

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
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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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Coming into force of Acts

Gouvernement du Québec

O.C. 1431-95, 1 November 1995

An Act to amend the Professional Code and other Act respecting the professions (1994, c. 40)

— Coming into force of certain provisions

COMING INTO FORCE of certain provisions of section 406 of the Act to amend the Professional Code and other Acts respecting the professions

WHEREAS the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40) was assented to on 17 June 1994;

WHEREAS by Order in Council 1354-94 dated 7 September 1994, that Act came into force on 15 October 1994, except sections or parts of sections 200, 208, 212, 238, 244, 278, 294, 343, 345 and 406, which will come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix the coming into force of certain provisions of section 406 of that Act;

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

THAT 30 November 1995 be fixed as the date of coming into force of the provisions of section 406 having the effect of repealing sections 107 to 112 of the Notarial Act (R.S.Q., c. N-2), those having the effect of repealing the provisions of paragraphs *c*, *d* and *e* of section 113 of that Act and those having the effect of repealing sections 114 and 118 of that Act.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

9416



Regulations and other acts

Gouvernement du Québec

O.C. 1361-95, 18 October 1995

Environment Quality Act
(R.S.Q., c. Q-2)

**Salubrity of public places
— Revocation**

Regulation to revoke the Regulation respecting salubrity of public places

WHEREAS under the Environment Quality Act (R.S.Q., c. Q-2), the Government made the Regulation respecting salubrity of public places (R.R.Q., 1981, c. Q-2, r. 23);

WHEREAS it is expedient to revoke that Regulation because its provisions are obsolete;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Draft Regulation to revoke the Regulation respecting salubrity of public places was published in Part 2 of the *Gazette officielle du Québec* of 24 May 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 without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment and Wildlife:

THAT the Regulation to revoke the Regulation respecting salubrity of public places, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Regulation to revoke the Regulation
respecting salubrity of public places**

Environment Quality Act
(R.S.Q., c. Q-2, s. 46, 1st par., subpar. b, s. 87,
pars. a, b, c and f)

1. The Regulation respecting salubrity of public places (R.R.Q., 1981, c. Q-2, r. 23), amended by the Regulation made by Order in Council 1159-84 dated 16 May 1984, is revoked.

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

9401

Gouvernement du Québec

O.C. 1380-95, 18 October 1995

An Act respecting police organization
(R.S.Q., c. O-8.1)

**Comité de déontologie policière
— Rules of evidence, procedure and practice
— Amendment**

By-law to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière

WHEREAS in accordance with section 132.1 of the Act respecting police organization (R.S.Q., c. O-8.1), the Government, by Order in Council 908-92 dated 17 June 1992, approved the Rules of evidence, procedure and practice of the Comité de déontologie policière;

WHEREAS the Comité de déontologie policière adopted, by a majority vote of its members, a by-law to amend section 26 of its Rules of evidence, procedure and practice;

WHEREAS under section 132.1 of the Act respecting police organization, every by-law adopted under that section shall be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Draft By-law attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 15 March 1995, with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve, without amendments, the By-law to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière, attached to this Order in Council;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Public Security:

THAT the By-law to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

By-law to amend the Rules of evidence, procedure and practice of the Comité de déontologie policière

An Act respecting police organization
(R.S.Q., c. O-8.1, s. 132.1)

1. The Rules of evidence, procedure and practice of the Comité de déontologie policière, approved by Order in Council 908-92 dated 17 June 1992, are amended by substituting the following for section 26:

"26. A police officer or special constable who is the subject of an application for review or a citation shall appear before the committee unarmed, whether he is in civilian dress or in uniform."

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

9402

Gouvernement du Québec

O.C. 1400-95, 1 November 1995

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule VI to the Act

Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 217 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the interest payable under that Act is that provided for in Schedule VI in respect of the period indicated therein;

WHEREAS under the first paragraph of section 220 of that Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI of that Act, and any such order may have effect 12 months or less before it is made;

WHEREAS by Order in Council 1325-94 dated 7 September 1994, the Government amended Schedule VI in order to provide for the interest payable under that Act from 1 August 1994;

WHEREAS it is expedient to amend Schedule VI, in order to provide for the interest payable under that Act from 1 August 1995;

IT IS ORDERED, therefore, on the recommendation of the Minister for Administration and the Public Service, Chairman of the Conseil du trésor and Minister responsible for Family Policy:

THAT the amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220)

1. Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Order in Council 1325-94 dated 7 September 1994, is further amended

(1) by substituting "1 August 1994 to 31 July 1995" for "from 1 August 1994" in the last line; and

(2) by adding "7.05 % from 1 August 1995" at the end.

2. This Order in Council comes into force on the day it is made by the Government, but has effect from 1 August 1995.

9414

Gouvernement du Québec

O.C. 1428-95, 1 November 1995

Real Estate Brokerage Act
(R.S.Q., c. C-73.1)

**Chargeable fees and specialist titles
— Amendments**

By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec

WHEREAS under subparagraph 2 of the first paragraph of section 75 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), the Association des courtiers et agents immobiliers du Québec must determine, by by-law subject to government approval, the fees to be charged for the issue of a certificate;

WHEREAS on 24 April 1995, the Association des courtiers et agents immobiliers du Québec adopted the By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec;

WHEREAS under section 78 of the Real Estate Brokerage Act, the Government shall approve with or without amendment any by-law submitted to it for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 23 August 1995, with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

By-law to amend the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec

Real Estate Brokerage Act
(R.S.Q., c. C-73.1, s. 75, 1st par., subpar. 2)

1. The By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec, approved by Order in Council 1866-93 dated 15 December 1993, is amended by substituting the following for section 1:

"1. The fees to be charged for the issue of a certificate by the Association des courtiers et agents immobiliers du Québec are as follows:

- | | |
|--|--------|
| (1) for a chartered real estate broker's certificate | \$400 |
| (2) for a real estate broker's certificate restricted to loans secured by immovable hypothec | \$400 |
| (3) for an affiliated real estate broker's certificate | \$165 |
| (4) for a chartered real estate agent's certificate | \$165 |
| (5) for an affiliated real estate agent's certificate | \$165 |
| (6) for a real estate agent's certificate restricted to loans secured by immovable hypothec | \$165. |

Where a certificate is issued for a period of less than 12 months, the amounts mentioned in subparagraphs 1 to 6 of the first paragraph shall be adjusted in proportion to the number of months remaining until the expiry date of the certificate issued, including the month in which the application is made.

Where the certificate applied for is in of a category other than that of the existing certificate, the amount mentioned in subparagraphs 1 to 6 of the first paragraph, for the certificate applied for, shall be reduced in proportion to the fees already paid for the issue or renewal of the existing certificate. The amount of such reduction shall be calculated in proportion to the number of months remaining until the expiry date of the existing certificate, excluding the month in which the application is made, up to the amount mentioned in subparagraphs 1 to 6 of the first paragraph for the certificated applied for.

1.1 The fees to be charged for the processing of an application for the issue of a certificate are \$200.

1.2 The fees to be charged for the examination provided for in section 79 of the Act are \$100. Fees of \$100 are also chargeable for each supplemental examination."

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

9415

Gouvernement du Québec

O.C. 1432-95, 1 November 1995

Notarial Act
(R.S.Q., c. N-2)

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

Notaries
— Conditions for admission
— Amendments

Regulation to amend the Regulation respecting conditions for admission to the notarial profession

WHEREAS under subparagraph 2 of the first paragraph of section 93 of the Notarial Act (R.S.Q., c. N-2) and under paragraph *i* of section 94 of the Professional Code (R.S.Q., c. C-26), as it read before 15 October 1994, the Bureau of the Chambre des notaires du Québec could, by regulation, determine the terms and conditions for issuing permits, particularly in relation to periods of professional training;

WHEREAS under those sections, the Bureau made the Regulation respecting conditions for admission to the notarial profession (R.R.Q., 1981, c. N-2, r. 6);

WHEREAS under the same sections, the Bureau made the Regulation to amend the Regulation respecting conditions for admission to the notarial profession, approved by Order in Council 817-84 dated 4 April 1984;

WHEREAS it is expedient to further amend that Regulation;

WHEREAS under the same sections, the Bureau made the Regulation to amend the Regulation respecting conditions for admission to the notarial profession;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 5 October 1994, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS the Chairman of the Office des professions du Québec received no comments following that publication;

WHEREAS on 15 October 1994, date of coming into force of the Act to amend the Professional Code and other Acts respecting the professions (1994, c. 40), one of the provisions under which that Regulation was made was amended without the content and habilitation of the latter being substantially affected;

WHEREAS the coming into force of that Act nevertheless entails certain concordance amendments to the text of the Regulation made by the Bureau of the Chamber;

WHEREAS in accordance with the first paragraph of section 95 of the Code, amended by section 83 of Chapter 40 of the Statutes of 1994, the Office des professions du Québec has made its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting conditions for admission to the notarial profession, attached to this Order in Council, be approved.

MICHEL CARPENTIER
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting conditions for admission to the notarial profession

Notarial Act
(R.S.Q., c. N-2, s. 93, 1^{re} par., subpar. 2)

Professional Code
(R.S.Q., c. C-26, s. 94, par. *i*; 1994, c. 40, s. 81, par. 5)

1. The Regulation respecting conditions for admission to the notarial profession (R.R.Q., 1981, c. N-2, r. 6), amended by the Regulation made by Order in

Council 817-84 dated 4 April 1984, is further amended in section 2.01:

(1) by substituting, in paragraph *c*, the words "the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), replaced by section 164 of Chapter 40 of the Statutes of 1994," for the words "subparagraph *a* of the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26); and"; and

(2) by deleting paragraph *d*.

2. The Regulation is amended by revoking section 2.02.

3. The Regulation is amended by substituting the following for Division III:

**"DIVISION III
PERIOD OF PROFESSIONAL TRAINING**

§1. Committee on periods of professional training

3.01.01 The Bureau shall assign responsibility for periods of professional training to a committee made up of at least 4 members.

3.01.02 The quorum of the committee shall be the majority of its members. Decisions shall be taken by a majority vote of the members present.

3.01.03 In the case of a vacancy or if a member is unable to act, the Bureau shall fill the vacancy or replace the member for the remainder of his term.

3.01.04 The committee is responsible for the administration of periods of professional training and shall report to the Bureau with respect to that matter.

§2. Eligibility for a period of professional training

3.02.01 The committee shall admit for a period of professional training a candidate who:

(1) holds a diploma recognized by the Government under the first paragraph of section 184 of the Professional Code, replaced by section 164 of Chapter 40 of the Statutes of 1994, as giving access to the permit issued by the Chamber, or who holds a diploma equivalence or a training equivalence under a regulation made and approved pursuant to paragraph *c* of section 93 of the Professional Code, amended by paragraph 2 of section 80 of Chapter 40 of the Statutes of 1994;

(2) has completed and forwarded to the secretary of the Chamber an application for registration on a form

supplied by the Bureau and accompanied by the required documents; and

(3) has paid the fees payable under a resolution adopted by the Bureau under paragraph 8 of section 86.01 of the Professional Code, enacted by section 73 of Chapter 40 of the Statutes of 1994.

3.02.02 Any candidate who is eligible for a period of professional training shall complete such period within 2 years following the obtention of a diploma or of a diploma equivalence or training equivalence referred to in paragraph 1 of section 3.02.01.

Notwithstanding the foregoing, a candidate who demonstrates to the committee that he was unable to complete such period of training within the prescribed time period because of illness, an accident, pregnancy or circumstance beyond his control shall be granted additional time equivalent to the time during which he was unable to complete his period of training, but without exceeding 3 years. The same applies to a candidate who is pursuing graduate studies.

§3. Objectives of and conditions applicable to a period of professional training

3.03.01 The objectives of a period of professional training are as follows:

(1) the assimilation of theoretical knowledge;

(2) the acquisition of the skills required for the practice of the notarial profession;

(3) the development of professional competency; and

(4) the integration of the preventive dimension into the practice of the notarial profession.

3.03.02 A period of training shall consist of 32 consecutive weeks of full-time employment of a nature compatible with the objectives of the period of training, which are described in section 3.03.01. The period of training shall also include, during its course, compulsory participation in the activities of the professional program, which are described in section 3.03.09.

During the 32-week period, a trainee may be absent for not more than 10 working days, failing which he shall, in accordance with section 3.03.10, file with the committee a written request, with reasons, for interruption of his period of training.

3.03.03 A period of training shall be completed under the supervision of a tutor, who shall meet the following conditions:

(1) have been on the Roll of the Chamber for at least 5 years and have practised on a full-time basis for that period;

(2) not, in the past 5 years, have had a penalty imposed on him by the Chamber's committee on discipline, other than the penalty provided for in subparagraph *a* of the first paragraph of section 156 of the Professional Code, or by the Professions Tribunal;

(3) not, in the 5 years preceding the date of the beginning of his period of training, have been required to complete a refresher training period pursuant to the Regulation respecting refresher training periods for notaries, made by Order in Council 1363-94 dated 7 September 1994; and

(4) have paid all fees or assessments due to the Chamber.

3.03.04 A notary interested in obtaining the title of tutor shall apply to the committee in writing.

The title of tutor granted by the committee is valid for 3 years and may be withdrawn at any time from its holder by the committee, if it considers that the tutor has not performed his duties in accordance with section 3.03.05.

3.03.05 The tutor shall contribute to the training of every trainee for whom he is responsible. He shall supervise the trainee daily in the work environment. The tutor shall, in particular:

(1) facilitate the trainee's integration into the work environment;

(2) inform the trainee of the functioning of the work environment and of the resources available;

(3) determine the trainee's duties, specifying the work methods to be used and the deadlines to be met;

(4) help the trainee to organize his work and introduce him to office management;

(5) permit the trainee to perform certain professional acts in part and eventually in full ;

(6) carry out periodic evaluations of the work performed by the trainee; and

(7) contribute to evaluating the trainee's attainment of his training objectives.

3.03.06 Before beginning his period of training, the candidate shall obtain the committee's approval of his

training plan. The committee shall issue a notary trainee's card where the requirements of this Regulation are met. Such card attests to the trainee's entitlement to use the title of notary trainee and is valid for the duration of the period of training. The candidate shall not begin his period of training before obtaining his card.

3.03.07 The committee shall also appoint a supervisor for each trainee and tutor. More than one trainee and tutor may be under the supervision of the same supervisor.

The supervisor shall be designated by the committee. He shall meet the conditions provided for in paragraphs 2 and 3 of section 3.03.03 and shall have been on the Roll of the Chamber for at least 10 years and have practised full time for that period.

3.03.08 The supervisor shall, in particular:

(1) support the trainee in his integration into the work environment;

(2) provide the pedagogical support needed by the trainee and tutor for whom he is responsible;

(3) prepare and conduct certain activities of the professional program;

(4) evaluate trainees in the professional program;

(5) prepare and conduct meetings of the tutors so that they may coordinate their supervision and evaluation activities;

(6) jointly with the tutor, carry out periodic evaluations of the trainee during the period of training; and

(7) jointly with the tutor, carry out the final evaluation of the trainee in the case of an on-the-job period of training.

3.03.09 The professional program of the period of training shall comprise the following activities:

(1) at least 5 integration seminars consisting of group sessions lasting one day or less and designed to help trainees understand the process involved in the period of training and to assimilate their practical experiences through discussion and collective study of matters involved in the practice of the profession of notary;

(2) at least 20 analysis and synthesis sessions consisting of group sessions lasting at least one day and designed to develop the professional behaviour and skills required in the practice of the profession of notary, concerning in particular searches, records management,

the management of a practice, the solving of legal problems, interviews, conciliation, negotiation, mediation, arbitration, professional liability and standards for practice;

(3) individual sessions consisting of readings and exercises on recent developments in notarial practice; and

(4) training activities carried out jointly by the supervisor and the tutor.

3.03.10 Upon a request, with reasons, by the trainee or his supervisor, the committee may authorize:

(1) a change of tutor;

(2) an interruption in the period of training;

(3) modifications to the originally approved training plan; and

(4) cancellation of the period of training, where the elapsed portion does not exceed 8 consecutive weeks.

3.03.11 The committee shall cancel a trainee's card, where it considers that a period of training does not conform to the requirements of this Division.

Notwithstanding the foregoing, the committee shall give the parties concerned the opportunity to be heard before cancelling a card.

§4. Professional acts performed by a trainee

3.04.01 Under the authority and responsibility of the tutor, a trainee is authorized to perform the following acts:

(1) to keep records, accounting books and registers;

(2) to communicate with the clients of the tutor;

(3) to read aloud the notarial deed to the parties in accordance with section 42 of the Notarial Act (R.S.Q., c. N-2);

(4) to represent a person before any quasi-judicial authority allowing such representation; and

(5) to assist the tutor in all aspects of the practice of his profession, but not to perform any professional acts that must be performed by a notary in the practice of his profession.

§5. Evaluation of a period of training

3.05.01 Periods of training shall be evaluated according to criteria designed to measure the attainment of the objectives described in section 3.03.01.

3.05.02 For each evaluation criterion, a trainee is given a grade based on the following scale:

excellent:	A
very good:	B
good:	C
weak:	D
insufficient:	E
nil:	F.

3.05.03 A period of training is successfully completed if the trainee obtains an average grade equal to or greater than C for the professional program and for the on-the-job period of training. For both the professional program and the on-the-job period of training, the trainee shall obtain a grade at least equal to D for each of the evaluation criteria.

3.05.04 Once the trainee has completed his period of training, the tutor and the supervisor shall each prepare a written evaluation report containing their evaluations.

3.05.05 The tutor and the supervisor shall each provide a copy of their reports to the trainee and to the committee within 30 working days following the end of the period of training.

3.05.06 After studying each of the reports, the committee shall evaluate whether the period of training completed by the trainee has been successfully completed and shall recommend to the Bureau that it issue an attestation of completion or of failure.

A trainee who fails an on-the-job period of training shall complete a new period of training in accordance with the conditions determined in this Division. A trainee who fails an activity in the professional program shall repeat it.

3.05.07 The committee's recommendation as to the completion or failure of a period of training shall include reasons and shall be sent to the trainee without delay.

3.05.08 Before recommending to the Bureau that it issue an attestation of failure, the committee shall give the parties concerned the opportunity to be heard. The committee is not bound by any negative conclusions contained in the evaluation reports. The committee shall give the trainee, the tutor and the supervisor at least

15 working days' written notice of the date and place of the hearing."

4. The Regulation is amended by revoking Division IV.

5. Nothing in this Regulation affects the rights of a person who, before 30 November 1995, successfully completed the examination imposed by the *Chambre des notaires du Québec* and who, as of that date, is not yet entered on the Roll of the Chamber or who is applying for re-entry on the Roll of the Chamber.

6. This Regulation comes into force on 30 November 1995.

9417

Gouvernement du Québec

O.C. 1437-95, 1 November 1995

Highway Safety Code
(R.S.Q., c. C-24.2)

Road vehicle registration — Amendments

Regulation to amend the Regulation respecting road vehicle registration

WHEREAS under section 619.1 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may fix, by regulation, the duties exigible for obtaining the registration of a road vehicle and the duties exigible under section 31.1 on the basis of the class or sub-class of road vehicles to which the vehicle belongs and of its net mass;

WHEREAS under the second paragraph of section 619.3 of the Code, the Government may fix, by regulation, the monthly duties on road vehicles on the basis of the factors prescribed in section 619.1;

WHEREAS by Order in Council 1420-91 dated 16 October 1991, the Government made the Regulation respecting road vehicle registration;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made notwithstanding the prior publication requirement in section 8 of that 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 between the date of its publication

in the *Gazette officielle du Québec* and the fifteenth day following that date 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 due to the following circumstances justifies the absence of prior publication and such coming into force:

— the purpose of the draft Regulation is to increase the duties on the registration of snowmobiles; the increase in the annual duties payable to keep the right to travel on a registered snowmobile must come into force on 1 December 1995;

— section 23 of the Regulation respecting road vehicle registration provides that the owner of a snowmobile must pay the duties between 1 October and 31 December, although the great majority of owners wait for the notice of payment sent by the *Société de l'assurance automobile du Québec* and pay their duties in December;

— it is important to mention that, during the third week in November, the *Société de l'assurance automobile du Québec* prints and sends the notices stating the amount to be paid by snowmobile owners not later than the end of November;

WHEREAS it is expedient to amend the Regulation respecting road vehicle registration;

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

THAT the Regulation to amend the Regulation respecting road vehicle registration, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicle registration

Highway Safety Code
(R.S.Q., c. C-24.2, ss. 619.1 and 619.3, 2nd par.)

1. The Regulation respecting road vehicle registration, made by Order in Council 1420-91 dated 16 October 1991 and amended by Orders in Council 1408-92

dated 23 September 1992, 1876-92 dated 16 December 1992 and 1510-93 dated 27 October 1993, is further amended by substituting the following for section 78:

"78. The monthly duties for a snowmobile with a net mass of 450 kg or less are \$12.40."

2. Section 141 of the Regulation is amended by substituting the following for the second paragraph:

"The duties payable to retain the right to operate a road vehicle referred to in the first paragraph are \$62 for each payment period."

3. This Regulation comes into force on 1 December 1995.

9418



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Draft Regulations

Draft Regulation

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5)

Organization and Management of Establishments — Amendment

Notice is hereby given, in accordance with the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), that the Regulation to amend the Organization and Management of Establishments Regulation, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of this draft regulation is to substitute, in respect of the obligation for institutions operating a hospital centre to fix the screening examinations required at the time certain patients are admitted, the reference to the standard concerning the matter made under section 15 of the Medical Act (R.S.Q., c. M-19) for the reference to an identified standard of the Collège des médecins du Québec. Such reference will allow the application of any new standard on the matter adopted by the Collège des médecins du Québec, without having to amend the Regulation.

To date, study of the matter has not shown any impact on businesses.

Additional information may be obtained by contacting:

Maurice Beaulieu
1075, chemin Sainte-Foy, 10^e étage
Québec (Québec), G1S 2M1
Tel.: 418-646-9370
Fax: 418-643-9024

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-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 Organization and Management of Establishments Regulation

An Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5, s. 173, 1^{er} par., subpar. a)

1. The Organization and Management of Establishments Regulation, made by Order in Council 1320-84 dated 6 June 1984 and amended by the Regulations made by Orders in Council 545-86 dated 23 April 1986, 9-87 dated 7 January 1987, 247-87 dated 18 February 1987, 375-88 dated 16 March 1988, 580-88 dated 20 April 1988, 670-88 dated 4 May 1988, 1822-88 dated 7 December 1988, 130-89 dated 8 February 1989, 1567-89 dated 27 September 1989, 863-90 dated 20 June 1990, 1100-90 dated 1 August 1990 and 1346-91 dated 2 October 1991, is further amended by substituting the following for subparagraph 10 of section 6:

“(10) in the case of hospital centres, the fixing of screening examinations at the time patients are admitted, in accordance with the standards made under paragraph a of section 15 of the Medical Act (R.S.Q., c. M-9);”

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

9412

Draft Regulation

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

Screening examinations required at the time certain users are admitted

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 fixing of screening examinations required at the time certain users are admitted, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to substitute, in respect of the obligation for institutions operating a hospital centre to fix the screening examinations required at the time certain users are admitted, the reference to the standard concerning the matter made under section 15 of the Medical Act (R.S.Q., c. M-9) for the reference to an identified standard of the Collège des médecins du Québec. Such reference will allow the application of any new standard on the matter adopted by the Collège des médecins du Québec, without having to amend the Regulation.

To date, study of this matter has not shown any impact on businesses.

Additional information may be obtained by contacting:

Maurice Beaulieu
1075, chemin Sainte-Foy, 10^e étage
Québec (Québec), G1S 2M1
Tel: 418-646-9370
Fax: 418-643-9024

Any interested person having comments to make on the matter 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 respecting the fixing of screening examinations required at the time certain users are admitted

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 6)

1. A public or private institution under agreement that operates a hospital centre shall make a regulation respecting the fixing of screening examinations required at the time certain users are admitted in accordance with the standards made under paragraph a of section 15 of the Medical Act (R.S.Q., c. M-9).

2. This Regulation replaces subparagraph 10 of section 6 of the Organization and Management of Establishments Regulation, made by Order in Council 1320-84 dated 6 June 1984 and amended by the Regulations made by Orders in Council 545-86 dated 23 April 1987, 9-87 dated 7 January 1987, 247-87 dated 18 February 1987, 375-88 dated 16 March 1988, 580-88 dated 20 April 1988, 670-88 dated 4 May 1988, 1822-88 dated

7 December 1988, 130-89 dated 8 February 1989, 1567-89 dated 27 September 1989, 863-90 dated 20 June 1990, 1100-90 dated 1 August 1990 and 1346-91 dated 2 October 1991, except to the extent where it governs the territory of the Conseil cri de la santé et des services sociaux de la Baie James.

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

9411

Draft Regulation

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

Chartered administrators — Conciliation and arbitration procedure for 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 administrateurs agréés du Québec, made by the Bureau of the Ordre des administrateurs agréés du Québec and appearing in the text below, may be submitted to the Government for approval with or without amendments upon the expiry of 45 days following this publication.

According to the Ordre des administrateurs agréés du Québec, the purpose of the draft Regulation is to provide for a conciliation and arbitration procedure for the accounts of chartered administrators that complies with the provisions of the Professional Code, particularly by making provisions enabling a client to follow that procedure even if he has already paid the account, and by making provisions prescribing that arbitration is to be conducted before a council of arbitration composed of 3 arbitrators.

The draft Regulation also prescribes that a chartered administrator may not institute proceedings to recover an account of fees before the expiry of a 45-day period following the date on which the client receives the account. It empowers the council, in accordance with the Professional Code, to add to its arbitration award interest and an indemnity calculated in accordance with the Civil Code of Québec.

The main impact of the new measures will be to provide better protection to the clients of chartered administrators, by making available to them an improved

mechanism for the conciliation and arbitration of their accounts. This mechanism for the settlement of disputes will also be advantageous to the chartered administrators concerned since it is more flexible and economical.

Further information may be obtained by contacting Mr. Richard Gendron, Director General and Secretary of the Ordre des administrateurs agréés du Québec, bureau 640, 680, rue Sherbrooke Ouest, Montréal (Québec), H3A 2M7, telephone: (514) 499-0880; fax: (514) 499-0892.

Any interested person having comments to make is asked to send them in writing, 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. 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, as well as to 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 administrateurs agréés de Québec

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

DIVISION I CONCILIATION

1. A client who has a dispute with a member of the Ordre des administrateurs agréés 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 following the date of receipt of the account.

Where an amount has been withdrawn or withheld by the member from the funds that he holds or receives for

or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

3. A member may not institute proceedings to recover an account for professional services before an 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 notify the member concerned by registered or certified mail. The syndic shall also send the client a copy of this Regulation within the same period.

Once the syndic has received the application for conciliation, the member may not institute proceedings to receive his account so long as the dispute may be settled by conciliation or arbitration and he shall then submit to the conciliation or arbitration procedure.

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 the 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 or certified 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, 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 notify the member concerned by registered mail.

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 the 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 the 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.

14. The administrative committee shall appoint the members of the council of arbitration from among the members of the Order and shall designate the chairman and secretary thereof.

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

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 section 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 administrative committee shall decide the request and, where applicable, shall see that the arbitrator is replaced.

§3. *Hearing*

18. The chairman of the council shall decide on the date, time and place of the hearing and the secretary of the council of arbitration 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.

21. A party requesting that the testimony be recorded shall assume the cost thereof.

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

§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 arbitration shall be borne by the 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 that the arbitration expenses, which are the ex-

penses incurred by the Order for the arbitration, shall be borne by either one party or both parties. The total expenses may not exceed 15 % 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 determined 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 secretary shall draw up and sign the minutes of the hearing, which shall mention whether or not the parties have requested that the testimony be recorded; the minutes shall make proof of their content *prima facie*.

30. The arbitration award shall be filed with the secretary of the Order who shall keep the file for 3 years. The secretary of the council of arbitration shall send it to each party or their advocates within 10 days after being filed.

31. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of chartered administrators (R.R.Q., 1981, c. C-26, r. 15), but the latter Regulation continues to govern the procedure for conciliation and arbitration of disputes for which conciliation by the syndic is applied for prior to the date of coming into force of this Regulation.

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

SCHEDULE I
(s. 9)

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 administrateurs agréés 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
(member's name)
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.

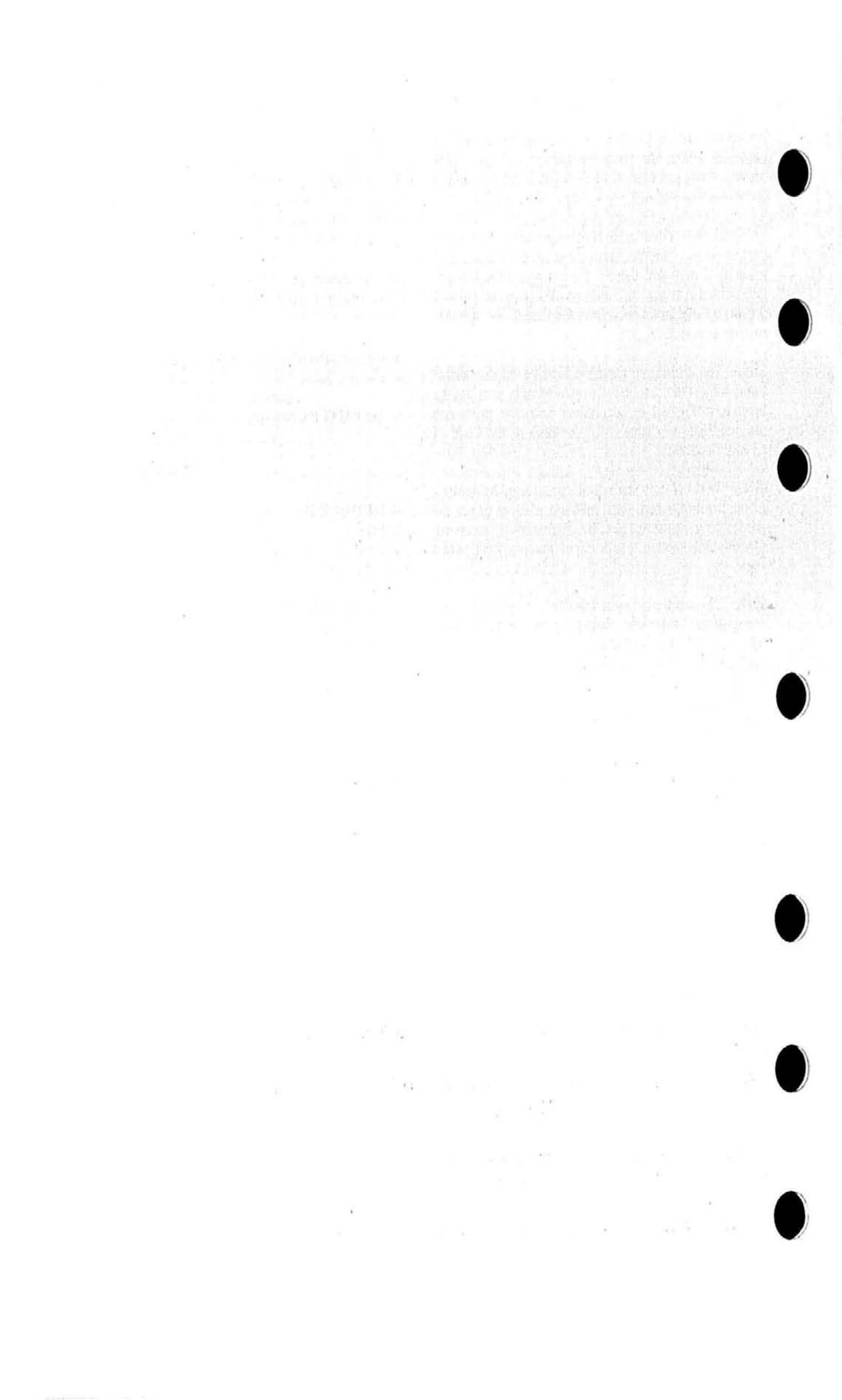
I solemnly affirm that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

.....
Signature

Oath taken before
(name and position, profession or quality)
at on
(municipality) (date)

.....
(signature of person administering oath)

9413



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

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