by substituting the amount "\$250" for the amount "\$233".

4. Section 8 of the Regulation is amended by substituting the number "51" for the number "53".

5. This Regulation comes into force on 1 October 1995.

9334



Draft Regulations

Draft Regulation

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

Eligibility and registration — Amendment

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 to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance-maladie du Québec, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to compensate for the fact that it is sometimes costly and difficult to obtain the original documents or certified true copies required of a person wishing to register with the Board. The Board found itself obliged to reproduce such documents and return them to the person concerned; as a result, it has become necessary to take measures to ensure that the reproduction of such documents has a legal value. Once such reproduction is provided for in a regulation, it can be brought under section 16 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., c. R-5), and copies made by the Board will thus become authentic Board documents.

The impact of the Regulation on the public will simply be to allow for savings on the part of persons who must provide an original document or a certified true copy when applying to the Board for registration, as henceforth the document or copy will be returned to them.

Further information may be obtained by contacting Ms. Huguette Lefèvre, Régie de l'assurance-maladie du Québec, 1125, chemin Saint-Louis, Sillery (Québec), G1S 1E7, telephone: (418) 682-5172, fax: (418) 643-7312.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,
Minister of Health
and Social Services

Regulation to amend the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance-maladie du Québec

Health Insurance Act
(R.S.Q., c. A-29, s. 69, 1^{er} par., subpar. 1)

1. Section 13 of the Regulation respecting eligibility and registration of persons in respect of the Régie de l'assurance-maladie du Québec, made by Order in Council 1470-92 dated 30 September 1992 and amended by the Regulations made by Orders in Council 67-94 dated 10 January 1994 and 533-95 dated 12 April 1995, is further amended by adding the following paragraph after the first paragraph:

"Notwithstanding the foregoing, in the case of an original document or of a certified true copy, the Board may return it to the person concerned after making a reproduction thereof."

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

9324

Draft Regulation

Hospital Insurance Act
(R.S.Q., c. A-28)

Regulation — 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 to amend the Regulation respecting the application of the Hospital Insurance Act, the text of which appears below, may be made by the Government on the expiry of 15 days following this publication.

The purpose of the draft regulation is to introduce certain mechanisms for controlling the accessibility of services requiring hospitalization in Canada but outside Québec and the payment of a different tariff to a hospital centre depending on whether it obtains a certificate of non-availability of services beforehand.

To this end, the draft regulation proposes that, where services requiring hospitalization are to be provided to a resident by a hospital centre not covered by a reciprocal billing agreement entered into by Québec with another province and where the regional board of the resident's territory keeps a computerized register of availability of the services provided on its territory, a certificate of non-availability of the services in question shall first be obtained, failing which a tariff lower than the tariff in force shall be reimbursed to the hospital centre which provided the services.

That obligation will not apply where services must be provided in an emergency.

The draft regulation will be submitted for making within less than the 45 days normally applicable to it under section 11 of the Regulations Act, as the Government is of the opinion that the urgency of the situation requires it.

The Government is of the opinion that the urgency owing to the following circumstances warrants a shorter publication period:

— the planned deadline for the implementation of the proposed measure, announced several months ago, was originally 15 September 1995. Several delays relating in particular to the availability of the partners involved have slowed down the implementation, so that the deadline had to be extended to October 1995;

— the population concerned and all the organizations involved were informed of the measure and its implementation several months ago, through the official announcements made by the Minister of Health and Social Services and the Prime Minister, and through the media;

— it will be impossible to save several hundreds of thousands of dollars per month if the implementation of the measure is delayed;

— any further delay in the implementation of the measure will reduce the chances of reaching the objectives pursued, including the development of new services for the region in question;

— that eventuality ultimately risks having more serious consequences for users than the implementation of the proposed measure which, while controlling the accessibility of services outside Québec, will not in any way deprive the users concerned of the services required for their condition.

To date, study of this matter has revealed no significant impact on businesses or the public in general. The

major impacts of the proposed measure will be savings for Québec and a reduction in the amounts that will be collected by hospital administrations outside Québec.

Additional information may be obtained by contacting Mr. Alain Tremblay, 1075, chemin Sainte-Foy, 4^e étage, Québec (Québec), G1S 2M1; tel. (418) 643-4352, fax (418) 644-2009.

Any interested person having comments to make on this matter is asked to send them in writing, before the expiry of the 15-day period, to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec), G1S 2M1.

JEAN ROCHON,
Minister of Health and Social Services

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

Hospital Insurance Act
(R.S.Q., c. A-28, s. 8, par. d)

1. The Regulation respecting the application of the Hospital Insurance Act (R.R.Q., 1981, c. A-28, r. 1), amended by the Regulations made by Orders in Council 1036-82 dated 28 April 1982 (Suppl., p. 80), 1180-82 dated 19 May 1982 (Suppl., p. 81), 1490-82 dated 23 June 1982 (Suppl., p. 82), 1314-83 dated 22 June 1983, 1523-83 dated 2 August 1983, 1321-84 dated 6 June 1984, 1768-84 dated 8 August 1984, 197-86 dated 26 February 1986, 1257-87 dated 12 August 1987, 1981-88 dated 21 December 1988, 113-90 dated 31 January 1990, 1100-90 dated 1 August 1990, 668-91 dated 15 May 1991, 696-91 dated 22 May 1991, 744-91 dated 29 May 1991, 498-92 dated 1 April 1992 and 315-93 dated 10 March 1993, is further amended, in section 1, by inserting the following after subparagraph / of the first paragraph:

"(1.1) "regional board": a health and social services regional board established under the Act respecting health services and social services (R.S.Q., c. S-4.2);".

2. The Regulation is amended by substituting the following for section 14:

"14. Where a resident receives insured services in a hospital centre situated in Canada but outside Québec, the Minister shall reimburse the cost of those services to the resident or, as the case may be, to the hospital centre or the public authority responsible therefor, according to the tariff in force.

Notwithstanding the foregoing, where services requiring hospitalization are to be provided to a resident by a hospital centre not covered by a reciprocal billing agreement entered into by Québec with another province and where the regional board of the resident's territory keeps a computerized register of availability of the services provided on its territory, a certificate of non-availability of the services in question shall first be obtained by the hospital centre from the regional board. In the absence of a certificate, the Minister shall reimburse a maximum amount of \$450 per day of hospitalization.

The second paragraph does not apply if the services are provided in an emergency."

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

9325

Draft Regulation

Professional Code
(R.S.Q., c. C-26; 1994, c. 40)

Pharmacists — Conciliation and arbitration procedure for the accounts

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 conciliation and arbitration procedure for the accounts of members of the Ordre des pharmaciens du Québec, made by the Bureau of the Ordre des pharmaciens du Québec, the text of which appears below, may be submitted to the Government which may approve it, with or without amendments, upon the expiry of 45 days following this publication.

In accordance with section 88 of the Professional Code (R.S.Q., c. C-26), this regulation integrates the conditions and obligations applicable to the conciliation and arbitration procedure for accounts that may be used by persons using the services of members of the Order, specifying, in particular, the deadlines, the role, composition and powers of the council of arbitration and the rules to be followed where an agreement is concluded between the parties.

According to the Order, the impact of this draft regulation will be to alleviate, clarify and simplify the conciliation and arbitration procedure for accounts, to render it more respectful of the rights of the parties and to facilitate the settlement of disputes among members of the Ordre des pharmaciens and their clients.

Additional information may be obtained by contacting Mr. Alain Boisvert, Director General and Secretary of the Ordre des pharmaciens du Québec, 266, rue Notre-Dame Ouest, bureau 301, Montréal (Québec), H2Y 1T6, tel.: (514) 284-9588; fax: (514) 284-3420; toll free: 1-800-363-0324.

Any person having comments to make is asked to send 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. Those comments will be forwarded by the Office to the Minister responsible for the administration of legislation respecting the professions; they may also be forwarded to the professional order that made the regulation and to the interested persons, government departments and agencies.

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

Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des pharmaciens du Québec

Professional Code
(R.S.Q., c. C-26, s. 88; 1994, c. 40)

DIVISION I CONCILIATION

1. A client who has a dispute with a member of the Ordre des pharmaciens du Québec concerning the amount of an unpaid account for professional services may file a written application for conciliation with the syndic, provided that the member has not instituted proceedings to recover the account.

2. A client who has a dispute with a member concerning the amount of an account for professional services that he has already paid in whole or in part may also file a written application for conciliation with the syndic within a 45-day period from the date of receipt of the account.

3. A member may not institute proceedings to recover an account for professional services before the expiry of a 45-day period from the date of receipt of the account by the client.

4. Within 5 days of receiving an application for conciliation, the syndic shall, by registered mail, notify the member concerned or, where he is unable to notify the

member personally within that period, shall notify the member's firm. He shall also send the client a copy of this Regulation.

Once the syndic has received the application for conciliation, the member may not institute proceedings to recover his account so long as the dispute may be settled by conciliation or arbitration.

Notwithstanding the foregoing, a member may request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

5. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

6. Any agreement reached during conciliation shall be put in writing, shall be signed by the client and the member and shall be filed with the secretary of the Order.

7. Where conciliation does not lead to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send a report on the dispute to the client and to the member by registered mail.

The report shall contain the following information, where applicable:

- (1) the amount of the account in dispute;
- (2) the amount that the client acknowledges owing;
- (3) the amount that the member acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4) the amount suggested by the syndic during conciliation as a payment to the member or as a reimbursement to the client.

The syndic shall send the client the form in Schedule I and shall indicate to him the procedure and deadline for submitting the dispute to arbitration.

DIVISION II ARBITRATION

§1. Application for arbitration

8. Within 30 days of receiving the conciliation report that has not lead to an agreement, the client may apply for arbitration of the account by sending the form in Schedule I to the secretary of the Order.

A copy of the conciliation report shall accompany the client's application for arbitration.

9. Within 5 days of receiving an application for arbitration, the secretary of the Order shall, by registered mail, notify the member concerned or, where he is unable to notify the member personally within that period, shall notify the member's firm.

10. A client who wishes to withdraw his application for arbitration shall so notify the secretary of the Order in writing.

11. A member who acknowledges having to reimburse an amount to a client shall deposit that amount with the secretary of the Order, who shall then remit it to the client.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

12. Any agreement reached by the parties after the application for arbitration has been filed shall be put in writing, shall be signed by the parties and shall be filed with the secretary of the Order. Where the parties reach an agreement after a council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

§2. Council of arbitration

13. The council of arbitration shall be composed of 3 arbitrators where the amount in dispute is \$5 000 or more, and of a single arbitrator where the amount is less than \$5 000.

14. The Bureau shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of 3 arbitrators, shall designate the chairman and the secretary thereof.

15. Before acting, the members of the council of arbitration shall take the oath in Schedule II.

16. The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council of arbitration.

17. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent in writing to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 16 or of the day on which the reason for the request becomes known.

The Bureau shall decide the request and, where applicable, shall see that the arbitrator is replaced.

§3. Hearing

18. The chairman of the council or the single arbitrator shall give the parties or their advocates and the arbitrators at least 10 days' written notice of the date, time and place of the hearing.

19. The parties are entitled to be represented or assisted by an advocate.

20. The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any failure on their part. For those purposes, it shall follow such procedure as it considers appropriate. Unless otherwise provided, Chapter V of Book VII of the Code of Civil Procedure may apply to the arbitration held under this Regulation.

21. A party requesting that the testimony be recorded shall assume the cost thereof and a request to that effect shall be made to the secretary of the Order not less than 5 days before the date fixed for the hearing.

22. Should an arbitrator die or be unable to act, the other arbitrators shall see the matter through.

If the council of arbitration consists of a single arbitrator, he shall be replaced by a new arbitrator appointed by the Bureau and the dispute shall be reheard.

§4. Arbitration award

23. The council of arbitration shall issue its award within 45 days of the end of the hearing.

24. The award shall be a majority award of the members of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

25. The costs incurred by a party for the arbitration shall be borne by that party.

26. In its award, the council of arbitration may uphold or reduce the amount of the account in dispute and determine the reimbursement or payment to which a party may be entitled.

27. In its award, the council of arbitration may decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 10 % of the amount to which the arbitration pertains.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto interest and an indemnity calculated in accordance with articles 1618 and 1619 of the Civil Code of Québec from the date of the application for conciliation.

28. The arbitration award is binding on the parties but is subject to compulsory execution only after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

29. The arbitration award shall be filed with the secretary of the Order and shall be sent to each party or to their advocates within 10 days after being filed.

30. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of pharmacists (R.R.Q., 1981, c. P-10, r. 14).

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

SCHEDULE I

(s. 8)

APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned,
(client's name)

.....
(domicile)

declare that:

(1)
(member's name)

is claiming from me (or refuses to reimburse to me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des pharmaciens du Québec.

(4) I have received a copy of the Regulation mentioned above and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in the Regulation and, where required, to pay to

.....
(name of member)
the amount of the arbitration award.

.....
Signature

SCHEDULE II

(s. 15)

OATH

I solemnly affirm that I will perform all my duties and exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I also solemnly affirm that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

Oath taken before
(name and position, profession or quality)

at on
(municipality) (date)

.....
(Signature)

Treasury board

T.B. 187712, 29 August 1995

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11)

Partition and assignment of benefits accrued — Amendments

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

WHEREAS under paragraphs 9.1 to 9.5 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite, make a regulation concerning the matters set out therein;

WHEREAS by decision C.T. 176506 of the Conseil du trésor dated 19 March 1991, the Government, in order to follow up on paragraphs 9.1 to 9.5 of that section, made the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan;

WHEREAS it is expedient to amend that Regulation, in order to provide for certain technical amendments to facilitate its application;

WHEREAS the Comité de retraite established within the Commission administrative des régimes de retraite et d'assurances has been consulted;

WHEREAS under section 22 of the Financial Administration Act (R.S.Q., c. A-6), the Conseil du trésor exercises the powers conferred on the Government under the Act respecting the Teachers Pension Plan;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 April 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR HAS DECIDED:

To make the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan, attached hereto.

Le greffier adjoint du Conseil du trésor,
ROBERT CAVANAGH

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11, s. 73, pars. 9.1 to 9.5)

1. The Regulation respecting the partition and assignment of benefits accrued under the Teachers Pension Plan, made by Decision C.T. 176506 of the Conseil du trésor dated 19 March 1991, is amended in section 1

(1) by substituting the words "a marriage certificate" for the words "an extract from the act of marriage" in subparagraph 2 of the first paragraph; and

(2) by striking out the words ", together with a copy of the return of service" in subparagraph 3 of the first paragraph.

2. Section 2 is amended by striking out the words "unless there is evidence to the contrary" in the second paragraph.

3. Section 3 is amended

(1) by inserting the words "except in the case provided for in the second paragraph of section 52 of the Act," in subparagraph 1 of the first paragraph before the word "where";

(2) by striking out the words "counted or" in the second paragraph; and

(3) by striking out the words "or counted" in the third paragraph.

4. Section 4 is amended by striking out the words "or counted" wherever they occur.

5. Section 5 is amended by striking out the words "or counted" wherever they occur.

6. Section 9 is amended

(1) by substituting the words "or to a deferred pension" for the words ", to a deferred pension or to a pension credit" in the part preceding the formula in the first paragraph;

(2) by striking out "+ d," in the formula in the first paragraph; and

(3) by striking out "'d," represents the actuarial value of each pension credit." in the first paragraph.

7. Section 14 is amended

(1) by striking out "and applicable from the date on which the teacher or former teacher reaches age 65, from the date of retirement or from the date of payment in the case of a pensioner, as the case may be" in the first paragraph after the number "IV";

(2) by inserting the words "or registered retirement income fund" in the second paragraph after the words "savings plan"; and

(3) by inserting the words "or a registered retirement income fund" in the third paragraph after the words "savings plan".

8. Section 15 is amended

(1) by substituting the words "or to a deferred pension" for the words ", to a deferred pension or to a pension credit" in the first paragraph;

(2) by inserting the words "or into a registered retirement income fund" in the second paragraph after the words "savings plan"; and

(3) by adding the following paragraph at the end:

"Notwithstanding the first and second paragraphs, those sums shall be paid to the spouse's successors in the event of the spouse's death."

9. The Regulation is amended by inserting the following after section 15:

"15.1 The sums awarded to the spouse shall be apportioned among each of the values calculated pursuant to the first and second paragraphs of section 9, proportionately to the value of those sums divided by the total value of the benefits accrued under the plan at the date of assessment."

10. Section 17 is amended:

(1) by substituting the words "or to a deferred pension" for the words ", to a deferred pension or to a pension credit" in the part preceding paragraph 1;

(2) by substituting the following for paragraphs 2 and 3:

"(2) where the teacher or former teacher is entitled to transfer an amount under a transfer agreement concluded in accordance with section 158 of the Act respecting the Government and Public Employees Retirement Plan, that amount shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to that Act and accrued from the date of assessment to the date on which the transfer is made;

(3) where the teacher or former teacher is entitled to a deferred pension or to a pension, his pension shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

11. Section 18 is amended by substituting the following therefor:

"18. If the amount paid to the spouse comes from an entitlement to a pension or to any benefit that would otherwise be paid at the date of assessment, that pension shall be reduced, from the date of payment or from the date on which it becomes payable in the case of a teacher aged 65 or over on the date of assessment, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

The first paragraph also applies to a female teacher, with the age "60" substituted for the age "65".

12. Section 19 is amended by substituting the following for the first sentence: "Each part of any pension corresponding to each of the indexation formulas applicable to it shall be reduced by the amount of any pension corresponding to each of the indexing formulas applicable to it that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

13. Sections 20 to 22 are amended by substituting the following therefor:

"20. For the purposes of sections 17 and 19, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date according to the

actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of the teacher's or former teacher's 60th birthday, in the case of a woman, or at the date of the teacher's or former teacher's 65th birthday, in the case of a man.

If the pensioner is under 65 years of age either on the date on which the annual pension becomes payable or on the date of payment if the pension is being paid at that date, the amount of pension obtained pursuant to the first paragraph shall be reduced by 0.50 % per month, calculated for each month between the date on which that amount of pension begins to apply and the date of the pensioner's 65th birthday, without exceeding 65 %.

If the pensioner retired before the date of payment and if that date occurs after the date of his 65th birthday, the amount of pension obtained pursuant to the first paragraph shall be increased by 0.50 % per month, calculated for each month between the date of his 65th birthday and the date on which that amount of pension begins to apply, if the pensioner retired before the date of his 65th birthday, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of his 65th birthday or thereafter.

The second and third paragraphs also apply to a female pensioner, with "60" and "60th birthday" substituted for "65" and "65th birthday", respectively.

21. For the purposes of sections 18 and 19, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50 % per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid at the date of assessment or would have been if the former teacher had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

22. Where a benefit reduced in accordance with this Division is not paid pursuant to the provisions concerning a pensioner's return to work or to the provisions of Division IV of Chapter IV of Title I of the Act respecting the Government and Public Employees Retirement Plan, and where the pensioner is entitled to receive a pension recalculated pursuant to those provisions, that recalculated pension shall be reduced, from the date on which it becomes payable, by the amount of pension that was used to reduce the pension. That amount of pension shall be indexed in the same manner as the pension, from 1 January following the date on which that amount began to apply to 1 January of the year during which the recalculated pension becomes payable."

14. Section 23 is amended by substituting the words "pursuant to a provision" for the words "in accordance with section 24".

15. The Regulation is amended by inserting the following after section 24:

"24.1 Where a redemption is being paid at the date of assessment and where, subsequent to that date, the application for redemption is, pursuant to section 10.1 of the Act, deemed never to have been made in respect of all the service, the amount of the teacher's refund shall be reduced so as to correspond to amount "R" in the following formula:

$$MV_d - \frac{(M_s \times MV_s)}{V_s} = R$$

"MV_d" represents the amount paid by the teacher up to the date of the teacher's failure to pay;

"M_s" represents the amount awarded to the spouse at the date of assessment;

"V_s" represents the value of the benefits accrued under the plan at the date of assessment;

"MV_s" represents the amount paid by the teacher at the date of assessment up to the date of the teacher's failure to pay."

16. Section 27 is amended by striking out the second sentence.

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

T.B. 187713, 29 August 1995

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12)

**Partition and assignment of benefits accrued
— Amendments**

Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan

WHEREAS under paragraphs 8.2 to 8.6 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), the Government may, after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite, make a regulation concerning the matters set out therein;

WHEREAS by decision C.T. 176507 of the Conseil du trésor, dated 19 March 1991, the Government, in order to follow up on paragraphs 8.2 to 8.6 of that section, made the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan;

WHEREAS it is expedient to amend that Regulation, in order to provide for certain technical amendments to facilitate its application;

WHEREAS the Comité de retraite established within the Commission administrative des régimes de retraite et d'assurances has been consulted;

WHEREAS under section 22 of the Financial Administration Act (R.S.Q., c. A-6), the Conseil du trésor exercises the powers conferred on the Government under the Act respecting the Civil Service Superannuation Plan;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 April 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were received;

WHEREAS it is expedient to make the Regulation without amendment;

THE CONSEIL DU TRÉSOR HAS DECIDED:

To make the Regulation to amend the Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan, attached hereto.

Le greffier adjoint du Conseil du trésor,
ROBERT CAVANAGH

**Regulation to amend the Regulation
respecting the partition and assignment
of benefits accrued under the pension
plans provided for by the Act respecting
the Civil Service Superannuation Plan**

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, pars. 8.2 to 8.6)

1. The Regulation respecting the partition and assignment of benefits accrued under the pension plans provided for by the Act respecting the Civil Service Superannuation Plan, made by Decision C.T. 176507 of the Conseil du trésor dated 19 March 1991, is amended in section 1

(1) by substituting the words "a marriage certificate" for the words "an extract from the act of marriage" in subparagraph 2 of the first paragraph; and

(2) by striking out the words ", together with a copy of the return of service" in subparagraph 3 of the first paragraph.

2. Section 2 is amended by striking out the words "unless there is evidence to the contrary" in the second paragraph.

3. Section 3 is amended

(1) by inserting the words "except in the case provided for in the second paragraph of section 85 of the Act," in subparagraph 1 of the first paragraph before the word "where";

(2) by striking out the words "counted or" in the second paragraph; and

(3) by striking out the words "or counted" in the third paragraph.

4. Section 4 is amended by striking out the words "or counted" wherever they occur.

5. Section 5 is amended by striking out the words "or counted" wherever they occur.

6. Section 9 is amended

(1) by substituting the words "or to a deferred pension" for the words ", to a deferred pension or to a pension credit" in the part preceding the formula in the first paragraph;

(2) by striking out "+ d," in the formula in the first paragraph; and

(3) by striking out "'d,' represents the actuarial value of each pension credit." in the first paragraph.

7. Section 14 is amended

(1) by striking out "and applicable from the date on which the civil servant or former civil servant reaches age 65, from the date of retirement or from the date of payment in the case of a pensioner, as the case may be" in the first paragraph after the number "IV";

(2) by inserting the words "or registered retirement income fund" in the second paragraph after the words "savings plan"; and

(3) by inserting the words "or a registered retirement income fund" in the third paragraph after the words "savings plan".

8. Section 15 is amended

(1) by substituting the words "or to a deferred pension" for the words ", to a deferred pension or to a pension credit" in the first paragraph;

(2) by inserting the words "or into a registered retirement income fund" in the second paragraph after the words "savings plan"; and

(3) by adding the following paragraph at the end:

"Notwithstanding the first and second paragraphs, those sums shall be paid to the spouse's successors in the event of the spouse's death."

9. The Regulation is amended by inserting the following after section 15:

"15.1 The sums awarded to the spouse shall be apportioned among each of the values calculated pursuant to the first and second paragraphs of section 9, proportionately to the value of those sums divided by the total value of the benefits accrued under the plan at the date of assessment."

10. Section 17 is amended:

(1) by substituting the words "or to a deferred pension" for the words ", to a deferred pension or to a pension credit" in the part preceding paragraph 1;

(2) by substituting the following for paragraphs 2 and 3:

"(2) where the civil servant or former civil servant is entitled to transfer an amount under a transfer agreement concluded in accordance with section 158 of the Act respecting the Government and Public Employees Retirement Plan, that amount shall be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually at the rate determined for each period under Schedule VI to that Act and accrued from the date of assessment to the date on which the transfer is made;

(3) where the civil servant or former civil servant is entitled to a deferred pension or to a pension, his pension shall be reduced, from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

11. Section 18 is amended by substituting the following therefor:

"18. If the amount paid to the spouse comes from an entitlement to a pension or to any benefit that would otherwise be paid at the date of assessment, that pension shall be reduced, from the date of payment or from the date on which it becomes payable in the case of a civil servant aged 65 or over on the date of assessment, by the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

The first paragraph also applies to a female civil servant, with the age "60" substituted for the age "65".

12. Section 19 is amended by substituting the following for the first sentence: "Each part of any pension corresponding to each of the indexation formulas applicable to it shall be reduced by the amount of any pension corresponding to each of the indexing formulas applicable to it that would be obtained on the basis of the sums awarded to the spouse at the date of assessment."

13. Sections 20 to 22 are amended by substituting the following therefor:

"20. For the purposes of sections 17 and 19, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date according to the

actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of the civil servant's or former civil servant's 60th birthday, in the case of a woman, or at the date of the civil servant's or former civil servant's 65th birthday, in the case of a man.

If the pensioner is under 65 years of age either on the date on which the annual pension becomes payable or on the date of payment if the pension is being paid at that date, the amount of pension obtained pursuant to the first paragraph shall be reduced by 0.50 % per month, calculated for each month between the date on which that amount of pension begins to apply and the date of the pensioner's 65th birthday, without exceeding 65 %.

If the pensioner retired before the date of payment and if that date occurs after the date of his 65th birthday, the amount of pension obtained pursuant to the first paragraph shall be increased by 0.50 % per month, calculated for each month between the date of his 65th birthday and the date on which that amount of pension begins to apply, if the pensioner retired before the date of his 65th birthday, or for each month between the date on which he retired and the date on which that amount of pension begins to apply, if the pensioner retired on the date of his 65th birthday or thereafter.

The second and third paragraphs also apply to a female pensioner, with "60" and "60th birthday" substituted for "65" and "65th birthday", respectively.

21. For the purposes of sections 18 and 19, the amount of pension that would be obtained on the basis of the sums awarded to the spouse at the date of assessment shall be established at that date in accordance with the actuarial method and assumptions provided for in section 8. That amount is presumed applicable at the date of assessment.

The amount of pension obtained pursuant to the first paragraph shall be indexed in the same manner as the pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply.

The amount of pension obtained pursuant to the first and second paragraphs shall be increased by 0.50 % per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the pension was being paid at the date of assessment or would have been if the former civil servant had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the pensioner retired between the date of assessment and the date of payment.

22. Where a pension reduced in accordance with this Division is not paid pursuant to the provisions concerning a pensioner's return to work or to the provisions of Division IV of Chapter IV of Title I of the Act respecting the Government and Public Employees Retirement Plan, and where the pensioner is entitled to receive a pension recalculated pursuant to those provisions, that recalculated pension shall be reduced, from the date on which it becomes payable, by the amount of pension that was used to reduce the pension. That amount of pension shall be indexed in the same manner as the pension, from 1 January following the date on which that amount began to apply to 1 January of the year during which the recalculated pension becomes payable."

14. Section 23 is amended by substituting the words "pursuant to a provision" for the words "in accordance with section 90".

15. The Regulation is amended by inserting the following after section 24:

"24.1 Where a redemption is being paid at the date of assessment and where, subsequent to that date, the application for redemption is, pursuant to section 111.0.1 of the Act, deemed never to have been made in respect of all the service, the amount of the civil servant's refund shall be reduced so as to correspond to amount "R" in the following formula:

$$MV_a - \frac{(M_1 \times MV_c)}{V_1} = R$$

"MV_a" represents the amount paid by the civil servant up to the date of the civil servant's failure to pay;

"M₁" represents the amount awarded to the spouse at the date of assessment;

"V₁" represents the value of the benefits accrued under the plan at the date of assessment;

"MV_c" represents the amount paid by the civil servant at the date of assessment up to the date of the civil servant's failure to pay."

16. Section 27 is amended by striking out the second sentence.

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

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