No. 45

Part 2
LAWS AND REGULATIONS

6 November 2024 / Volume 156

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

(4) regulations made by courts of justice and quasi-judicial tribunals;

(5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

(6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

Rates*

1. Publication of a document in Partie 1:
   $2.03 per agate line.
2. Publication of a document in Part 2:
   $1.35 per agate line.

   A minimum rate of $295 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec
Email: gazette.officielle@servicesquebec.gouv.qc.ca
425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1

Table of Contents

Page

Acts 2024

Regulations and other Acts

Draft Regulations

Notices

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 8 October 2024

Office of the Lieutenant-Governor

Québec, 8 October 2024

This day, at four o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

70 An Act to amend the Animal Health Protection Act

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 9 OCTOBER 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 9 October 2024

This day, at half past eleven o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

62 An Act mainly to diversify the acquisition strategies of public bodies and increase their agility in carrying out infrastructure projects

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 9 OCTOBER 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 9 October 2024

This day, at a quarter past three o'clock in the afternoon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

68 An Act mainly to reduce the administrative burden of physicians

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 17 October 2024

Office of the Lieutenant-Governor

Québec, 17 October 2024

This day, at ten to eleven o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

64 An Act to establish the Musée national de l'histoire du Québec

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 62
(2024, chapter 28)

An Act mainly to diversify the acquisition strategies of public bodies and increase their agility in carrying out infrastructure projects

Introduced 9 May 2024
Passed in principle 5 June 2024
Passed 8 October 2024
Assented to 9 October 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends the Act respecting contracting by public bodies to introduce a new type of contract, namely a partnership contract, under which a public body, using a collaborative approach, brings in a contractor to take on various responsibilities in relation to a public infrastructure project. It specifies the rules applicable to that new type of contract as well as the monetary threshold from which the contracting enterprises must hold an authorization to contract issued by the Autorité des marchés publics.

Under the Act, mixed contracts for construction work and professional services entered into by a public body in connection with infrastructure projects by means of a collaborative approach as well as certain contracts the Conseil du trésor determines by regulation are considered to be partnership contracts.

The Act allows a public body, following an unsuccessful call for tenders and under certain conditions, to enter into a contract by mutual agreement without it being necessary to publish a notice of intention on the electronic tendering system.

The Act grants the Autorité des marchés publics new auditing powers relating to the integrity of an enterprise subject to its oversight while restricting the communication of information obtained during such audits.

The Act introduces a procedure to apply for the annulment of a decision rendered by a third-person decider following a dispute settlement process relating to construction work carried out on behalf of a public body and specifies the reasons for which such a decision may be annulled.

The Act amends the Public Infrastructure Act to make certain modifications to the system of administrative authorizations related to public infrastructure investment planning and public infrastructure management. It provides that the Chair of the Conseil du trésor will now have the power to audit the use of the sums allocated to public bodies in that regard.

The Act broadens, under certain conditions, the powers of the Société québécoise des infrastructures by allowing the Société to, among other things, offer its services to a broader clientele, change

the purpose of its surplus spaces to meet the needs of the entities or persons that will occupy them, acquire on behalf of other public bodies, by agreement or expropriation, any property necessary for the carrying out of a public infrastructure project and establish a land reserve for the future carrying out of such projects.

The Act amends the Public Infrastructure Act to introduce a union representation system applicable to the associations of employees of the Société québécoise des infrastructures. For that purpose, the Act determines which bargaining units may be constituted according to five classes of personnel. It specifies that only one association of employees may be certified to represent the employees of a bargaining unit and it provides that only one collective agreement may be applicable to all the employees in that bargaining unit.

The Act modifies the composition of the governance committee of the Centre d'acquisitions gouvernementales and confers the power to remunerate the members of that committee as well as those of the audit committee on the Government.

The Act simplifies, to a certain extent, the measures relating to service contracts set out in the Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises.

Lastly, the Act makes consequential amendments and contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting the Autorité des marchés publics (chapter A-33.2.1);

– Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01);

– Act respecting contracting by public bodies (chapter C-65.1);

– Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises (chapter G-1.011);

– Public Infrastructure Act (chapter I-8.3).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2);

– Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4);

– Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5);

– Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1).

ORDER IN COUNCIL REPEALED BY THIS ACT:

– Order in Council 793-2014 dated 10 September 2014, concerning public-private partnership contracts involving an expenditure equal to or greater than $5,000,000.

Bill 62

AN ACT MAINLY TO DIVERSIFY THE ACQUISITION STRATEGIES OF PUBLIC BODIES AND INCREASE THEIR AGILITY IN CARRYING OUT INFRASTRUCTURE PROJECTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

1. Section 3 of the Act respecting contracting by public bodies (chapter C-65.1) is amended

(1) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

"(1) partnership contracts, that is, contracts entered into for the purposes of an infrastructure project for which a public body brings in a contractor to participate in designing and building the infrastructure and carry out other responsibilities related to the infrastructure such as its financing, maintenance or operation, and that involve a collaborative approach during or after the tendering process;";

(2) by adding the following paragraphs at the end:

"Mixed construction work and professional services contracts under which a public body brings in a contractor to participate in designing and building an infrastructure by using a collaborative approach during or after the tendering process as well as contracts determined by a regulation of the Conseil du trésor under which a public body brings in a contractor to participate in designing or building an infrastructure if they involve a collaborative approach specified in the regulation are considered to be partnership contracts.

For the purposes of this Act, a collaborative approach may, in particular, include holding bilateral workshops in the presence of a process auditor, pooling resources and information related to the infrastructure project as well as consensually sharing risks and, as applicable, savings generated or gains made and losses sustained during the term of the contract while complying with the quality requirements."

2. Section 13.1 of the Act is amended by inserting the following paragraph after the first paragraph:

"Despite the first paragraph, publication of a notice of intention is not required if the following conditions are met:

(1) the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant bids were submitted;

(2) the successful bidder meets the requirements that the documents of the call for tenders referred to in subparagraph 1 imposed on interested enterprises;

(3) the conditions imposed on the successful bidder by the contract are the same as those set out in the documents of the call for tenders referred to in subparagraph 1, except as regards the period of time allotted for carrying out the contract, which may not be postponed longer than the time elapsed between the tender closing date set for the call for tenders and the date the contract is entered into;

(4) the successful bidder has sent a proposal to the public body within 90 days of the tender closing date set for the call for tenders referred to in subparagraph 1; and

(5) the contract is entered into within 90 days of the date of receipt of the successful bidder's proposal."

3. Section 17 of the Act is amended by striking out the last sentence of the second paragraph.

4. Section 18 of the Act is amended

(1) by replacing "Public-private partnership" by "Partnership";

(2) by inserting "by the Minister of Transport, the Société québécoise des infrastructures or any other public body provided that the minister responsible for the public body authorizes it to do so" at the end;

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

"For the purposes of the first paragraph, the minister responsible for a public body is,

(1) in the case of a public body referred to in subparagraphs 1 to 4 of the first paragraph of section 4 or a subsidiary of a body referred to in that subparagraph 4, the minister responsible for the body;

(2) in the case of a public body referred to in subparagraph 5 of the first paragraph of section 4 or a subsidiary of such a body, the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, according to their respective responsibilities; or

(3) in the case of a public body referred to in subparagraph 6 of the first paragraph of section 4 or a subsidiary of such a body, the Minister of Health and Social Services.

The ministerial authorization required under the first paragraph may be subject to conditions. Moreover, it does not relieve the public body from the obligation to obtain any other authorization relating to the partnership contract concerned that would otherwise be required under an Act, a regulation or a directive."

5. Section 19 of the Act is amended

(1) by striking out "public-private";

(2) by inserting ", the selected collaborative approach" after "project".

6. Section 20 of the Act is amended by adding the following paragraph at the end:

"(4) if the selected collaborative approach includes sharing risks, savings generated or gains made and losses sustained, a statement that the terms and conditions of the sharing will be agreed upon by the parties and specified in the partnership contract."

7. Section 21 of the Act is amended

(1) by replacing "each of the selected tenderers" in paragraph 1 by "the selected tenderer or each of the selected tenderers, as applicable,";

(2) by replacing "at the end of the selection process, negotiate, with the selected contractor" in paragraph 2 by "during and at the end of the selection process, negotiate, with the selected tenderer or tenderers, as applicable";

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

"As part of the discussions referred to in subparagraph 1 of the first paragraph, a tenderer may involve an enterprise with which it plans to enter or has entered into a contract to be attached to the partnership contract that is the subject of the tendering process if it considers that the enterprise's expertise and knowledge would help achieve the objectives of the project."

8. The Act is amended by inserting the following section after section 21:

"**21.0.0.1.** A partnership contract must provide for a procedure for the settlement of disputes arising from the contract and an obligation for the successful tenderer to send the public body any information or document the public body requests in connection with the contract."

9. Section 21.18 of the Act is amended

(1) by replacing "must hold an authorization on the date it submits its bid" in the first paragraph by "or that is part of a consortium that responds to such a call for tenders must hold an authorization on the date the bid is submitted";

(2) by inserting the following paragraph after the first paragraph:

"However, if the call for tenders concerns the carrying out of a partnership contract, the enterprise that responds to the call for tenders and, in the case of a consortium, every enterprise in the consortium must hold an authorization on the date the bid is submitted unless the tender documents specify a later date which, however, may not be later than the date the public contract is entered into.";

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

"Within the scope of application of the second paragraph, a bid submitted by a group of enterprises forming a consortium that is not required to be registered in the enterprise register established under the Act respecting the legal publicity of enterprises (chapter P-44.1) is deemed to be submitted by a consortium taking the juridical form of a legal person established for a private interest, a general partnership or a limited partnership, as the case may be, if the enterprises forming the group have together constituted, since the bid was submitted, such a legal person or such a partnership for the purposes of the call for tenders. The legal person or partnership must then hold an authorization on the date determined under the second paragraph."

10. Section 21.48.9 of the Act is amended by inserting the following paragraphs after the second paragraph:

"This section applies despite any duty of confidentiality or loyalty that may be binding on a person, including toward the enterprise that is the subject of an audit.

Any person who communicates information or a document under this section incurs no civil liability for doing so."

11. The Act is amended by inserting the following section after section 21.48.9:

"**21.48.9.1.** For the purposes of an audit relating to the integrity of an enterprise subject to the oversight of the Authority, the Authority may require any person who has previously been a director, partner, officer or shareholder of the enterprise or any other person or entity bound or previously bound, directly or indirectly, by contract to the enterprise to send the Authority, within the time specified, any relevant document or information for the purpose of verifying whether the enterprise meets the standards of integrity.

This section applies despite any communication restrictions provided for under a law and any duty of confidentiality or loyalty that may be binding on a person, including toward the enterprise that is the subject of an audit.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

Any person who communicates information or a document under this section incurs no civil liability for doing so.

In addition, every person or entity that is subject to a request made under this section must, if the Authority so requires, confirm, in an affidavit, the authenticity of the documents or the veracity of the information communicated."

12. Section 21.48.28 of the Act, enacted by section 111 of chapter 18 of the statutes of 2022, is amended by adding the following sentences at the end of the first paragraph: "Such filing, however, may only be done on the expiry of the time limit provided for in the second paragraph of section 21.48.28.1 to apply for the annulment of the third-person decider's decision or, if such an application has been filed, from the date on which a decision of the court confirming the validity of the third-person decider's decision becomes final. In the latter case, a copy of the court's decision must be attached to the third-person decider's decision."

13. The Act is amended by inserting the following section after section 21.48.28, enacted by section 111 of chapter 18 of the statutes of 2022:

"**21.48.28.1.** A party may apply to the court for the annulment of a decision rendered by a third-person decider for any of the following reasons:

(1) one of the parties did not have the capacity to participate in the dispute settlement process before the third-person decider;

(2) the dispute arises from a public contract or subcontract that is not valid;

(3) the decision pertains to a dispute that could not be submitted to a third-person decider or contains a conclusion entirely unrelated to the subject matter of the dispute that was pending before the third-person decider;

(4) the dispute settlement process was led by a person who was not certified to act as a third-person decider;

(5) the rules applicable to the selection of the third-person decider were not complied with; or

(6) the rules applicable to the dispute settlement process before the third-person decider were not complied with and that non-compliance compromised the fairness of the process.

An application for annulment must be presented before the Court of Québec or the Superior Court, according to their respective jurisdictions to rule on the subject matter of the dispute submitted to the third-person decider, within 30 days after receipt of the decision concerned. This is a strict time limit.

An application for annulment does not postpone the execution of the decision, unless the court orders otherwise.

If the court annuls a third-person decider's decision in whole or in part, it may condemn a party to reimburse the other party all or part of the sums of money the other party paid in execution of the decision."

14. Section 22 of the Act is amended by replacing "it has entered into which" in the first paragraph by ", other than those referred to in chapter V, that it has entered into and that".

15. The Act is amended by inserting the following section after section 22:

"**22.0.1.** A public body must, for each contract referred to in Chapter V, publish the following information on the electronic tendering system within the time specified:

(1) within 72 days after the date the contract is entered into, the name of the contractor, a description of the object of the contract and the initial amount or estimated amount of the expenditure, as the case may be, or, if neither of those amounts are known at that time, within 72 days after the date such an amount is determined in the course of the contract;

(2) within 120 days after taking delivery of the infrastructure built under a contract that confers the operation or maintenance of the infrastructure on the contractor, the total amount paid for its construction; and

(3) within 120 days after the end of the contract, the total amount paid over the entire term of the contract.

The public body must also publish on the electronic tendering system, within 120 days of an amendment to the contract, every additional expenditure resulting from the amendment that exceeds the initial amount of the contract by more than 10%.

However, a public body is not required to publish the information referred to in subparagraph 1 of the first paragraph within the time specified if the authorization to carry out the infrastructure project has not yet been granted by the competent authority. In such a case, the information must be published within 72 days after obtaining the authorization."

16. The Act is amended by inserting the following section after section 24:

"**24.1.** The Conseil du trésor defines, by regulation, the terms "amount" and "expenditure" or clarifies their scope for the purposes of the sections of this Act specified in the regulation."

17. Section 58.1 of the Act is amended

(1) by replacing "until the bids are opened" in subparagraph 1 of the first paragraph by "until the bids are opened publicly or, in the absence of such opening, until the contract is awarded";

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

"Despite the preceding paragraphs, a public body or a member of its staff may, as part of a call for tenders for the carrying out of a partnership contract and before the contract is awarded, communicate information that allows an enterprise that participates in the call for tenders to be identified if the enterprise has expressly authorized the public body to disclose that information."

18. The Act is amended by striking out "public-private" in the following provisions:

(1) section 9;

(2) subparagraph 2 of the first paragraph of section 10;

(3) the heading of Chapter V.

CHAPTER II
PUBLIC INFRASTRUCTURE ACT

19. Section 15 of the Public Infrastructure Act (chapter I-8.3) is amended by inserting "by means of a decision concerning that particular project or a category of projects to which it belongs" at the end of the second paragraph.

20. Section 16 of the Act is amended, in the first paragraph,

(1) by replacing "A public infrastructure project considered major cannot be included in the Québec infrastructure plan before being authorized by the Government" by "The initial inclusion of a public infrastructure project

considered major in the Québec infrastructure plan must be preceded by an authorization from the Government issued";

(2) by adding the following sentence at the end: "Any subsequent inclusion of the project in the plan must be preceded by an authorization from the Government or the Conseil du trésor issued within the framework of the implementation of those measures."

21. Section 18 of the Act is amended by replacing "based on" in subparagraph 3 of the second paragraph by "in particular on the basis of".

22. Section 19 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

"The Chair of the Conseil du trésor may also, if the Chair considers it advisable, conduct an audit to verify a public body's use of sums that have been allocated to it for the purposes of public infrastructure investments.";

(2) by replacing "the audit" in the second paragraph by "an audit under this section".

23. Section 27 of the Act is amended by inserting "or by expropriation" after "agreement" in paragraph 1.

24. Section 29 of the Act is amended

(1) by striking out subparagraph 2 of the first paragraph;

(2) by striking out the second paragraph.

25. The Act is amended by inserting the following section after section 34:

"**34.1.** The Société and the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology, as the case may be, must enter into a management agreement applicable to the activities that the Société carries out under sections 31 and 32 in respect of the bodies referred to in subparagraph 5 of the first paragraph of section 3. Such an agreement must, among other things, specify the responsibilities of those bodies."

26. Section 37 of the Act is amended

(1) by replacing "immovable property operations" and "Act" by "activities" and "subdivision", respectively;

(2) by adding the following sentence at the end: "Such an agreement must, among other things, specify the responsibilities of those providers."

27. Section 42 of the Act is replaced by the following section:

"**42.** The Société may satisfy the requirements in terms of rental space of any public body that is not required to deal with the Société under section 30, the National Assembly and any person appointed or designated by the National Assembly to exercise a function under its authority. For those purposes, the Société has the powers provided for in section 27, except the power to expropriate.

The Société may put at the disposal of any entity or person not referred to in the first paragraph spaces it considers surplus. It may also, in the cases and on the conditions determined by the Conseil du trésor and in order to meet the needs of such an entity or person, change the purpose of those spaces by carrying out the required construction work, or equip and furnish those spaces and, for that purpose, acquire, lease, maintain and hold any movable property.

In addition, the Société may provide any entity or person referred to in the first paragraph and, in the cases and on the conditions determined by the Conseil du trésor, any other entity or person with any service related to its mission and activities, including immovable construction, maintenance, operation and management services.

Any offer of spaces or delivery of services made under this section must be the subject of an agreement between the Société and the entity or person concerned.

The application of this section may not reduce or otherwise restrict the offer of spaces or the delivery of services the Société must provide within the scope of its responsibilities under this Act, which offer and delivery must always be given priority."

28. The Act is amended by inserting the following sections after section 43:

"**43.1.** The Société may, on behalf of a public body, acquire by agreement or expropriation any immovable necessary to carry out a public infrastructure project of such a body if the Société manages and exercises control over the project or if it provides the body with construction services for the carrying out of the project.

The public body requesting that the Société acquire a property for the carrying out of a project must identify the property in accordance with the terms determined by the Société.

This section does not relieve the public body on whose behalf the Société acts from the obligation to obtain, if applicable, the authorizations required under the provisions that empower the public body to acquire an immovable.

"**43.2.** The Société may, on the conditions determined by the Government, establish a land reserve for the carrying out of future public infrastructure projects.

When the Société transfers to a public body the ownership of an immovable acquired for the purpose of establishing such a reserve, the transfer is made in exchange for consideration equal to the costs assumed for the acquisition, maintenance and detention of the immovable. No transfer duties provided for by the Act respecting duties on transfers of immovables (chapter D-15.1) are payable in respect of the transfer.

"**43.3.** The Société may determine the conditions applicable to its offer of spaces and its delivery of services to public bodies. Those conditions may include the obligations of the bodies that use the spaces or services."

29. Section 44 of the Act, amended by section 1067 of chapter 34 of the statutes of 2023, is again amended

(1) by replacing the first paragraph by the following paragraph:

"To ensure optimal management of public infrastructures, the Government may, on the recommendation of the Chair of the Conseil du trésor, transfer ownership of an immovable, including any liabilities affecting the immovable, from one public body to another, subject to the terms and conditions it determines. Such a transfer has effect from the date the order is published in the *Gazette officielle du Québec*.";

(2) by striking out the second paragraph;

(3) by replacing "provider" in the third paragraph by "public body";

(4) by replacing "health and social service provider concerned" in the fourth paragraph by "public body that has become the owner of the immovable";

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

"If the ownership of an immovable is transferred under this section, the public bodies concerned need not obtain the authorizations required by law, if applicable, to acquire or alienate the immovable."

30. Section 46 of the Act is amended by striking out ", but that is not carried out by a public body" in the first paragraph.

31. The Act is amended by inserting the following section after section 46:

"**46.1.** The Government may, on the recommendation of the Conseil du trésor, entrust the Société with any mandate related to the repurposing of surplus spaces included among its immovable assets, including the mandate to develop a real estate project and, if applicable, the mandate to carry it out.

The Société has the powers provided for in section 27 for the purpose of performing any mandate aimed at carrying out a real estate project, except the power to expropriate."

32. Section 51 of the Act is amended by striking out "that is necessary to carry out its mandates and achieve its objects" in subparagraph 7 of the first paragraph.

33. The Act is amended by inserting the following division after section 80:

"**DIVISION V.1**

"UNION REPRESENTATION SYSTEM

"**80.1.** Within the Société, the only bargaining units that may be constituted for employees within the meaning of the Labour Code (chapter C-27) must be constituted according to the following classes of personnel:

(1) class of engineers, architects and chartered appraisers comprising the employees who are members of the Ordre des ingénieurs du Québec, of the Ordre des architectes du Québec or of the Ordre des évaluateurs agréés du Québec and the persons admitted to the study of those professions;

(2) class of lawyers and notaries comprising the employees who are members of the Barreau du Québec or of the Ordre des notaires du Québec and the persons admitted to the study of those professions;

(3) class of professionals comprising the employees who are not included in the classes described in paragraphs 1 and 2, who carry out work of a professional nature and whose job requires a university-level diploma;

(4) class of workmen; and

(5) class of technicians and office personnel comprising the employees who are not included in the classes described in paragraphs 1 to 4.

"**80.2.** No bargaining unit may include more than one class of personnel provided for in section 80.1.

Only one association of employees may be certified to represent, within the Société, the employees of a bargaining unit and only one collective agreement may be applicable to all the employees in that bargaining unit.

Subject to the first and second paragraphs of this section, section 80.1 of this Act and sections 52 to 54 of the Act mainly to diversify the acquisition strategies of public bodies and increase their agility in carrying out infrastructure projects (2024, chapter 28), the Labour Code (chapter C-27) applies to the Société and to the associations of employees representing its personnel.

"**80.3.** The Administrative Labour Tribunal decides all disputes respecting the exclusion or inclusion of an employee of the Société or a group of such employees from or in any of the classes of personnel provided for in section 80.1 and has the power to revoke the certification and grant another on the conditions provided for in the Labour Code (chapter C-27).

When seized of a petition, the Tribunal may, for the purposes of the decision it is to render, rule on any question relating to the application of this division and the Labour Code."

CHAPTER III

OTHER AMENDING PROVISIONS

ACT RESPECTING THE AUTORITÉ DES MARCHÉS PUBLICS

34. The Act respecting the Autorité des marchés publics (chapter A-33.2.1) is amended by inserting the following subdivision after section 36:

"§4. — *Non-communication of information and documents*

"**36.1.** No person employed by the Authority or authorized by the Authority to exercise powers to conduct an audit or investigation may communicate or allow to be communicated to anyone information obtained under the provisions of this Act, of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) or of a regulation made under them, or allow the examination of a document filed under those provisions, unless the person is authorized to do so by the Authority.

Despite sections 9 and 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), only a person generally or specially authorized by the Authority may have access to such information or such a document."

ACT RESPECTING THE CENTRE D'ACQUISITIONS GOUVERNEMENTALES

35. Section 5 of the Act respecting the Centre d'acquisitions gouvernementales (chapter C-7.01) is amended by replacing "and the minister responsible for education and higher education" in the second paragraph by ", the minister responsible for education and the minister responsible for higher education".

36. Section 9 of the Act is amended

(1) by replacing "or the minister responsible for education and higher education; in the case of the latter two ministers" in the first paragraph by ", the minister responsible for education or the minister responsible for higher education; in the case of the latter three ministers";

(2) by replacing "or the minister responsible for education and higher education" in the third paragraph by ", the minister responsible for education or the minister responsible for higher education".

37. Section 15 of the Act is amended

(1) by replacing "and the minister responsible for education and higher education" in the second paragraph by ", the minister responsible for education and the minister responsible for higher education";

(2) by replacing "or the minister responsible for education and higher education" in the fourth paragraph by ", the minister responsible for education or the minister responsible for higher education".

38. Section 19 of the Act is amended by replacing "and the Deputy Minister of the Ministère de l'Éducation et de l'Enseignement supérieur" in the first paragraph by ", the Deputy Minister of the Ministère de l'Éducation, du Loisir et du Sport and the Deputy Minister of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie".

39. Section 27 of the Act is amended

(1) by replacing subparagraph 3 of the first paragraph by the following subparagraphs:

"(3) the Deputy Minister of the Ministère de l'Éducation, du Loisir et du Sport;

"(3.1) the Deputy Minister of the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie;

"(3.2) the president and chief executive officer of Santé Québec or the person who exercises management responsibilities under that officer's immediate authority and is designated by that officer; and";

(2) by inserting ", except in the cases, on the conditions and to the extent that may be determined by the Government" after "remuneration" in the fourth paragraph.

40. Section 30 of the Act is amended

(1) by replacing "and the minister responsible for education and higher education" in the first paragraph by ", the minister responsible for education and the minister responsible for higher education";

(2) by inserting ", except in the cases, on the conditions and to the extent that may be determined by the Government" after "remuneration" in the fourth paragraph.

41. Section 42 of the Act is amended

(1) by replacing "and to the minister responsible for education and higher education" in the first paragraph by ", to the minister responsible for education and to the minister responsible for higher education";

(2) by replacing "and the minister responsible for education and higher education" in the second paragraph by ", the minister responsible for education and the minister responsible for higher education".

ACT RESPECTING WORKFORCE MANAGEMENT AND CONTROL WITHIN GOVERNMENT DEPARTMENTS, PUBLIC SECTOR BODIES AND NETWORKS AND STATE-OWNED ENTERPRISES

42. Section 16 of the Act respecting workforce management and control within government departments, public sector bodies and networks and state-owned enterprises (chapter G-1.011), amended by section 1034 of chapter 34 of the statutes of 2023, is again amended, in the first paragraph,

(1) by inserting "or by any member of the body's personnel designated by the chief executive officer" at the end of the first sentence;

(2) by striking out the last sentence.

43. Section 17 of the Act is amended by replacing "The directive is also sent to the Chair of the Conseil du trésor who" by "The Chair of the Conseil du trésor".

44. Section 21 of the Act is amended

(1) by striking out the first paragraph;

(2) by striking out "also" and "other" in the second paragraph.

REGULATION RESPECTING CERTAIN SUPPLY CONTRACTS OF PUBLIC BODIES

45. Section 39 of the Regulation respecting certain supply contracts of public bodies (chapter C-65.1, r. 2) is amended

(1) by inserting "following the publication of a notice of intention" after "section 13 of the Act" in paragraph 7;

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

"The public body also publishes in the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without

publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published in the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the supplier that was awarded the contract."

REGULATION RESPECTING CERTAIN SERVICE CONTRACTS OF PUBLIC BODIES

46. Section 52 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4) is amended

(1) by inserting "following the publication of a notice of intention" after "section 13 of the Act" in paragraph 7;

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

"The public body also publishes in the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published in the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the service provider that was awarded the contract."

REGULATION RESPECTING CONSTRUCTION CONTRACTS OF PUBLIC BODIES

47. Section 42 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5) is amended

(1) by inserting "following the publication of a notice of intention" after "section 13 of the Act" in paragraph 7;

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

"The public body also publishes in the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to

meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published in the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the contractor that was awarded the contract."

REGULATION RESPECTING CONTRACTING BY PUBLIC BODIES IN THE FIELD OF INFORMATION TECHNOLOGIES

48. Section 73 of the Regulation respecting contracting by public bodies in the field of information technologies (chapter C-65.1, r. 5.1) is amended

(1) by inserting "following the publication of a notice of intention" after "section 13 of the Act" in paragraph 7;

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

"The public body also publishes on the electronic tendering system, within five days of entering into a contract that it entered into by mutual agreement under subparagraph 4 of the first paragraph of section 13 of the Act without publishing a notice of intention, the initial description of the contract containing at least the information referred to in subparagraphs 1 to 6 of the first paragraph as well as a statement to the effect that the sole purpose of the contract is to meet the need expressed in a public call for tenders for which no compliant tenders were submitted, accompanied by the number of the notice of the call for tenders published on the electronic tendering system, the tender closing date set for the call for tenders and the date of receipt of the proposal from the supplier or service provider that was awarded the contract."

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

49. For the purposes of section 21.17 of the Act respecting contracting by public bodies (chapter C-65.1), the partnership contracts covered are, from the date of coming into force of section 1 of this Act and until the Government determines another amount in accordance with that section 21.17, those involving an expenditure equal to or greater than $5,000,000 and for which the tendering or awarding process is underway or begins after that date.

50. Order in Council 793-2014 dated 10 September 2014, concerning public-private partnership contracts involving an expenditure equal to or greater than $5,000,000, is repealed.

51. The provisions of sections 1.2 and 1.3 of the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies (chapter C-65.1, r. 1.1) that pertain to the complaints referred to in section 21.0.4 of the Act respecting contracting by public bodies (chapter C-65.1) or in section 40 of

the Act respecting the Autorité des marchés publics (chapter A-33.2.1) as well as the provisions of Chapters I.2, II, III and IV of that Regulation apply, with the necessary modifications, in respect of any partnership contract-tendering process until the coming into force of the provisions of the first regulation made under paragraphs 13.1 and 14 of section 23 of the Act respecting contracting by public bodies that apply to partnership contracts.

For the purposes of this section, where the tendering process involves making use of an electronic documentation room, the provisions of sections 1.2 and 1.3 of the Regulation respecting supply contracts, service contracts and construction contracts of bodies referred to in section 7 of the Act respecting contracting by public bodies, the provisions of Chapter I.2 of that Regulation and the provisions of section 40 of the Act respecting the Autorité des marchés publics that refer to the electronic tendering system approved by the Government under section 11 of the Act respecting contracting by public bodies must, where the tender documents so provide, be read as referring to the electronic documentation room for the purpose of processing complaints. To that end, the public body must allow the Autorité des marchés publics to have access to the information and documents contained in the electronic documentation room.

52. An association of employees wishing to represent a bargaining unit of the Société québécoise des infrastructures provided for in section 80.1 of the Public Infrastructure Act (chapter I-8.3), enacted by section 33 of this Act, must file a petition for certification with the Administrative Labour Tribunal before 8 November 2024.

After that date, the Administrative Labour Tribunal proceeds as follows:

(1) if the Tribunal concludes that no petition for certification complying with the Labour Code (chapter C-27) was filed for a particular class of personnel, the employees of that class remain unrepresented until, if applicable, an association files a petition that complies with section 25 of the Labour Code;

(2) if the Tribunal concludes that the petitioning association of employees is the only association to have filed a petition to represent the employees to be included in the bargaining unit, it certifies the association, indicating the class of personnel included in the new bargaining unit; or

(3) if the Tribunal concludes that there is more than one association of employees petitioning to represent the employees to be included in a bargaining unit, it orders the holding of a vote for the employees of the bargaining unit and certifies the association of employees that obtains the greatest number of votes, indicating the class of personnel included in the new bargaining unit.

At the end of the process, the certifications that do not comply with sections 80.1 and 80.2 of the Public Infrastructure Act, enacted by section 33 of this Act, are revoked.

53. Despite section 52 of this Act, an association of employees representing employees included in a bargaining unit whose composition, as at 9 October 2024, complies with the provisions of sections 80.1 and 80.2 of the Public Infrastructure Act (chapter I-8.3), enacted by section 33 of this Act, is not required to file a petition for certification. The association must, however, apply to the Administrative Labour Tribunal to have the description of its bargaining unit changed.

54. The collective agreements of the employees of the Société québécoise des infrastructures who were represented by an association of employees that is not referred to in section 53 of this Act remain in force until their date of expiry. They continue to apply, despite their expiry, until a new collective agreement is entered into by the new certified association of employees. If no association has been certified under section 52 of this Act, the conditions of employment provided for under those collective agreements also continue to apply until new conditions of employment are determined by a by-law of the Société.

The newly certified association of employees is subrogated by operation of law in the rights and obligations resulting from a collective agreement to which a certified association of employees it replaces was a party.

55. The provisions of this Act come into force on 9 October 2024, except

(1) the provisions of sections 12 and 13, which come into force on the date or dates to be set by the Government; and

(2) the provisions of section 16, which come into force on the date of coming into force of the first regulation made under section 24.1 of the Act respecting contracting by public bodies (chapter C-65.1).

107083

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 64
(2024, chapter 30)

An Act to establish the Musée national de l'histoire du Québec

Introduced 22 May 2024
Passed in principle 1 October 2024
Passed 10 October 2024
Assented to 17 October 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

The purpose of this Act is to establish the Musée national de l'histoire du Québec, the functions of which are to make known and raise the visibility of the Québec nation's history, evolution, culture and distinct identity, and to bear witness to the contributions of the First Nations and the Inuit to its journey. The Act provides that the functions of the Musée are also to establish links with the Québec museum network and to ensure the participation of Québec in the international museum network through acquisitions, exhibitions and other cultural activities.

Lastly, the Act makes consequential amendments and contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Financial Administration Act (chapter A-6.001);

– Act respecting municipal taxation (chapter F-2.1);

– Act respecting the governance of state-owned enterprises (chapter G-1.02);

– National Museums Act (chapter M-44);

– Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

Bill 64

AN ACT TO ESTABLISH THE MUSÉE NATIONAL DE L'HISTOIRE DU QUÉBEC

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT OF THE MUSÉE NATIONAL DE L'HISTOIRE DU QUÉBEC

NATIONAL MUSEUMS ACT

1. The National Museums Act (chapter M-44) is amended by inserting the following section after section 3.1:

"**3.2.** A national museum is hereby established under the name of "Musée national de l'histoire du Québec"."

2. The Act is amended by inserting the following section after section 24.1:

"**24.2.** The functions of the Musée national de l'histoire du Québec are

(1) to make known and raise the visibility of the history of the Québec nation, its evolution, its culture and its distinct identity, and to bear witness to the contributions of the First Nations and the Inuit to its journey; and

(2) to establish links with the Québec museum network and to ensure the participation of Québec in the international museum network through acquisitions, exhibitions and other cultural activities."

3. The Act is amended by inserting the following section after section 26:

"**27.** The Musée national de l'histoire du Québec develops and submits to the Minister, in the manner determined by the Minister, recommendations relating to the commemoration and highlighting of sites, persons or events that have marked the history of the Québec nation."

4. Section 41 of the Act is amended by replacing "or "Musée de la Civilisation"" by ", "Musée de la Civilisation" or "Musée national de l'histoire du Québec"".

CHAPTER II

AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

5. Schedule 2 to the Financial Administration Act (chapter A-6.001), amended by section 884 of chapter 34 of the statutes of 2023, is again amended by inserting "Musée national de l'histoire du Québec" in alphabetical order.

ACT RESPECTING MUNICIPAL TAXATION

6. Section 243.6.1 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following paragraph after paragraph 3:

"(3.1) Musée national de l'histoire du Québec;".

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

7. Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02), amended by section 1036 of chapter 34 of the statutes of 2023, is again amended by inserting "Musée national de l'histoire du Québec" in alphabetical order.

ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

8. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2), amended by section 1213 of chapter 34 of the statutes of 2023, is again amended by inserting "— The Musée national de l'histoire du Québec" in alphabetical order.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

9. The provisions of paragraph 4 of section 7 of the National Museums Act (chapter M-44) relating to the expertise and experience profiles of the members of the board of directors appointed on the Minister's recommendation do not apply to the appointment of the first members of the board of directors of the Musée national de l'histoire du Québec.

However, when appointing those board members, the Government must ensure that they collectively have suitable expertise and experience in the following fields:

(1) the history of Québec;

(2) museum management;

(3) heritage property management;

(4) information resources management;

(5) finance management and accounting;

(6) human resources management, labour relations and organizational development;

(7) governance and ethics;

(8) auditing or risk management;

(9) communication, marketing or business development;

(10) law;

(11) the history of the First Nations and the Inuit in Québec; and

(12) the geography of Québec.

10. The provisions of section 3.3 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) relating to the recommendation of the board of directors and the expertise and experience profile of the president and chief executive officer of a state-owned enterprise do not apply to the appointment of the first director general of the Musée national de l'histoire du Québec.

11. Until the first board of directors is formed, the director general of the Musée national de l'histoire du Québec exercises the functions and powers assigned by law to the board of directors.

12. Subject to the conditions of employment applicable to them, the employees of the Musée de la Civilisation identified in an agreement entered into between the Musée de la Civilisation and the Musée national de l'histoire du Québec become employees of the Musée national de l'histoire du Québec on the date determined in the agreement, which may not be later than the date that is two years after the date of coming into force of this Act. They retain the same conditions of employment.

13. The records and other documents of the Musée de la Civilisation respecting the setting up of the Musée national de l'histoire du Québec become, on the date of coming into force of this Act, those of the Musée national de l'histoire du Québec.

14. This Act comes into force on the date of the appointment of the first director general of the Musée national de l'histoire du Québec.

107082

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 68
(2024, chapter 29)

An Act mainly to reduce the administrative burden of physicians

Introduced 31 May 2024
Passed in principle 19 September 2024
Passed 8 October 2024
Assented to 9 October 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends the Act to promote access to family medicine and specialized medicine services to prohibit an insurer or employee benefit plan administrator from requiring an insured, a participant or a beneficiary to receive a medical service in order to obtain payment of certain benefits. It allows the Minister of Health and Social Services to restrict the health and social services information that may be requested from a physician by a third person and impose the use of a form determined by the Minister.

The Act grants Santé Québec the powers enabling it to oversee the application of the provisions enacted by the Act. In particular, it provides for the possibility of recovering the cost of medical services and imposing monetary administrative penalties. It also prescribes offences and penal sanctions.

The Act amends the Act respecting labour standards to prohibit an employer from requiring a document attesting to the reasons for an absence, in particular an absence owing to sickness, including a medical certificate, for the first 3 periods of absence not exceeding 3 consecutive days taken over a 12-month period. The prohibition also applies to employers whose employees governed by the Act respecting labour relations, vocational training and workforce management in the construction industry are entitled to absences of the same nature. In addition, no employer may require a medical certificate if an employee is absent to provide care to a child, a relative or a person for whom the employee acts as a caregiver.

Lastly, the Act contains consequential and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act to promote access to family medicine and specialized medicine services (chapter A-2.2);

– Act respecting labour standards (chapter N-1.1).

Bill 68

AN ACT MAINLY TO REDUCE THE ADMINISTRATIVE BURDEN OF PHYSICIANS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO PROMOTE ACCESS TO FAMILY MEDICINE AND SPECIALIZED MEDICINE SERVICES

1. Section 3 of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2) is amended by replacing "to this Act" by "to Chapter II".

2. Chapter III of the Act becomes Division IV of Chapter II.

3. Section 29 of the Act, amended by section 855 of chapter 34 of the statutes of 2023, is again amended by replacing both occurrences of "this Act" by "this chapter".

4. The Act is amended by inserting the following chapter after section 29:

"**CHAPTER III**

"ADMINISTRATIVE BURDEN OF PHYSICIANS

"**DIVISION I**

"USE OF MEDICAL SERVICES

"**29.1.** No insurer or employee benefit plan administrator may, even indirectly, require an insured, a participant or a beneficiary to receive a medical service for the following purposes, except in the cases and on the conditions determined by government regulation:

(1) in order that the insurer or administrator reimburse or otherwise assume the cost of the services from a service provider in the field of health or social services; or

(2) in order that the insurer or administrator reimburse or otherwise assume the cost of a technical aid.

For the purposes of this chapter,

(1) "insurer" means an authorized insurer within the meaning of the Insurers Act (chapter A-32.1); and

(2) "employee benefit plan" means a funded or unfunded uninsured employee benefit plan that provides coverage which may otherwise be obtained under a contract of insurance of persons.

"**29.2.** For the purpose of maintaining the payment of disability benefits, no insurer or employee benefit plan administrator may, even indirectly, require an insured, a participant or a beneficiary to receive a medical service at a predetermined frequency different from that considered appropriate by the attending physician of the insured, participant or beneficiary.

A government regulation may determine the cases in which and the conditions on which an exception to the first paragraph may be made.

"**29.3.** Where an insurance contract, insurance certificate or employee benefit plan contains a clause which allows the insurer or employee benefit plan administrator to require, contrary to section 29.1 or 29.2, an insured, a participant or a beneficiary to receive a medical service, that insurer or administrator is deemed to have required such a service.

"**DIVISION II**

"FRAMEWORK FOR INFORMATION REQUESTED FROM PHYSICIANS

"**29.4.** The Minister may, by regulation, restrict the health and social services information that may be requested from a physician by a third person who did not receive a medical service from that physician. The Minister may, in the regulation, require the use of a form that is published on the Minister's website.

A regulation made under the first paragraph does not have the effect of allowing the communication of health and social services information to which the third person does not have access under the Act respecting health and social services information (chapter R-22.1) or of impeding access to or communication of information under any of Chapters III, IV and VI of that Act.

"**DIVISION III**

"CONTROL MEASURES

"**29.5.** For the purpose of verifying compliance with this chapter, an inspector authorized under section 741 of the Act respecting the governance of the health and social services system (chapter G-1.021) has the powers

provided for in sections 742 and 743 of that Act, with the necessary modifications. The inspector may also, for such purpose,

(1) enter at any reasonable time any premises in which an insurer or employee benefit plan administrator carries on its activities; and

(2) require an insurer or employee benefit plan administrator to provide a report on the compliance of its practices with sections 29.1 and 29.2 of this Act according to the content determined by a regulation of Santé Québec.

Inspectors must, on request, identify themselves and produce a certificate of authority.

"**29.6.** Santé Québec may designate a person to investigate any matter relating to the application of this chapter.

In the context of an investigation other than an investigation relating to an offence under Division VI, the investigator has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

"**29.7.** No judicial proceedings may be brought against an inspector or investigator for an act or omission made in good faith in the exercise of their functions.

"**29.8.** The Régie de l'assurance maladie du Québec must send Santé Québec, on request, the information necessary to the exercise of the functions provided for in this chapter.

"**DIVISION IV**

"ADMINISTRATIVE MEASURES

"**29.9.** The insurer or employee benefit plan administrator is required to pay to Santé Québec the cost assumed under section 3 of the Health Insurance Act (chapter A-29) for the medical services the insurer or administrator required contrary to section 29.1 or 29.2 of this Act.

Santé Québec may recover, from that insurer or administrator, the cost of those services, which may be established by statistical inference on the sole basis of information obtained by a sampling of those services, according to a method consistent with generally accepted practices.

Recovery of the cost of those services is prescribed by 60 months from the date of their payment by the Régie de l'assurance maladie du Québec. However, notification of a notice of investigation to the insurer or employee benefit plan administrator by Santé Québec suspends the prescription for a period of one year or until the investigation report is completed, whichever comes first.

"**29.10.** A monetary administrative penalty of $5,000 may be imposed by Santé Québec on an insurer or employee benefit plan administrator that requires a medical service contrary to section 29.1 or 29.2.

"**29.11.** A regulation made under the first paragraph of section 29.4 may prescribe that an objectively observable failure to comply with one of its provisions may give rise to the imposition of a monetary administrative penalty by Santé Québec.

The regulation may prescribe conditions for applying the penalty and set out the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, without exceeding $500.

"**29.12.** The first paragraph of section 797, the second paragraph of section 799, the first, second and fourth paragraphs of section 800, sections 801 to 803, the first and third paragraphs of section 804 and sections 805 to 810 of the Act respecting the governance of the health and social services system (chapter G-1.021) apply in connection with the imposition of an administrative measure under this division, with the following modifications and any other necessary modifications:

(1) the notice of non-compliance notified under section 797 must mention that the failure to comply could give rise, as applicable, to the recovery of the cost of medical services under section 29.9 of this Act, to the imposition of a monetary administrative penalty or to both;

(2) the notice of claim notified under section 800 must include information on the applicable recovery procedure and indicate, if applicable, that the facts on which the claim is founded may also result in penal proceedings.

Sections 796 and 798, the first paragraph of section 799, the second paragraph of section 804 and section 812 of that Act also apply in connection with the imposition of a monetary administrative penalty referred to in section 29.10 or 29.11 of this Act, with the necessary modifications.

For the purposes of those sections, a failure to comply with section 29.1 or 29.2 of this Act, as well as a failure to comply with a provision of a regulation made under section 29.4 of this Act, is considered a failure to comply referred to in Chapter I of Title I of Part X of the Act respecting the governance of the health and social services system.

"**29.13.** The party responsible for a failure to comply that is required to pay the cost of medical services under section 29.9 or a monetary administrative penalty and, if applicable, each of its directors and officers who are solidarily liable with that party for such payment are also required to pay a recovery charge in the cases, under the conditions and in the amount determined by a regulation of Santé Québec.

"**DIVISION V**
"INJUNCTION

"**29.14.** Santé Québec may apply to a judge of the Superior Court for an injunction relating to the carrying out of this chapter.

The application for an injunction constitutes a proceeding in itself.

The procedure prescribed in the Code of Civil Procedure (chapter C-25.01) applies, except that Santé Québec cannot be required to provide a suretyship.

"**DIVISION VI**
"PENAL PROVISIONS

"**29.15.** An insurer or employee benefit plan administrator that requires a medical service in contravention of section 29.1 or 29.2 is liable to a fine of $10,000 to $1,000,000.

"**29.16.** The Minister may, in a regulation made under section 29.4, identify, among the provisions of the regulation, those whose violation renders the offender liable to a fine of $1,000 to $100,000.

"**29.17.** Anyone who in any way hinders or attempts to hinder an inspector or investigator in the performance of their functions, in particular by concealment or misrepresentation, is liable to a fine of $5,000 to $50,000 in the case of a natural person or $15,000 to $150,000 in any other case.

"**29.18.** Penal proceedings for an offence under a provision of this chapter or a regulation made under section 29.4 are prescribed five years after the date of the commission of the offence."

5. Section 71 of the Act is amended by replacing "of this Act and of any regulation" by "of Chapter II and of any regulation made under it".

ACT RESPECTING LABOUR STANDARDS

6. Section 3 of the Act respecting labour standards (chapter N-1.1) is amended by inserting ", section 79.2 where the employee is entitled to be absent for one of the reasons set out in section 79.1" after "section 79.1" in paragraph 3.

7. Section 79.2 of the Act is amended by inserting the following paragraph after the first paragraph:

"However, no employer may request the document referred to in the first paragraph for the first three periods of absence not exceeding three consecutive days taken over a period of 12 months."

8. Section 79.7 of the Act is amended by inserting ", with the exception of a medical certificate" at the end of the third paragraph.

9. Section 79.16 of the Act is amended by replacing "Section 79.2" by "The first and third paragraphs of section 79.2".

TRANSITIONAL AND FINAL PROVISIONS

10. The Minister of Health and Social Services must, not later than 9 October 2029, report to the Government on the implementation of the provisions of Chapter III of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2), enacted by section 4 of this Act, and on the advisability of maintaining or amending those provisions.

The report is tabled in the National Assembly by the Minister within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

11. The provisions of this Act come into force on the date or dates to be set by the Government, which may not be earlier than 9 April 2025, except

(1) the provisions of section 4, insofar as it enacts section 29.1 of the Act to promote access to family medicine and specialized medicine services (chapter A-2.2) as well as sections 29.5, 29.9, 29.10, 29.12 and 29.15 of that Act, insofar as they concern that section 29.1, which come into force on the date of coming into force of the first regulation made under that section 29.1;

(2) the provisions of section 4, insofar as it enacts section 29.3 of the Act to promote access to family medicine and specialized medicine services, which come into force on the date or dates to be set by the Government, which may not be earlier than 9 October 2027;

(3) the provisions of sections 6 to 9, which come into force on 1 January 2025.

107092

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 70
(2024, chapter 27)

An Act to amend the Animal Health Protection Act

Introduced 7 June 2024
Passed in principle 19 September 2024
Passed 3 October 2024
Assented to 8 October 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends the Animal Health Protection Act in a number of ways.

The Act provides for the appointment, within the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, of a chief veterinary surgeon and sets the rules relating to that appointment. It provides that the chief veterinary surgeon must send to the Minister of Agriculture, Fisheries and Food a yearly report regarding the measures ordered pursuant to the exercise of certain powers conferred on the chief veterinary surgeon by this Act.

The Act proposes that changes be made to the categories or species of animals to which the various provisions of that Act apply.

The Act provides that an epidemiological study may be carried out for the surveillance of the health status of animals. It modifies certain powers concerning the taking of samples of animal tissues or of an animal's environment as well as certain powers to issue orders, and it introduces new powers. It grants the chief veterinary surgeon, in certain circumstances, the power to confiscate and to euthanize an animal or to exhume an animal carcass. The Act grants the Minister certain powers to intervene in the presence of a biological, chemical or physical agent which could constitute a health risk for animals or for persons who are in contact with them or who consume them or their products, and which poses a high risk of propagation. It also grants the Minister new regulatory powers concerning animal health.

The Act amends the reporting obligation with regard to contagious or parasitic diseases, infectious agents or syndromes in order to provide for a veterinary surgeon's obligation to report the occurrence of a serious situation, the criteria of which are to be determined by regulation of the Minister. It also subjects persons who requested that a sample be analyzed by a laboratory situated outside Québec and the veterinary surgeons who carried out or supervised an analysis outside a laboratory to the obligation to report any positive result. In addition, the Act broadens the reporting obligation to any result of an analysis carried out in order to better characterize the disease, agent or syndrome and to results of tests or categories of tests, determined by regulation of the Minister, suggesting previous

exposure to a disease, agent or syndrome. Moreover, it specifically provides that a veterinary surgeon's reporting obligation applies despite professional secrecy.

The Act specifies that the Government may, by regulation and in addition to the identification of animals currently provided for, require that sites where animals are kept be registered. It also specifies the concept of "management", as applied to the animal identification system, which is now to be called the traceability system.

The Act empowers the Government to require, by regulation, that various registers be kept concerning medications, medicinal premixes and medicinal foods intended for animals. It also empowers the Government to establish, by regulation, a system for monitoring the use of medications. As with the traceability system, the Act provides that the management of that monitoring system may be entrusted to a body.

The Act confers new powers of inspection and empowers the Minister to appoint investigators. It also increases the amounts of the fines and sets out certain aggravating factors.

Lastly, the Act contains consequential amendments to regulations and a final provision.

LEGISLATION AMENDED BY THIS ACT:

– Animal Health Protection Act (chapter P-42).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the administering of certain medications (chapter P-42, r. 1);

– Regulation respecting the sanitary conditions applicable to places where birds are kept in captivity (chapter P-42, r. 4);

– Regulation to designate contagious or parasitic diseases, infectious agents and syndromes (chapter P-42, r. 4.2);

- Regulation respecting the identification and traceability of certain animals (chapter P-42, r. 7);

– Artificial Insemination of Cattle Regulation (chapter P-42, r. 9);

– Regulation respecting medicinal premixes and medicinal foods for animals (chapter P-42, r. 10);

– Regulation respecting the sale of livestock by auction (chapter P-42, r. 11).

Bill 70

AN ACT TO AMEND THE ANIMAL HEALTH PROTECTION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ANIMAL HEALTH PROTECTION ACT

1. The Animal Health Protection Act (chapter P-42) is amended by inserting the following before section 1:

"**DIVISION 0.1**

"GENERAL PROVISIONS".

2. The Act is amended by inserting the following sections after section 1:

"**1.1.** For the purposes of this Act, unless the context indicates otherwise, "person" means a natural person, a legal person, a partnership or an association without legal personality.

"**1.2.** The Minister shall designate a chief veterinary surgeon who is a public servant of the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation appointed in accordance with the Public Service Act (chapter F-3.1.1).

The chief veterinary surgeon must

(1) be a member of the Ordre des médecins vétérinaires du Québec;

(2) have been practising veterinary medicine for at least five years; and

(3) have no condition or restriction attached to his permit to practise.

The chief veterinary surgeon shall perform the duties and exercise the powers conferred on him by this Act taking into consideration, in particular, the animals' welfare and safety.

"**1.3.** If the chief veterinary surgeon is absent or unable to act, the Minister may designate a veterinary surgeon who meets the conditions set out in section 1.2 to replace him.

"**1.4.** The chief veterinary surgeon must, after exercising any of the powers set out in sections 2.0.5 to 2.0.7 and 55.7.1, so inform the Minister.

Not later than 31 March each year, the chief veterinary surgeon shall send the Minister an annual report, for the preceding calendar year, relating to the measures ordered after the exercise of any of the powers mentioned in the first paragraph."

3. The Act is amended by inserting the following before section 2:

"§1. — *General provisions*

"**1.5.** Unless otherwise provided, this division applies to any domestic animal and to any non-domestic insect used for commercial pollination purposes.

In addition, it applies to any other animal if the animal is kept in captivity and the animal or its products are intended for human consumption or if the animal is bred for its fur or for stocking. It also applies to any other animal kept in captivity for reproduction activities if the animals born from such activities, or their products, are intended for human consumption or if they are bred for their fur or for stocking.

Fish, amphibians, echinoderms, crustaceans and shellfish produced or raised in a fishing pond or aquaculture site referred to respectively in sections 1 and 5 of the Act respecting commercial aquaculture (chapter A-20.2) are deemed to be kept in captivity.

In this division, the animals referred to in the first and second paragraphs are called "animal". The term "animal" also designates, wherever the context permits, an animal's fertilized eggs and ova as well as any part of an animal."

4. Section 2 of the Act is amended

(1) by striking out subparagraph 1 of the first paragraph;

(2) by striking out the second paragraph.

5. The Act is amended by inserting the following section after section 2:

"**2.0.0.1.** An epidemiological study may be carried out to obtain, on an ad hoc or recurring basis, the information necessary for the surveillance of the health status of animals, in particular as regards the prevalence of diseases or antibiotic resistance.

The owner or custodian of an animal that is the subject of an epidemiological study must provide the information necessary for the carrying out of the study."

6. Section 2.0.1 of the Act is replaced by the following sections:

"**2.0.1.** For the purposes set out in section 2.0.0.1 or in order to determine the state of health of an animal or the health status of a herd, a veterinary surgeon appointed under section 55.9.17 or a veterinary surgeon authorized for that purpose by the Minister may enter, at any reasonable time, any premises, other than a dwelling-house, or any vehicle where there is an animal or an animal carcass in order to take, free of charge, samples of products or tissues, in particular blood or semen, secretions, excreta or dejecta, or samples of the animal's environment. The veterinary surgeon may also confiscate an animal carcass to perform a necropsy on it.

In addition, the veterinary surgeon may enter, at any reasonable time, any premises, other than a dwelling-house, or any vehicle where an animal was kept in order to take, free of charge, samples of the environment in which the animal was kept.

For the purposes of this section, an injection administered to an animal to determine its state of health is considered to be a taking of a tissue sample.

The power to take samples of the environment may also be exercised by an inspector appointed under section 55.9.17 or by a person authorized for that purpose by the Minister, who may enter, at any reasonable time, any premises referred to in the first or second paragraph.

"**2.0.2.** Before taking a sample or confiscating an animal carcass, a person referred to in section 2.0.1 must identify himself and produce the certificate attesting his authority. The person must inform the owner or custodian of the animal or, where applicable, the owner or person in charge of the premises or vehicle of the compulsory character of the sample taking or necropsy and of the purpose for which the information collected and the analysis results obtained will be used.

"**2.0.3.** At the request of a person referred to in section 2.0.1, the owner or custodian of an animal must provide any information that is relevant for determining the state of health of the animal or health status of the herd or that is necessary for the surveillance or control of an agent, in particular the animal's age and origin, the treatment history of the animal or the herd as well as the husbandry practices in use.

Likewise, the owner or person in charge of the premises or vehicle where an animal was kept must provide any relevant information that is required for determining if an agent might be present in the premises or vehicle.

For the purposes of this Act, "agent" means a biological, chemical or physical agent which could constitute a health risk for animals or for persons who are in contact with them or who consume them or their products.

"**2.0.4.** If a veterinary surgeon or inspector appointed under section 55.9.17 has reasonable cause to believe that an agent is present, he may order any owner or custodian of an animal or, where applicable, any owner or person in charge of premises where there is an animal to put in place any measure that makes it possible to contain or prevent the propagation of the agent, in particular measures for quarantine, segregation or the control of movement into and out of the place of custody, until the state of health of the animal or health status of the herd is known.

The order must be notified to the owner or custodian of the animal or, where applicable, to the owner or person in charge of the premises. It must contain a statement of the reasons on which it is based and specify the obligations of the owner or custodian of the animal or, as the case may be, those of the owner or person in charge of the premises, as well as the manner in which those obligations must be fulfilled. The order takes effect on the date of its notification.

"**2.0.5.** If the chief veterinary surgeon has reasonable cause to believe that an agent whose presence cannot be confirmed in a living animal is present or if a diagnostic approach has been used without it being possible to identify the agent in question and a necropsy is necessary to identify it, the chief veterinary surgeon may confiscate the animal and euthanize it or exhume an animal carcass to carry out the tests or analyses he considers useful for identifying the agent.

Section 2.0.2 applies, with the necessary modifications.

"**2.0.6.** Following an order issued under section 2.0.4 and until the state of health of the animal or health status of the herd concerned by the order is known, the chief veterinary surgeon may issue such an order with regard to any owner or custodian of an animal or, where applicable, with regard to any owner or person in charge of premises or a vehicle where there is or was an animal, if the chief veterinary surgeon has reasonable cause to believe that the agent is present due to the proximity of the animal or herd concerned by the order issued under section 2.0.4 or due to the existence of an epidemiologic link with that animal or with that herd.

The chief veterinary surgeon may also, by order, require that any fact indicating that the agent is present be reported to him.

The second paragraph of section 2.0.4 applies to an order issued in accordance with the provisions of this section.

"**2.0.7.** If an analysis confirms that an agent is present, the chief veterinary surgeon may order the owner or custodian of the animal affected by the agent or, where applicable, the owner or person in charge of premises or a vehicle where the animal affected by the agent is or was to put in place, within the time and subject to the conditions the chief veterinary surgeon specifies, any measure necessary for the surveillance or control of the agent, in particular,

(1) the quarantine or segregation of an animal;

(2) the control of movement into and out of a place of custody;

(3) the treatment or immunization of an animal or herd;

(4) the slaughter of an animal or herd;

(5) the disposal of an animal carcass;

(6) the cleaning and disinfecting of a place of custody or vehicle; and

(7) the reporting of any fact indicating the presence of the agent.

The chief veterinary surgeon may also order the disposal of any animal product or by-product as well as of any animal feed if he has reasonable cause to believe that they may be contaminated by the agent.

If the chief veterinary surgeon has reasonable cause to believe that the agent is present due to proximity with an animal that is the subject of a measure set out in the first paragraph or due to the existence of an epidemiologic link, he may, in addition, order any owner or custodian of an animal or, where applicable, any owner or person in charge of premises where there is or was an animal to put in place any measure referred to in the first or second paragraph.

The second paragraph of section 2.0.4 applies to an order issued in accordance with this section.

"**2.0.8.** The owner or custodian of an animal or, where applicable, the owner or person in charge of premises or a vehicle where there is or was an animal, to whom an order referred to in section 2.0.4, 2.0.6 or 2.0.7 is notified without prior notice because, in the opinion of the person who issued the order, urgent action is required or there is a danger of irreparable damage being caused, may, within the time specified in the order, present observations so that the order may be reviewed by that person.

"**2.0.9.** Upon failure by the owner or custodian of an animal or, where applicable, by the owner or person in charge of premises or a vehicle where there is or was an animal to comply with an order referred to in section 2.0.4, 2.0.6 or 2.0.7, the person who issued the order may personally carry out the order or cause it to be carried out at the expense of that owner, custodian or person in charge.

If the order contains a command to slaughter or dispose of an animal or to dispose of an animal carcass with which the owner or custodian does not comply, the animal may be confiscated so that it may be slaughtered or the carcass confiscated so that it may be disposed of, at the expense of the owner or custodian.

The costs payable under the first or second paragraph shall bear interest at the rate determined under section 28 of the Tax Administration Act (chapter A-6.002).

"**2.0.10.** If the Minister has reasonable cause to believe that an agent posing a high risk of propagation in a sector or in the whole territory of Québec is present, he may, by order and for a period not exceeding 30 days, require that any measure making it possible to contain or prevent the propagation of the agent be put in place, in all or part of the territory, and require that any fact indicating the presence of the agent be reported to the person he designates.

If an analysis confirms that such an agent is present or if the Minister is of the opinion, based on an epidemiologic study, that such an agent is present and that, in such cases, the situation requires that measures be implemented immediately, the Minister may require, by order and for a period not exceeding 60 days, that the measures necessary for the surveillance or control of the agent be put in place, in all or part of the territory of Québec, in particular

(1) reporting any fact indicating the presence of the agent;

(2) submitting an animal to a screening test;

(3) regulating or ending activities that cause animals to be assembled or activities for the production or distribution of animal feed or bedding;

(4) quarantining or segregating an animal;

(5) controlling movement into and out of a place of custody;

(6) vaccinating an animal;

(7) disposing of an animal carcass;

(8) prohibiting the sale of any animal product or by-product; and

(9) cleaning and disinfecting a place of custody of an animal.

Any measure whose implementation is required under the second paragraph may be renewed by the Minister for a single period not exceeding 30 days.

An order made under this section must contain a statement of the Minister's reasons and specify the territory concerned and the measures that must be put in place. It shall be published in the *Gazette officielle du Québec* and come into force on the date of its publication. It shall also be disseminated by any means allowing the persons concerned to be rapidly and efficiently informed. It is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1).

"**2.0.11.** The Minister may, before the expiry of the time limit indicated in an order made under section 2.0.10, put an end to any measure specified in the order as soon as he considers that it is no longer necessary.

The decision must be published in the *Gazette officielle du Québec* and a notice must be disseminated by any means allowing the persons concerned to be rapidly and efficiently informed."

7. Section 2.1 of the Act is amended by striking out "designated under subparagraph *a* of paragraph 1 of section 3".

8. Section 3 of the Act is amended

(1) by replacing "treatments or sanitary measures" in subparagraph *c* of paragraph 1 by "surveillance or control measures";

(2) by inserting the following paragraph after paragraph 1.0.1:

"(1.1) determine surveillance or control zones within which measures for the surveillance or control of an agent may be required, which measures may vary according to the species or category of animal;";

(3) by replacing paragraph 3 by the following paragraphs:

"(3) prescribe biosecurity standards applicable to the places of custody of animals, the vehicles used for their transportation or the places where animals are assembled for sale, for exchange, for a competition or for an exhibition;

"(3.0.1) prescribe standards relating to the disposal of manure contaminated by a contagious or parasitic disease, an infectious agent or a syndrome and the standards relating to the disposal of infirm, incurable or diseased animals or of animal carcasses;

"(3.0.2) determine the conditions on which an activity that assembles animals for sale, for exchange, for a competition or for an exhibition may be carried on, restrict such activities or prohibit them;

"(3.0.3) require that a biosecurity plan be developed and put in place within a place of custody of animals, which plan may vary according to the species or category of animal;

"(3.0.4) require veterinary consultations, which may vary according to the species or category of animal, and determine the related terms and conditions;".

9. Section 3.1 of the Act is amended

(1) by replacing "existence" in the first paragraph by "presence";

(2) by replacing the second paragraph by the following paragraph:

"A veterinary surgeon shall, without delay, report to a veterinary surgeon appointed under section 55.9.17 all the cases in which he suspects the presence of a contagious or parasitic disease, an infectious agent or a syndrome or the occurrence of a serious situation the criteria of which are determined by regulation of the Minister.";

(3) by replacing the third paragraph by the following paragraphs:

"The following persons are required to report without delay to the Minister or to the person designated by the Minister any result indicating the presence of a contagious or parasitic disease, an infectious agent or a syndrome:

(1) the head of a laboratory where a sample of animal products, tissues, secretions, excreta or dejecta or a sample of an animal's environment has been analyzed;

(2) the person who requested that a sample of animal products, tissues, secretions, excreta or dejecta or a sample of an animal's environment be analyzed by a laboratory situated outside Québec; and

(3) the veterinary surgeon who carried out or supervised, outside a laboratory, the analysis of a sample of animal products, tissues, secretions, excreta or dejecta or the analysis of a sample of an animal's environment.

The reporting obligation set out in the third paragraph also applies to any result of an analysis made on the sample in order to better characterize the disease, agent or syndrome. The obligation also applies to results of tests or categories of tests suggesting the presence of a disease, agent or syndrome determined by a regulation of the Minister or suggesting previous exposure to such a disease, agent or syndrome.

Where a result indicates the presence of a contagious or parasitic disease, an infectious agent or a syndrome, any person who has submitted a sample must, at the request of an authorized person referred to in section 55.9.17, also provide the information necessary for the surveillance or control of that disease, agent or syndrome.

The veterinary surgeon's reporting obligation prescribed under this section applies even with regard to information protected by professional secrecy. No proceedings may be brought against a veterinary surgeon who, in good faith, fulfills his reporting obligation."

10. Section 3.2 of the Act is replaced by the following section:

"**3.2.** If a veterinary surgeon appointed under section 55.9.17 observes or suspects the presence of a contagious or parasitic disease, an infectious agent or a syndrome, he may, by order, require that any measure aimed at surveilling or controlling the disease, agent or syndrome be put in place, in particular the quarantine, segregation or treatment of an animal, the control of movement into and out of the place of custody, the cleaning and disinfecting of that place or of a vehicle that was used to transport an animal, or the prohibition to sell any animal product or by-product.

The order must be notified to the owner or custodian of the animal or, where applicable, to the owner or person in charge of the premises or vehicle where there is or was an animal. The order must contain a statement of the reasons on which it is based and specify, in particular, the obligations of the owner or custodian of the animal or those of the owner or person in charge of the premises or vehicle and the manner in which those obligations must be fulfilled. The order takes effect on the date of its notification."

11. Section 3.3 of the Act is amended

(1) by inserting "or, where applicable, by the owner or person in charge of the premises or vehicle where there is or was an animal" after "of an animal";

(2) by replacing "designated veterinary surgeon" by "veterinary surgeon appointed under section 55.9.17";

(3) by replacing "or custodian" by ", custodian or person in charge".

12. Section 3.4 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "designated veterinary surgeon" by "veterinary surgeon appointed under section 55.9.17";

(*b*) by inserting ", which sets out the veterinary surgeon's reasons" at the end;

(2) by replacing "designated veterinary surgeon, an inspector authorized by the Minister under this Act" in the second paragraph by "veterinary surgeon or inspector appointed under section 55.9.17";

(3) by striking out "designated" in the third paragraph.

13. The Act is amended by inserting the following section after section 3.5:

"**4.** An order referred to in section 2.0.6 or 2.0.7 may be issued with regard to an owner or custodian of an animal to which the Act respecting the conservation and development of wildlife (chapter C-61.1) applies, where the animal is kept in captivity and is not an animal referred to in section 1.5 of this Act, after consultation between the chief veterinary surgeon and the public servant designated by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks."

14. Section 6 of the Act is amended by replacing "designated veterinary surgeon" in the second paragraph by "veterinary surgeon or inspector appointed under section 55.9.17, by the chief veterinary surgeon".

15. Section 8 of the Act is amended by replacing "designated veterinary surgeon" in the second paragraph by "veterinary surgeon appointed under section 55.9.17".

16. Section 9 of the Act is amended by replacing "veterinary-in-chief or other competent officer of the province, or of the country of origin, of such animals or products attesting that the animals" in the first paragraph by "chief veterinary surgeon or from another competent officer of the province or country of origin of the animals or products attesting that they".

17. Section 10.1 of the Act is amended by replacing "designated veterinary surgeon" in the third paragraph by "veterinary surgeon appointed under section 55.9.17".

18. Sections 11.1 and 11.2 of the Act are repealed.

19. The heading of subdivision 1 of Division I of the Act is replaced by the following heading:

"§2. — *Special provisions applicable to bees and to non-domestic insects used for commercial pollination purposes*".

20. Section 11.7 of the Act is amended

(1) by replacing "pursuant to the provisions of" by "under the provisions of subdivision 1 of";

(2) by replacing "hives, frames and other apiary equipment" by "houses being used for bees or for non-domestic insects used for commercial pollination purposes and equipment used for commercial pollination or for apiculture".

21. Section 11.8 of the Act is amended by replacing "previously used hives, frames and other apiary equipment" by "houses previously used for bees or for non-domestic insects used for commercial pollination purposes and equipment previously used for commercial pollination or for apiculture".

22. Section 11.10 of the Act is amended by replacing "movable frames" by "movable frames or combs".

23. Section 11.11 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "without movable frames" by "without movable frames or combs";

(*b*) by replacing "any designated veterinary surgeon" by "any veterinary surgeon appointed under section 55.9.17";

(*c*) by replacing "with movable frames" by "with movable frames or combs";

(*d*) by replacing "the designated veterinary surgeon" by "the veterinary surgeon";

(2) by striking out both occurrences of "designated" in the second paragraph.

24. Section 11.14 of the Act is amended

(1) in paragraph 2,

(*a*) by replacing "of hives" by "of houses being used for bees or for non-domestic insects used for commercial pollination purposes";

(*b*) by striking out "on each hive";

(2) by replacing paragraph 3 by the following paragraphs:

"(3) prescribe biosecurity standards, including the cleaning, disinfection, disposal or destruction of houses being used or previously used for bees or for non-domestic insects used for commercial pollination purposes, or of equipment currently or previously used for commercial pollination or for apiculture;

"(4) determine from among the provisions of Division I, those that shall be applicable to non-domestic insects kept in captivity for purposes other than those provided for in section 1.5;

"(5) exempt from some or all of the provisions of Division I or of the regulations made under it, subject to the conditions the Minister determines, certain species or categories of non-domestic insects used for commercial pollination purposes."

25. The heading of Division II.1 of the Act is amended by replacing "IDENTIFICATION" by "TRACEABILITY".

26. Section 22.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"The Government may, by regulation, establish an animal traceability system. For that purpose, the regulation may set out the obligation to identify animals or to register sites where animals are kept subject to the conditions and according to the rules or procedure it fixes, prescribe the obligations of owners or custodians of animals or of any other person it determines and fix the applicable fees payable. Such standards may vary according to the species or category of animal specified in the regulation.";

(2) by replacing "identification" in the second paragraph by "traceability".

27. Section 22.2 of the Act is repealed.

28. Section 22.3 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "an identification" by "a traceability";

(*b*) by adding the following sentence at the end: "The management includes, in particular, the system's operation, maintenance, improvement, evolution and migration activities.";

(2) by replacing "identification system" in the third paragraph by "traceability system".

29. Section 22.4 of the Act is amended, in the first paragraph,

(1) by replacing "administers an identification system for animals" by "administers a system relating to animal traceability or identification";

(2) by replacing "the purposes of an animal identification system" by "the purposes of an animal traceability system".

30. Section 22.5 of the Act is repealed.

31. Section 22.6 of the Act is amended

(1) by replacing both occurrences of "identification" in the first paragraph by "traceability";

(2) by striking out the last sentence of the second paragraph.

32. Section 23 of the Act is replaced by the following section:

"**23.** This division applies to domestic animals of the bovine species, male or female as the case may be, as well as to any other species or category of domestic animal determined by government regulation."

33. Section 24 of the Act is replaced by the following section:

"**24.** The Government may, by regulation, require that a permit be obtained for the collection of semen from an animal."

34. Section 26 of the Act is amended

(1) by replacing "by regulation" by "by government regulation";

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

"For the purposes of this division, "artificial insemination" means the action of inseminating an animal by means of semen collected from another animal."

35. Section 27 of the Act is amended by replacing "by regulation" at the end of the first and second paragraphs by "by government regulation".

36. Section 28 of the Act, amended by section 18 of chapter 40 of the statutes of 2000, is again amended

(1) by replacing "make regulations to" in the introductory clause by ", by regulation,";

(2) by inserting the following paragraph after paragraph 1:

"(1.1) determine classes or subclasses of permits;";

(3) by inserting "or to each class or subclass of permit" at the end of paragraph 2;

(4) by inserting "traceability," after "collection," in paragraph 7;

(5) by replacing "in" in paragraph 13 by "in any of subparagraphs *a* to *d* of";

(6) by striking out paragraphs 14.1 and 15.

37. The Act is amended by inserting the following section before section 30:

"**29.1.** This division applies to live domestic animals of the equine, bovine, caprine, ovine or porcine species and to live domestic rabbits as well as to any other species or category of domestic animal determined by government regulation."

38. Section 30 of the Act is amended by striking out paragraphs *a*, *g*, *h* and *i*.

39. Section 43 of the Act is replaced by the following section:

"**43.** The operator of an establishment must, subject to the conditions prescribed by government regulation, insure the animals being kept in his establishment against the risks determined by the regulation."

40. Section 45 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "make regulations to:" in the introductory clause by ", by regulation,";

(*b*) by striking out subparagraph *c*.1;

(*c*) by inserting the following subparagraph after subparagraph *n*:

"(*n*.1) exempt from some or all of the provisions of this division or of the regulations made under it, subject to the conditions the Government determines, certain classes of persons or certain species or categories of animals;";

(*d*) by striking out subparagraph *o*;

(2) by striking out the second paragraph.

41. Section 55.0.2 of the Act is amended by striking out paragraph 5.

42. The heading of Division IV.1 of the Act is amended by adding "AND FIGHT AGAINST ANTIBIOTIC RESISTANCE" at the end.

43. The Act is amended by inserting the following sections before section 55.1:

"**55.0.3.** This division applies to any domestic animal and to any non-domestic insect used for commercial pollination purposes.

In addition, it applies to any other animal if the animal is kept in captivity and the animal or its products are intended for human consumption or if the animal is bred for its fur or for stocking. It also applies to any other animal kept in captivity for reproduction activities if the animals born from such activities, or their products, are intended for human consumption or if they are bred for their fur or for stocking.

Fish, amphibians, echinoderms, crustaceans or shellfish produced or raised in a fishing pond or aquaculture site referred to respectively in sections 1 and 5 of the Act respecting commercial aquaculture (chapter A-20.2) are deemed to be kept in captivity.

The animals referred to in the first and second paragraphs are, in this division, called "animal". The term "animal" also designates, wherever the context permits, an animal's fertilized eggs and ova as well as any part of an animal.

"**55.0.4.** The Government may, by regulation, determine from among the provisions of this division, those that shall be applicable to non-domestic insects kept in captivity for purposes other than those provided for in the first paragraph of section 55.0.3."

44. Section 55.1 of the Act is amended by inserting the following definition before the definition of "premix":

""medication" means a substance or preparation administered to establish a medical diagnosis, to treat or to prevent a parasitic infestation or a disease or to restore, correct or modify physiological functions; this term also includes vaccines and antiparasitics;".

45. Section 55.5 of the Act is replaced by the following sections:

"**55.5.** The Government may, by regulation, require any owner or custodian of an animal of a species or category it determines to keep a register of administered medications, medicinal premixes or medicinal foods.

The regulation may also require a person or class of persons to keep a register of acquisitions, sales or supplies of medications, medicinal premixes or medicinal foods intended for an animal or for a species or category of animal.

A regulation made under this section determines the manner in which the registers are to be kept, in particular the information that the registers must contain, and the manner in which the information is to be sent.

"**55.5.0.1.** The Government may, by regulation and for the purpose of collecting the information determined under a regulation made under section 55.5, establish a system for monitoring the use of medications.

The Minister may, by way of a memorandum of agreement, entrust to a body the management of the system. The management includes, in particular, the system's operation, maintenance, improvement, evolution and migration activities. In such a case, sections 22.3 and 22.3.1 apply, with the necessary modifications."

46. Section 55.7.1 of the Act is amended by replacing all occurrences of "Minister" and "Minister's" by "chief veterinary surgeon" and "chief veterinary surgeon's", respectively.

47. Section 55.7.2 of the Act is amended by replacing both occurrences of "Minister" by "chief veterinary surgeon".

48. Section 55.9 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out subparagraph 3;

(*b*) by replacing "in the possession of a permit holder" in subparagraph 6 by "intended for a species or category of animal";

(*c*) by replacing "the administering of certain medications to categories of animals" in subparagraph 7 by "the possession or administration, subject to the conditions the Government determines, of certain medications with respect to species or categories of animals";

(*d*) by inserting the following subparagraphs after subparagraph 7:

"(7.1) determine the books, accounts, registers, reports or other documents, including the supporting documents, that must be kept or provided by a person or class of persons who prescribe, administer, acquire, sell or provide medications, medicinal premixes or medicinal foods, the information they must contain and the manner in which they are to be sent;

"(7.2) determine the information that the seller of a species or category of animal must provide to a buyer and the manner in which it is to be sent;";

(*e*) by striking out subparagraph 11;

(2) by striking out the second paragraph.

49. The heading of Division IV.2 of the Act is amended by inserting "INVESTIGATION," after "INSPECTION,".

50. The Act is amended by inserting the following section after the heading of Division IV.2:

"**55.9.16.3.** For the purposes of this division,

"animal" includes an animal carcass;

"equipment" includes any object to which this Act applies; and

"product" includes a medication, an animal product or by-product, a medicinal premix, a medicinal food and the tissues, secretions, excreta and dejecta of an animal, as well as animal feed or bedding."

51. The heading of subdivision 1 of Division IV.2 of the Act is amended by adding "*and investigation*" at the end.

52. Section 55.9.17 of the Act is amended

(1) by inserting ", hereinafter referred to as "authorized persons"," after "this Act";

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

"The chief veterinary surgeon is an authorized person by virtue of office."

53. The Act is amended by inserting the following section after section 55.9.17:

"**55.9.18.** The Minister may appoint investigators to see to the enforcement of this Act and the regulations."

54. Section 55.10 of the Act is amended

(1) by replacing the introductory clause by the following:

"**55.10.** An authorized person who has reasonable cause to believe that an animal, a product or equipment to which this Act applies is or was in premises, other than a dwelling-house, or in a vehicle may, in the performance of his duties,";

(2) by replacing "such premises" in paragraph 1 by "the premises or the vehicle";

(3) by striking out "inspect any vehicle in which a product, an animal or equipment to which this Act applies is transported or" in paragraph 2;

(4) by inserting the following paragraphs after paragraph 2:

"(2.1) require the suspension or restriction, during the inspection, of any activity or any operation to which this Act applies;

"(2.2) order that an animal, a product or equipment be submitted for examination and prohibit or limit other animals' access to that animal, product or equipment until the examination has been conducted;";

(5) by replacing "ces lieux" in paragraph 3 in the French text by "ce lieu";

(6) by replacing "vehicle, premises" in paragraph 4 by "premises, vehicle";

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

"(6) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in paragraphs 1, 3 and 4."

55. The Act is amended by inserting the following section after section 55.10:

"**55.10.1.** An authorized person may require any person to communicate, within a reasonable time specified by the authorized person, any information or document relating to the application of this Act and the regulations.

The information or documents must be requested and sent by any means that allows proof of receipt at a specific time."

56. Section 55.11 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "assist a veterinary surgeon, inspector or analyst" in the first paragraph by "provide assistance to an authorized person";

(*b*) by inserting "or to a person accompanying the authorized person under paragraph 6 of section 55.10" at the end;

(2) by replacing "A veterinary surgeon, inspector or analyst shall" in the second paragraph by "An authorized person must";

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

"The obligation set out in the first paragraph also applies in respect of a veterinary surgeon or a person the Minister has authorized under section 2.0.1."

57. Section 55.12 of the Act is replaced by the following section:

"**55.12.** It is prohibited to, in any manner, hinder the action of an authorized person or an investigator in the performance of their duties, mislead them by false statements or refuse to give them information that either of them is entitled to obtain under this Act.

The prohibition set out in the first paragraph also applies in respect of a veterinary surgeon or person the Minister has authorized under section 2.0.1 or of a person accompanying the authorized person under paragraph 6 of section 55.10."

58. Section 55.13 of the Act is amended by replacing "In no case may the Minister, a veterinary surgeon, a person authorized for the purposes of section 2.0.1, an inspector or an analyst be prosecuted" by "No judicial proceedings may be brought against the Minister, an authorized person or a person accompanying the authorized person under paragraph 6 of section 55.10, an investigator or a veterinary surgeon or person the Minister has authorized under section 2.0.1".

59. Section 55.14 of the Act is amended

(1) by replacing "A veterinary surgeon, an inspector or an analyst" by "An authorized person";

(2) by replacing "s'il" in the French text by "si elle";

(3) by replacing "where the owner or custodian of an animal" by "where a person";

(4) by inserting ", including a ministerial order" at the end.

60. Section 55.15 of the Act is amended by replacing "a veterinary surgeon, an inspector or an analyst" by "an authorized person".

61. Section 55.18 of the Act is amended

(1) by replacing "veterinary surgeon, analyst or inspector" in the first paragraph by "authorized person";

(2) by replacing ", 55.24 and 55.25" in the second paragraph by "and 55.24".

62. Section 55.19 of the Act is amended by replacing "veterinary surgeon, inspector or analyst" by "authorized person".

63. Section 55.20 of the Act is amended by replacing paragraph 2 by the following paragraph:

"(2) if the authorized person is satisfied, after verification within that time, that no offence against this Act, any of the regulations or a ministerial order or other order has been committed or that the owner, custodian or possessor of what has been seized has since complied with the provisions of this Act, the regulations or a ministerial order or other order."

64. Section 55.25 of the Act is repealed.

65. Section 55.26 of the Act is amended by replacing "legal person or a partnership" in the second paragraph by "person other than a natural person".

66. Sections 55.43 to 55.45 of the Act are replaced by the following sections:

"**55.43.** Except in the cases where another penalty is prescribed, anyone who contravenes this Act or the regulations is liable to a fine of $250 to $2,500 in the case of a natural person and of $500 to $5,000 in any other case.

"**55.43.1.** Anyone who contravenes section 2.0.0.1, 2.0.3, 11.10, 35 or 41 or a provision of a regulation made under the first paragraph of section 3.0.1 or under section 55.5 is liable to a fine of $500 to $5,000 in the case of a natural person and of $1,000 to $10,000 in any other case.

"**55.43.2.** Anyone who contravenes section 2.1, 3.1, 11.12, 26, 27, 38, 39, 40, 42, 43, 55.0.1, 55.3.1, 55.3.2, 55.4, 55.5.1, 55.6, 55.18 or 55.19, the first paragraph of section 9, any provision of an order in council approving a program contemplated in section 55.8 or any provision of a regulation made under section 3, 11.14, 22.1, 28, 45, 55.0.2 or 55.9 is liable to a fine of $1,000 to $10,000 in the case of a natural person and of $2,000 to $20,000 in any other case.

"**55.43.3.** Anyone who contravenes section 8, 10, 10.1, 11.9, 31, 55.2, 55.7, 55.10.1, 55.11 or 55.12, any condition of an authorization issued under the second paragraph of section 9, any condition, restriction or prohibition specified in the person's permit in accordance with section 55.28 or any provision of a regulation made under section 11.5, 24 or 55.8.1 is liable to a fine of $2,500 to $25,000 in the case of a natural person and of $5,000 to $50,000 in any other case.

"**55.43.4.** Anyone who contravenes an order made under section 2.0.4, 2.0.6, 2.0.7, 3.2, 3.4, 11.11 or 55.7.1 or any provision of a ministerial order made under section 2.0.10 is liable to a fine of $5,000 to $50,000 in the case of a natural person and of $10,000 to $100,000 in any other case.

"**55.44.** The minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a third or subsequent offence.

"**55.45.** In determining the amount of the fine, the court shall take into account, in particular,

(1) the seriousness of the risk to the health of animals and to human health;

(2) the benefits and revenues the offender has derived from the offence;

(3) the socio-economic consequences for society;

(4) the duration of the offence;

(5) the repetitive nature of the offence;

(6) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(7) whether the offender acted intentionally or was reckless or negligent;

(8) whether the offender failed to take reasonable measures to prevent the commission of the offence or limit its effects despite the offender's financial ability to do so given, in particular, the offender's assets, turnover or revenues; and

(9) the cost to society of repairing the harm or damage.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision."

REGULATION RESPECTING THE ADMINISTERING OF CERTAIN MEDICATIONS

67. Section 1.4 of the Regulation respecting the administering of certain medications (chapter P-42, r. 1) is repealed.

REGULATION RESPECTING THE SANITARY CONDITIONS APPLICABLE TO PLACES WHERE BIRDS ARE KEPT IN CAPTIVITY

68. Section 2 of the Regulation respecting the sanitary conditions applicable to places where birds are kept in captivity (chapter P-42, r. 4) is amended by replacing "birds reared or kept in captivity for the production of meat, eggs for consumption or other commercial products, for restocking supplies of game or for breeding those categories of birds, and includes show fowl" by "domestic birds and all birds kept in captivity which are intended for human consumption or whose products are intended for human consumption".

REGULATION TO DESIGNATE CONTAGIOUS OR PARASITIC DISEASES, INFECTIOUS AGENTS AND SYNDROMES

69. Section 2 of the Regulation to designate contagious or parasitic diseases, infectious agents and syndromes (chapter P-42, r. 4.2) is amended by replacing "of the third paragraph" by "of the third, fourth and fifth paragraphs".

70. Section 3 of the Regulation is amended by replacing "of the third paragraph" in the introductory clause by "of the third, fourth and fifth paragraphs".

71. Section 4 of the Regulation is amended by inserting "kept in captivity and intended for human consumption or whose products are intended for human consumption" after "(cervidae)".

72. Section 9 of the Regulation is amended by replacing "the third paragraph" in the introductory clause by "the third and fourth paragraphs".

REGULATION RESPECTING THE IDENTIFICATION AND TRACEABILITY OF CERTAIN ANIMALS

73. The title of the Regulation respecting the identification and traceability of certain animals (chapter P-42, r. 7) is amended by striking out "identification and".

74. The heading of Division I of the Regulation is amended by replacing "SCOPE" by "GENERAL PROVISIONS".

75. Section 1 of the Regulation is replaced by the following section:

"**1.** This Regulation applies to bovines of the "*Bos taurus*" and "*Bos indicus*" species and their hybrids, to cervids of the "*Cervidae*" family and to ovines of the "*Ovis*" genus, kept or raised in Québec.

Its purpose is to ensure the traceability of those animals by establishing a traceability system."

76. Section 1.1 of the Regulation is amended by replacing "identification" in the definition of "management body" by "animal traceability".

77. The heading of Division I.I of the Regulation is amended by replacing "IDENTIFICATION" by "ANIMAL TRACEABILITY".

78. Section 2 of the Regulation is amended by replacing "identification" in the introductory clause by "traceability".

79. Section 5 of the Regulation is amended by replacing "an inspector designated under section 22.2 of the Act" in the fourth paragraph by "an authorized person appointed under section 55.9.17 of the Act, hereinafter called "authorized person"".

80. Section 6 of the Regulation is amended by replacing "only an inspector" by "only an authorized person".

81. Section 12 of the Regulation is amended by replacing "an inspector" in the fourth paragraph by "an authorized person".

82. Section 26 of the Regulation is amended by replacing "the inspector referred to in section 22.2 of the Act" in the second paragraph by "an authorized person".

ARTIFICIAL INSEMINATION OF CATTLE REGULATION

83. The title of the Artificial Insemination of Cattle Regulation (chapter P-42, r. 9) is amended by inserting "Domestic" before "Cattle".

84. The Regulation is amended by adding the following division before Division I:

"**DIVISION 0.1**

"SCOPE

"**0.1.** This Regulation applies to domestic cattle, hereinafter called "cattle"."

85. Section 6 of the Regulation is repealed.

86. Section 58.7 of the Regulation is amended

(1) by replacing “La” in the French text by “Une”;

(2) by inserting “appointed under section 55.9.17 of the Act, hereinafter called “authorized person”,” after “authorized person”.

87. Section 61 of the Regulation is repealed.

REGULATION RESPECTING MEDICINAL PREMIXES AND MEDICINAL FOODS FOR ANIMALS

88. Section 31 of the Regulation respecting medicinal premixes and medicinal foods for animals (chapter P-42, r. 10) is repealed.

REGULATION RESPECTING THE SALE OF LIVESTOCK BY AUCTION

89. Section 20 of the Regulation respecting the sale of livestock by auction (chapter P-42, r. 11) is amended, in paragraph *i*,

(1) by replacing “office” by “inspection office”;

(2) by replacing “the inspector” by “an authorized person appointed under section 55.9.17 of the Act, hereinafter called “authorized person””.

90. Section 40 of the Regulation is amended

(1) by replacing “veterinary surgeon inspector” in the first paragraph by “veterinary surgeon appointed under section 55.9.17 of the Act”;

(2) by replacing “such inspector” in the second paragraph by “the veterinary surgeon”.

91. Section 41 of the Regulation is amended

(1) in the first paragraph,

(*a*) by replacing “an inspector” by “an authorized person”;

(*b*) by replacing “a veterinary surgeon inspector” by “a veterinary surgeon appointed under section 55.9.17 of the Act”;

(2) in the second paragraph,

(*a*) by replacing “the veterinary surgeon inspector” by “a veterinary surgeon referred to in the first paragraph”;

(*b*) by replacing “such inspector” by “the veterinary surgeon”.

92. Section 59 of the Regulation is repealed.

FINAL PROVISION

93. This Act comes into force on 8 October 2024.

107084

Gouvernement du Québec

O.C. 1532-2024, 23 October 2024

Education Act
(chapter I-13.3)

Student transportation
—Amendment

Regulation to amend the Regulation respecting student transportation

WHEREAS, under subparagraph 4 of the first paragraph of section 453 of the Education Act (chapter I-13.3), the Government may regulate student transportation to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting student transportation was published in Part 2 of the *Gazette officielle du Québec* of 31 July 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting student transportation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting student transportation

Education Act
(chapter I-13.3, s. 453, 1st par., subpar. 4).

1. The Regulation respecting student transportation (chapter I-13.3, r. 12) is amended in section 31 by replacing subparagraph 3.1 of the first paragraph by the following:

"(3.1) is authorized, notwithstanding subparagraphs 2 and 3, to use, up to the end of the current school year, buses 14 years old where

(*a*) the carrier provides the service centre or the educational institution with the certificate provided for in subparagraph 3;

(*b*) the carrier shows to the service centre or the educational institution that he or she bought, in order to replace each of those buses, a fully electric bus to be delivered before the next school year or that the delivery of the bus purchased as replacement depends on the seller receiving a fully electric bus to be delivered before the next school year;

(3.2) is authorized, notwithstanding subparagraphs 2 and 3, to use, up to the end of the current school year, minibuses 14 years old where the carrier provides the service centre or the educational institution with the certificate provided for in subparagraph 3;".

2. Subparagraph 3.1 of the first paragraph of section 31, as made by section 1 of this Regulation, ceases to have effect on 30 June 2025.

3. Subparagraph 3.2 of the first paragraph of section 31, as made by section 1 of this Regulation, ceases to have effect on 30 September 2025.

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

107087

Gouvernement du Québec

O.C. 1535-2024, 23 October 2024

Supplemental Pension Plans Act
(chapter R-15.1)

Exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act —Amendment

Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan;

WHEREAS, under the second paragraph of section 2, the Government may also prescribe special rules applicable to the plan or category;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* of 6 March 2024, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act

Supplemental Pension Plans Act
(chapter R-15.1, s. 2, 2nd par.).

1. The Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7) is amended in section 1 by replacing "25" in the part preceding subparagraph 1 of the first paragraph by "50".

2. Section 5 is amended by replacing "25" by "50".

3. Division III, including sections 7 and 7.1, is revoked.

4. Section 8 is amended by replacing "third paragraph of section 98" in the text concerning provisions related to transfers of benefits and assets by "fourth paragraph of section 98".

5. Section 10 is amended in the first paragraph

(1) by replacing "those rates are compiled monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics in series V122515 in the CANSIM system" in subparagraph 5 by "those rates are those referred to in the third paragraph of section 39 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6)";

(2) by replacing "third paragraph of section 98" in subparagraph 5.1, subparagraphs *a* and *b* of subparagraph 6 and subparagraph 12 by "fourth paragraph of section 98".

6. Section 13 is amended by replacing "third paragraph of section 98" by "fourth paragraph of section 98".

7. Section 16.1 is revoked.

8. The heading of Division V is amended by replacing "LA VÉRIFICATION" in the French text by "L'AUDIT".

9. Section 20 is amended

(1) by replacing "la vérification du rapport financier prévue" in the part preceding subparagraph 1 of the first paragraph of the French text by "l'audit du rapport financier prévu";

(2) by replacing subparagraph 3 of the first paragraph by the following:

"(3) a pension plan having net assets of a market value of less than $5 000 000.";

(3) by replacing the second paragraph by the following:

"The pension committee that, for a fiscal year subsequent to its first, intends to avail itself of such a dispensation referred to in subparagraph 3 of the first paragraph must inform the members and beneficiaries during the annual meeting.".

10. Division VI, including sections 21 to 25.6, is revoked.

11. Section 26 is amended

(1) by striking out "or defined benefit-defined contribution";

(2) by replacing "the requirements set forth in Bulletin 96-3, dated 25 November 1996, entitled "Flexible Pension Plans" published by Registered Plans Directorate of Canada Revenue Agency" by "Canada Revenue Agency's requirements respecting flexible pension plans";

(3) by replacing "in the said Bulletin" by "by the said Agency".

12. Section 28 is replaced by the following:

"**28.** The following special modifications apply regarding optional ancillary contributions:

(1) the provisions of section 47 of the Act apply to the provisions until they are converted into optional ancillary benefits or refunded;

(2) the provisions of section 83 of the Act apply provided that the member is entitled, from the date on which a pension begins to be paid to the member under the plan, to purchase optional ancillary benefits, whose value is determined in accordance with section 33 with the contributions and accrued interest, or to a refund of those contributions and that interest, unless the plan provides only the conversion into optional ancillary benefits or the refund cannot be postponed beyond the date of the first payment of the member's pension;

(3) the provisions of the first paragraph of section 86 and subparagraph 2 of the first paragraph of section 98 of the Act apply without taking into account optional ancillary contributions not converted into optional ancillary benefits before the date of death, the date on which the member ceased to be an active member or the date of the transfer application so that the contributions are refunded, as the case may be, pursuant to the second paragraph of section 86 or subparagraph 1 of the first paragraph of section 98 of the Act.".

13. Section 29 is amended

(1) by replacing subparagraph 3 of the first paragraph by the following:

"(3) the right to the refund of optional ancillary contributions that the member has paid that have not been converted into optional ancillary benefits, as well as the conditions and time periods applicable to the refund.";

(2) by striking out "exempted from the application of certain provisions of the Supplemental Pension Plans Act" in the second paragraph.

14. Sections 30 to 32 are revoked.

15. Section 33 is replaced by the following:

"**33.** The provisions of section 67.4 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply to the calculation of the value of optional ancillary benefits.

The plan may provide that the value referred to in the first paragraph is calculated using, for the purposes of standards of practice referred to in that section, the average of the rates for the 24 calendar months preceding the calculation date rather than the rate applicable to the calendar month preceding that date.".

16. Section 35 is amended

(1) by inserting the following after paragraph 1:

"(1.1) the optional ancillary contributions converted into optional ancillary benefits during the fiscal year;

(1.2) the optional ancillary contributions that were subject to partition or a transfer of the member's benefits or seizure for non-payment of support during the fiscal year;

(1.3) the member's optional ancillary contributions balance account at the ending date of the fiscal year;";

(2) by replacing paragraph 3 by the following:

"(3) where the circumstances warrant and at least once every 3 years, the optional ancillary contributions at the ending date of the fiscal year that could not be converted into additional optional benefits by supposing that the member ceased to be an active member on that date and that the optional ancillary contributions were converted at the optimum value of the options available under the plan.".

17. Section 35.1 is amended

(1) by replacing paragraph 2 by the following:

"(2) where a member is entitled to a deferred pension:

(*a*) the optional ancillary contributions entered separately in the member's account during the fiscal year concerned and, since the member has joined the plan, the total of the contributions accrued with interest at the end of the fiscal year;

(*b*) the optional ancillary contributions converted into optional ancillary benefits during the fiscal year;

(*c*) the optional ancillary contributions that were subject to partition or a transfer of the member's benefits or seizure for non-payment of support during the fiscal year;

(*d*) the member's optional ancillary contributions balance account with interest accrued at the ending date of the fiscal year;";

(2) by replacing paragraph 3 by the following:

"(3) where the circumstances warrant and at least once every 3 years, the optional ancillary contributions at the ending date of the fiscal year that could not be converted into additional optional benefits by supposing that the member exercised his or her transfer right on that date and that the optional ancillary contributions are converted at the optimum value of the options available under the plan.".

18. Section 35.2 is revoked.

19. Section 36 is amended

(1) by replacing "in paragraphs 1 and 2" in paragraph 1 by "in paragraphs 1 to 2";

(2) by replacing paragraph 2 by the following:

"(2) where the circumstances warrant, the optional ancillary contributions at the date on which the member ceased to be an active member that could not be converted into optional ancillary benefits by supposing that the optional ancillary contributions are converted at the optimum value of the options available under the plan.".

20. Section 37 is replaced by the following:

"**37.** For the purposes of section 36.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), a member's aggregate benefits include optional ancillary contributions not converted into optional ancillary benefits and are treated as capital benefits.".

21. Section 38 is revoked.

22. Section 64.1 is revoked.

23. Section 65 is replaced by the following:

"**65.** This division refers to a pension plan called a "member-funded pension plan", a defined-benefit pension plan, which has the following characteristics:

(1) the obligations of the plan, less the employer contribution fixed in the plan, are borne by the plan's active members;

(2) the employer contribution is limited to the contribution stipulated in the plan;

(3) on 1 January of each year, the plan provides for an assumption for the indexation of pensions before and after retirement of all the plan's members and beneficiaries according to the increase in the seasonally unadjusted All-items Consumer Price Index for Canada, published by Statistics Canada for each month during the 12-month period ending on 31 December of the preceding year; the indexation rate cannot be less than 0% or more than 4%;

(4) the cap on the plan's degree of solvency for the purposes of the payment of the value of benefits does not apply;

(5) only the members and beneficiaries are entitled to the surplus assets, unless the tax rules require that the employer be relieved from paying the employer contributions through appropriation of all or part of the plan's surplus assets;

(6) surplus assets are allocated as a priority to the indexation of pensions, in accordance with subdivision 11 of this division;

(7) the plan may not be amended or terminated, directly or indirectly, unilaterally by an employer that is a party to the plan or, in the case of a multi-employer pension plan, even not considered as such under section 11 of the Act, by all the employers that are party to the plan or by one of them.".

24. Section 66 is amended by replacing the part preceding paragraph 1 by the following:

"**66.** A member-funded pension plan cannot be".

25. The following is inserted after section 66:

"**66.1.** A member-funded pension plan cannot contain provisions which, in a defined-benefit pension plan, are identical to those of a defined-contribution plan.

66.2. The provisions of the Act apply to member-funded pension plans with the exclusions and adaptations provided for in this division.

In the event of incompatibility, the provisions of this division prevail.".

26. The following is inserted before section 67:

§2. Establishment, amendment and registration".

27. Subdivisions 2 and 3 of Division X, including sections 68 to 95, are replaced by the following:

"**68.** A member-funded pension plan may be established only if the eligible employees consent to the obligations incumbent on them under the plan.

Likewise, a plan amendment resulting in an increase in member contributions may be made only if the members subject to the increase consent to it, unless the amendment

(1) has been made mandatory by a new legislative or regulatory provision giving no latitude;

(2) results from the withdrawal of an employer referred to in section 199 or 199.1 of the Act or the cessation of eligibility considered a withdrawal of an employer pursuant to section 123;

(3) involves the appropriation of surplus assets and meets all the terms and conditions provided for under the plan;

(4) is referred to in section 97.

Approval in writing of the plan's establishment or amendment by an accredited association constitutes consent, as the case may be, of the eligible employees or the members concerned that it represents.

For the employees eligible for membership under the plan or the members concerned by the amendment to the plan who are not represented by such an association, their consent is deemed obtained if less than 30% of them are opposed to the plan's establishment or amendment, as the case may be.

Sections 146.4 and 146.5 of the Act apply, with the necessary modifications, to the consultation required to obtain consent.

The notice referred to in section 146.4 of the Act must, in the case of the plan's establishment, mention that the cost of the obligations of the plan, less the employer contribution, is borne by the plan's active members, that the members and beneficiaries' pensions may be indexed provided that the plan remains fully funded and that the assets determined upon plan termination are entirely allocated to the plan's members and beneficiaries.

69. The plan text must indicate, in addition to the information required under the second paragraph of section 14 of the Act, except for the information referred to in subparagraph 9.1 of the second paragraph and the information related to the appropriation and allocation of surplus assets referred to in subparagraphs 16 to 18 of the second paragraph of that section,

(1) the characteristics referred to in paragraphs 1 to 6 of section 65;

(2) the terms and conditions for the indexation of pensions provided for under the plan's funding method;

(3) that the assets determined upon termination of the plan are entirely allocated to the plan's members and beneficiaries, proportionately to the value of their benefits on a solvency basis;

(4) the person or body that is empowered to terminate the pension plan and under what conditions;

(5) the rules used to determine the date of withdrawal of an employer party to the plan;

(6) in the case of a plan that meets the requirements of section 105, that the benefits of members and beneficiaries affected by the withdrawal of an employer party to the plan whose pension is paid on the date of withdrawal or, subject to what is provided for in the funding policy, who would have been entitled to payment of a pension if they had applied for it on that date may be maintained in the plan if, according to the criteria established by the funding policy, such maintenance of benefits is permitted.

The conditions and procedure for appropriating surplus assets that must be mentioned in the plan text are those established in accordance with the provisions of subdivision 11 of this division.

70. The notice required under section 16 of the Act, where a pension plan becomes effective before it is registered with Retraite Québec, must indicate that the plan is a member-funded pension plan.

71. The application for registration referred to in section 24 of the Act must be accompanied by an attestation that the consents required under section 68 have been obtained and that they can be provided to Retraite Québec on request.

72. Registration of a member-funded pension plan requires that the report referred to in subparagraph 1 of the first paragraph of section 118 of the Act shows that the pension plan is fully funded and solvent on the date it comes into force.

Registration of an amendment to such a plan, except for an amendment referred to in subparagraph 1 of the second paragraph of section 68, requires that the report referred to in subparagraph 4 of the first paragraph of section 118 of the Act shows that at the date of the actuarial valution, the plan, once the additional obligations arising from the amendment are taken into account, remains fully funded or, if those obligations are related to service prior to that date, remains fully funded and solvent.

§3. Contributions

I. — *Member contribution*

73. In the case of a member-funded pension plan, the contribution payable referred to in section 39 of the Act, less the employer contribution stipulated in the plan, is borne by the active members.

All contributions that an active member is required to pay under the first paragraph are considered as member contributions.

74. Member contributions are paid in equal instalments, at the frequency provided for under the plan. The instalments may represent an hourly rate or a rate of remuneration. The rate must be uniform unless it is established by reference to a variable authorized by Retraite Québec.

Where member contributions are not determined at the beginning of the fiscal year, the member must continue to pay fixed contributions for the preceding year. Any variation in the amount of payments established by an actuarial valuation of the plan takes effect on the date on which the fiscal year begins following the first fiscal year for which the contribution is calculated.

II. — *Employer contribution*

75. The provisions of the second paragraph of section 41 of the Act apply to the monthly payments of every employer contribution to member-funded pension plans, whatever the type.

Adjustments to the monthly payments of employer contributions provided for in the fourth paragraph of section 41 of the Act do not apply.

76. Sections 42.1 and 42.2 of the Act do not apply to member-funded pension plans.

III. — *Voluntary contribution*

77. Voluntary contributions are, until retirement, credited to an account from which all other types of contributions are excluded.

IV. — *Special payments*

78. No special improvement payment or special annuity purchasing payment may be established under a member-funded pension plan.

§4. Refunds and pension benefits

79. Sections 60 and 61 of the Act do not apply to benefits acquired under a member-funded pension plan.

The value of benefits accrued under a member-funded pension plan must be determined at the date of vesting of the benefits, on the basis of the actuarial assumptions determined under Division VIII.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

Such value is, for the purposes of the Act, in particular for the transfer of benefits, substituted for the value of the member's benefits that would otherwise be determined pursuant to section 61 of the Act.

80. For the purposes of the Act, a reference to the actuarial assumptions referred to in section 61 of the Act constitutes a reference to the actuarial assumptions referred to in the second paragraph of section 79.

Despite the foregoing, to determine the additional pension referred to in section 84 of the Act or a pension referred to in section 105 of the Act purchased with amounts transferred, the assumptions to be used are those used in verifying the funding of a plan for the purposes of its most recent actuarial valuation.

81. In order to establish the amount of the early benefit referred to in section 69.1 of the Act, the value of the member's benefits under the plan is the value that would be allocated to the member's benefits for the purposes of their payment by supposing that the member ceases to be an active member and exercises his or her right to the refund or transfer of his or her benefits on the date on which the member applies for the payment of the benefit.

82. Section 78 of the Act related to contributions paid during the postponement period of a pension does not apply to member-funded pension plans.

83. Despite subparagraph 2 of the first paragraph of section 93 of the Act, the option of replacing the pension with a pension the amount of which is increased periodically according to an index or at a rate cannot be offered under a member-funded pension plan.

84. Despite the second paragraph of section 5 of the Act, the plan may not contain provisions that are more advantageous than those contained in this subdivision.

§5. Transfer of benefits and assets

85. Despite section 101 of the Act, the conditions set out in section 107 for the payment of the benefits of members and beneficiaries apply to the payment of transferred amounts.

86. A member-funded pension plan cannot be the subject of a general agreement referred to in section 106 of the Act.

87. Any amount transferred in the pension plan must, on the date of the transfer even otherwise than under Chapter VII of the Act, be converted, on the basis of the actuarial assumptions used to measure the funding of the plan for the purposes of the most recent actuarial valuation of the plan, into a normal pension amount.

The value of benefits transferred to another plan is determined in accordance with the second paragraph of section 79.

§6. Transfer of benefits between spouses

88. For the purposes of partition or the transfer of a member's benefits or the seizure of such benefits for non-payment of support, the most recent degree of solvency of the plan referred to in the fourth paragraph of section 143 that precedes the date of their valuation must be taken into account in determining the value of the member's benefits.

§7. Information to members

I. — *Documents*

89. The summary of a member-funded pension plan must include the following instead of the particulars referred to in subparagraphs 1 and 6 of the first paragraph of section 56.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6):

(1) that the members' and beneficiaries' pensions under the plan may be indexed only if the plan is fully funded;

(2) that the assets determined upon termination of the plan are entirely allocated to the members and beneficiaries whose benefits were not paid before the date of termination.

It must also indicate

(1) that the plan is exempted from several provisions of the Act;

(2) that the obligations of the plan, less the employer contribution, are borne by the plan's active members.

90. In all statements of benefits, member contributions are mentioned without stating whether they are service contributions or amortization payments.

In addition, the information to be included must be established by taking into account the following characteristics of member-funded pension plans:

(1) the provisions of section 60 of the Act do not apply;

(2) the plan's degree of solvency referred to in section 143 of the Act cannot be capped;

(3) the rules provided for in section 146 of the Act do not apply;

(4) the indexation of pensions can only be included in an amendment resulting from the appropriation of surplus assets.

91. To establish the second part of the annual statement referred to in section 112 of the Act and sent to a member or beneficiary, the provisions of the first paragraph of section 59.0.2 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply, in accordance with the following rules:

(1) the degree of funding referred to in subparagraph 1 must be given with and without the indexation referred to in section 99;

(2) the maximum amount of surplus assets that can be used under subparagraph 2 is the amount established in accordance with the second paragraph of section 111;

(3) the share of the surplus assets used under subparagraph 5 is the amount established in accordance with the second paragraph of section 111.

II. — *Annual meeting*

92. If the plan allows the benefits of members and beneficiaries affected by the withdrawal of an employer party to the plan to be maintained in the plan, the following subjects must be on the agenda of the annual meeting, in addition to those referred to in section 61.0.11 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6):

(1) the main risks associated with such maintenance of benefits;

(2) the measures taken during the last fiscal year of the plan to manage these risks.

§8. Funding

I. — *General provisions*

93. An actuarial valuation referred to in subparagraph 2 of the first paragraph of section 118 of the Act must be carried out at the ending date of the plan's fiscal year.

An actuarial valuation related to the appropriation of surplus assets under subdivision 11 of this division must be carried out at the ending date of the fiscal year preceding the fiscal year during which the surplus assets were appropriated.

An actuarial valuation referred to in the second paragraph of section 118 of the Act must be carried out at the ending date of the plan's fiscal year. To determine whether or not an actuarial valuation is required, the funding level to be used is the one established without taking into account the assumption for indexation of the pensions referred to in section 99.

Despite the third paragraph of section 118 of the Act, any actuarial valuation of a member-funded pension plan must be complete.

94. The report related to an actuarial valuation of the plan must include, in addition to the requirements of subdivision 3 of Division I of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), the funding level referred to in paragraph 5 of section 5 of that Regulation with and without the assumption for indexation of the pensions referred to in section 99.

It must also include, instead of the information referred to in subparagraphs 6 and 7 of the first paragraph of section 6 of the Regulation, the member contribution provided for in the plan, if it is higher than the contribution provided for in section 73, and the description of the variation in the contribution resulting from the application of the second paragraph of section 74.

In addition, member contributions must be mentioned therein without stating whether they are service contributions or amortization payments.

95. If the plan allows the benefits to be maintained in the plan in the case of the withdrawal of an employer or has benefits maintained in the plan, all reports related to an actuarial valuation of the plan must indicate the criteria established by the funding policy, in accordance with section 105 and determine, at the date of the actuarial valuation, whether such maintenance of benefits may be offered in the case of withdrawal of an employer and if wound-up benefits, in accordance with subdivision 13 of this division, must be maintained in the plan, where applicable.

96. For the purposes of the report related to an actuarial valuation referred to in subparagraph 5 of the first paragraph of section 118 of the Act, the maximum amount of surplus assets that can be used under the first paragraph of section 11.1 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6), is the amount established in accordance with the second paragraph of section 111, and the amount of the surplus assets that are expected to be used and the conditions for their appropriation are those determined in accordance with subdivision 11 of this division.

97. No more than 30 days after the date of the report on the actuarial valuation, the pension committee must inform the active members of any ensuing change to the member contribution. To do so, a notice is sent to each accredited association representing members, as well as to each member not represented by such an association, informing them that the change will take effect without further consultation according to the conditions provided for in the second paragraph of section 74.

Despite the foregoing, a pension plan may provide that the active members can elect to have the pension credit adjusted in lieu of a change to the member contribution. In such a case, the notice provided for in the first paragraph must indicate that the members must express their opinion on the proposed change to the member contribution and that the pension credit is to be adjusted accordingly for each accredited association or each group of unrepresented members that does not accept the proposal. The rules provided for in sections 146.4 and 146.5 of the Act apply to the consultation, with the necessary modifications.

The amendments to be made to the plan further to the decision of the active members are made without further consultation.

II. — *Funding*

98. Member-funded pension plans are exempt from the obligation referred to in section 125 of the Act to establish a stabilization provision.

99. The funding method referred to in section 126 of the Act must include the assumption for the indexation of pensions established in accordance with the plan's funding rules.

100. All funding deficiencies must be established without taking into account the assumption for the indexation of pensions provided for in section 99.

101. An improvement unfunded actuarial liability cannot be established in a member-funded pension plan, with the exception of an amendment referred to in subparagraph 1 of the second paragraph of section 68.

102. Despite section 137 of the Act, the amortization amounts to be paid for an unfunded actuarial liability for all or part of each of the pension plan's fiscal years included in the amortization period may be distributed according to the conditions set out in the pension plan.

For the purposes of the first paragraph, the provisions related to payroll and the number of active members are the same as those used to verify the plan's funding for the purposes of its last actuarial valuation.

103. The service contribution can be expressed, in addition to what is provided for in section 140 of the Act, as a fixed amount per active member.

III. — *Solvency*

104. Despite section 142.3 of the Act, the values related to the plan's solvency are determined according to the rules set out in section 121.

IV. — *Funding policy*

105. A member-funded pension plan can allow the benefits of members and beneficiaries affected by the withdrawal of an employer party to the plan to be maintained in the plan only if the plan's funding policy determines, on the one hand, the plan's funding level under which the option to maintain their benefits in the plan may not be offered to members and beneficiaries affected by the withdrawal of an employer and, on the other hand, the plan's funding level under which benefits maintained in the plan during previous employer withdrawals must be wound up. The limits may not be lower than 100%.

The funding level to be used is the one established without taking into account the assumption for the indexation of pensions, determined by the most recent actuarial valuation of the plan.

The funding policy may provide for criteria which, among the following, must in addition be considered for the purposes referred to in the first paragraph:

(1) the percentage that the plan's liabilities related to the benefits of members and beneficiaries whose benefits are maintained in the plan after employer withdrawals are of the plan's liabilities determined on a funding level;

(2) the plan's level of maturity, knowing the percentage that the plan's liabilities related to the benefits of members whose pension is in payment and of beneficiaries, determined on a funding level, are of the plan's total liabilities;

(3) the plan's degree of solvency.

The funding policy can provide that the maintenance of benefits is offered only to members and beneficiaries whose pension is in payment on the date of the withdrawal.

§9. Payment of benefits made in accordance with the annuity purchasing policy

106. A payment of benefits made in accordance with the annuity purchasing policy referred to in section 142.4 of the Act cannot be carried out in a member-funded pension plan.

§10. Payment of benefits

107. Despite the third paragraph of section 143 of the Act, the degree of solvency applicable to the payment of benefits cannot be capped.

Sections 144 to 146 of the Act do not apply to member-funded pension plans.

108. Voluntary contributions are refunded with accrued interest.

§11. Appropriation of surplus assets

109. During the life of a member-funded pension plan, the appropriation of surplus assets is subject to the provisions of this subdivision rather than the provisions referred to in section 146.1 of the Act.

Despite the foregoing, the provisions of the first paragraph of section 146.2 and sections 146.3 to 146.5.1 of the Act apply, with the necessary modifications.

110. Surplus assets can only be appropriated for the following, according to the plan's provisions:

(1) indexation of pensions;

(2) provided that the pensions are fully indexed, payment of member contributions, payment of the value of additional obligations arising from an amendment to the plan or a combination of both.

111. Surplus assets can be appropriated, as the case may be:

(1) if they are appropriated for the indexation of pensions, once the plan is fully funded;

(2) where the plan is fully funded and solvent and only if pensions are fully indexed for any of the purposes provided for in the plan under paragraph 2 of section 110.

In the case referred to in subparagraph 1 of the first paragraph, the maximum amount of surplus assets that can be used is equal to the amount of surplus assets determined on a funding basis and, in the case referred to in subparagraph 2 of the first paragraph, to the lesser amount of surplus assets determined on a funding basis and those determined on a solvency basis, established on the date of the actuarial valuation and taking into account, if applicable, the previous appropriation of the surplus assets to the indexation of pensions.

112. Subject to section 111, a pension plan can be amended in order to index the pension of each member and beneficiary in accordance with the provisions of the plan.

An amendment related to indexation cannot become effective on a date before the date of the plan's last actuarial valuation or more than one year after that date.

113. The appropriation of surplus assets to the payment of member contributions ceases on the date of any actuarial valuation or of any notice referred to in section 119.1 of the Act that shows that the conditions set out in subparagraph 2 of the first paragraph of section 111 are no longer met.

114. Despite the second paragraph of section 5 of the Act, no amendment related to the appropriation of surplus assets may be made to the plan unless it is in accordance with the provisions of this subdivision.

115. An adjustment resulting from the indexation referred to in section 112 applies to the amounts established in accordance with sections 15.3, 54 and 56.0.3 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

§12. Division and merger

116. The following are not authorized under a member-funded pension plan:

(1) the division of the plan's assets and liabilities among several plans, one of which is not a member-funded pension plan;

(2) the merger of the plan's assets and liabilities with those of a plan that is not a member-funded pension plan.

117. The second, third and fifth paragraphs of section 196 of the Act do not apply to member-funded pension plans.

§13. Liquidation of the benefits of members and beneficiaries

I. — *General provisions*

118. Despite sections 198, 207 and 240.2 of the Act, only the members and beneficiaries whose benefits have not been paid before the date of withdrawal of an employer party to a member-funded plan or the date of termination of such a plan are affected by the withdrawal or termination.

Despite subparagraph 1 of the third paragraph of section 198 of the Act, active members who are in the employ of another employer party to the plan on the date of the employer's withdrawal are not affected by such withdrawal.

119. As of the date of withdrawal of an employer or termination of the plan, no pension or part of pension of members or beneficiaries affected by the withdrawal or termination can be guaranteed by an insurer unless it is for the purposes of their payment in accordance with the provisions of this subdivision.

120. Member-funded pension plans are exempt from the application of the following provisions of Division II of Chapter XIII of the Act related to winding-up:

(1) sections 210.1 and 211 and the second and third paragraphs of section 212.1;

(2) subdivision 3, related to the distribution of assets;

(3) subdivision 4, related to debts of the employer;

(4) subdivision 4.0.1, related to the payment options in the event of insufficient assets;

(5) subdivision 4.1, related to the distribution of surplus assets in the event of termination;

(6) section 237.

121. Despite section 212 of the Act, the value of the benefits of the members and beneficiaries affected by the withdrawal of an employer or the termination of a plan must be determined at either of the following dates, using the assumptions referred to in the second paragraph of section 79 that are applicable at that date:

(1) the date the member ceased to be an active member, if the benefits whose value is being determined are those accrued to a member whose active membership ended before the date of the withdrawal or termination and who, at that date, had already opted, within the time limit set out in subparagraph 1 of the second paragraph of section 99 of the Act, for the payment of his or her benefits or still had time to exercise such an option, or those accrued to a beneficiary whose benefits under the plan derive from the service credited to such a member;

(2) the date of the withdrawal or termination, if the benefits whose value is being determined are those accrued to any other member or beneficiary affected by the withdrawal or termination, including any member or beneficiary whose pension is in payment on that date.

The benefits accrued to the members and beneficiaries referred to in subparagraph 1 of the first paragraph bear interest from the date their value is determined to the date of the withdrawal or termination, at the rate used for the purposes of the valuation.

122. In the event of withdrawal of an employer or the termination of the plan, section 216 of the Act does not apply to an amendment to the plan that uniformly applies to all members and beneficiaries.

II. — *Withdrawal of an employer*

123. The cessation of active members' eligibility under the plan resulting from a decision concerning the accreditation of an association of employees or a decision of a group of employees provided for under the pension plan is considered to be a withdrawal of an employer. In this case, the following are affected by the withdrawal:

(1) active members who cease to be employees eligible for membership in the plan by reason of the decision;

(2) non-active members who would have ceased to be employees eligible for membership in the plan if they had been active members on the date of the decision;

(3) beneficiaries whose benefits derive from the service credited to a member who, were it not for his or her death, would have been referred to in subparagraph 1 or 2.

Despite the foregoing, where, by reason of the decision referred to in the first paragraph, the members referred to in that paragraph become eligible for another member-funded pension plan, the plan in which they cease to be active members must, regardless of the conditions set out in the first paragraph of section 196 of the Act, be subject to an amendment concerning the division of its assets and liabilities. If the person authorized under the plan to make such an amendment fails to do so within 30 days after the pension committee is informed of the decision, the committee must proceed with the amendment. The members and beneficiaries referred to in subparagraphs 1, 2 and 3 of the first paragraph must be included in the division.

124. Where an employer withdraws from a pension plan, all the benefits accrued under a member-funded pension plan by a member who has worked for several employers party to the plan must be considered in the value of his or her benefits regardless of the employer under which the benefits were accrued.

125. Despite the second paragraph of section 198 of the Act, the date of withdrawal of an employer cannot be later than the date of the end of the fiscal year following the one in which the last contribution was required by members employed by that employer.

126. Only a plan whose funding policy includes provisions in conformity with those required by section 105 can provide for the benefits of members and beneficiaries affected by the withdrawal of an employer to be maintained in the plan.

Such benefits maintained in the plan can only be offered to members and beneficiaries whose pension is in payment on the date of the withdrawal and, subject to what is provided for in the funding policy, to those who would have been entitled to payment of a pension on that date if they had so requested.

In addition, benefits maintained in the plan cannot be offered if, on the date of the withdrawal, the plan's funding level is lower than the limit set by the funding policy or other criteria established by the funding policy are met on that date.

127. The notice referred to in section 200 of the Act that must be sent by the pension committee must contain the following, instead of the information listed in paragraphs 2 to 4 of that section:

(1) that the benefits of members and beneficiaries affected by the withdrawal will be paid based on the plan's degree of solvency;

(2) if the members' and beneficiaries' benefits cannot be maintained in the plan:

(*a*) that the benefits, adjusted in accordance with paragraph 1, of members and beneficiaries to whom a pension is in payment on the date of the withdrawal will be paid by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of those benefits or, if they so request, by means of a transfer under subparagraph *b*;

(*b*) that other members' benefits, adjusted in accordance with paragraph 1, will be paid by means of a transfer under section 98 of the Act, which applies with the necessary modifications or, if applicable, by a lump-sum payment or transfer to a registered retirement savings plan of the portion of their benefits that is refundable;

(3) if the members' and beneficiaries' benefits can be maintained in the plan,

(*a*) that the benefits of the members and beneficiaries referred to in the second paragraph of section 126 will be maintained in the plan, unless the members and beneficiaries request payment of their benefits adjusted in accordance with paragraph 1 by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of those benefits or by means of a transfer under subparagraph *b* of paragraph 2;

(*b*) that other members' benefits, adjusted in accordance with paragraph 1, will be paid using one of the methods referred to in subparagraph *b* of paragraph 2.

128. The pension committee must send to each member or beneficiary affected by the withdrawal, within 60 days of the date on which the notice referred to in section 200 of the Act is sent, a statement of benefits and their value, as well as the information necessary to choose a benefit payment method. Members and beneficiaries must be given at least 30 days to indicate their choice and exercise their options.

The statement must contain the following information:

(1) the information referred to in paragraphs 2 to 10 of section 58 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) and, unless the statement is for a non-active member whose pension is in payment or a beneficiary, in paragraph 1 of that section, as established or updated on the date of the withdrawal;

(2) a mention whether or not it is possible to maintain the member's or beneficiary's benefits in the plan;

(3) the period during which the member's or beneficiary's choices must be provided to the pension committee;

(4) in the case of a member or beneficiary referred to in the second paragraph of section 126, an estimate of the annuity that can be purchased from an insurer with the value of his or her benefits adjusted in accordance with paragraph 1 of section 127 and a mention that the purchased annuity could differ.

An estimate of the annuity is made based on the premium determined using the assumptions for the hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date on which the statement was prepared. The premium must be increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

129. If the members' and beneficiaries' benefits cannot be maintained in the plan, the statement must also indicate,

(1) in the case of a non-active member whose pension is in payment on the date of the withdrawal or a beneficiary,

(*a*) the payment methods provided for in subparagraph *a* of paragraph 2 of section 127;

(*b*) that the benefits, adjusted in accordance with paragraph 1 of section 127, will be paid by the purchase of an annuity from an insurer selected by the pension committee if the member or beneficiary does not indicate another choice within the period referred to in subparagraph 3 of the second paragraph of section 128;

(2) in the case of any other member, that the benefits, adjusted in accordance with paragraph 1 of section 127, will be paid by means of a transfer to a plan referred to in section 98 of the Act, which applies with the necessary modifications, or, where applicable, by a lump-sum payment or transfer to a registered retirement savings plan of the portion of his or her benefits that is refundable.

130. If the members' and beneficiaries' benefits can be maintained in the plan, the statement must also indicate,

(1) if it concerns a member or beneficiary referred to in the second paragraph of section 126

(*a*) the payment methods provided for in subparagraph *a* of paragraph 3 of section 127;

(*b*) that the benefits will be maintained in the plan if the member or beneficiary does not indicate another choice within the period referred to in subparagraph 3 of the second paragraph of section 128;

(*c*) an indication that the benefits maintained in the plan may, if the criteria provided for in the funding policy are later met, be wound up according to the rules provided for in paragraph 1 of section 129 and that the purchased annuity or transferred amount could be less than the pension to which the member or beneficiary would have been entitled on the date of the withdrawal;

(2) if it concerns any other member, the payment methods provided for in subparagraph *b* of paragraph 2 of section 127.

131. The value of the benefits accrued to the members and beneficiaries referred to in the second paragraph of section 202 of the Act may, with the authorization of Retraite Québec and subject to the conditions determined by Retraite Québec, be determined on any date other than the date referred to in that paragraph.

The third paragraph of that section does not apply to member-funded pension plans.

132. The benefits referred to in subparagraph 2 of the first paragraph of section 218 of the Act are paid in proportion to the plan's degree of solvency as established in the report related to the withdrawal of an employer referred to in section 202 of the Act and sent to Retraite Québec.

133. In the report referred to in section 202 of the Act, the plan's degree of solvency referred to in subparagraph 9 of the first paragraph of section 62 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) is the one determined for the entire plan at the date of the valuation of the members' and beneficiaries' benefits.

The withdrawal report must in addition indicate whether, on the date of the withdrawal, the benefits can be maintained in the plan based on the criteria established by the funding policy.

III. — *Liquidation of benefits maintained in the plan during the previous withdrawal of an employer*

134. Members and beneficiaries' benefits whose benefits were maintained in the plan following the employer's withdrawal must be settled where the report related to an actuarial valuation of the plan shows that the plan's funding level, at the date of the actuarial valuation, is lower than the limit set by the plan's funding policy or that the other criteria established by the policy are met on that date.

135. The pension committee must, within 30 days of the date of the report, send to the members and beneficiaries a notice informing them, in addition to their benefits that will be settled,

(1) of any criterion that, according to the funding policy, imposes to settle their benefits;

(2) that the degree of solvency, applicable to the plan, is the most recent in the fourth paragraph of section 143 of the Act;

(3) that their benefits will be paid based on the plan's degree of solvency;

(4) that their benefits, adjusted in accordance with paragraph 3, will be paid by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of the benefits or, if they so request, by means of a transfer referred to in section 98 of the Act, which applies with the necessary modifications, or, where applicable, by a lump-sum payment or transfer to a registered retirement savings plan of the portion of those benefits that is refundable.

136. The settlement is carried out as though it was a withdrawal of an employer party to a plan that does not allow the benefits of members and beneficiaries affected by the withdrawal to be maintained in the plan.

Sections 119 to 122, 128, 129 and 131 to 133 apply, with the necessary modifications, including the following:

(1) the date of the actuarial valuation is substituted for the date of the withdrawal;

(2) the date of the valuation of the benefits of members and beneficiaries affected is the date of the actuarial valuation;

(3) for the purposes of section 128, the time limit for sending statements of benefits is established based on the date on which the notice referred to in section 135 was sent;

(4) the statement of benefits referred to in that section must also mention that the benefits of members and beneficiaries affected will be paid based on the plan's degree of solvency and in accordance with the rules provided for in paragraph 2 of section 127.

IV. — *Termination of the plan*

137. The right to terminate the plan referred to in section 204 of the Act belongs to the person or body to which such right is granted in the plan text.

138. If there remains a balance after payment of the benefits referred to in subparagraph 2 of the first paragraph of section 218 of the Act, the balance must be allocated to the members and beneficiaries proportionately to the value of their benefits.

139. In the termination report referred to in section 207.2 of the Act, the following modifications apply to the information referred to in the first paragraph of section 64 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6):

(1) the information required by subparagraph 7 must not be distributed by employer or category;

(2) the information referred to in subparagraphs 5, 8.1 to 8.4, 10 and 11 is not required;

(3) the values referred to in paragraph 8 must be established in accordance with section 121, each of those values is reduced in accordance with section 122.1 of the Act;

(4) the value of the benefits of members and beneficiaries affected by the termination must be distributed in accordance with each item of the payment order provided for in section 218 of the Act, which applies in accordance with paragraph 1 of section 120 and sections 122 and 138.

To prepare the statement of benefits referred to in section 207.3 of the Act, the following modifications apply:

(1) the information referred to in subparagraphs 1 and 2 of the first paragraph of section 65 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) must not be distributed by employer or category and the information referred to in subparagraphs 3, 4 and 5 of that paragraph is not required;

(2) the statement must include the value of the member's benefits that corresponds to the amount allocated to the member, where applicable, pursuant to section 138.

If it is intended for a member or beneficiary whose pension is in payment or has been suspended on the date of the termination, the statement must also indicate an estimate of the annuity that could be purchased from an insurer and mention that the purchased annuity could differ. It must also indicate that the value of the member's or beneficiary's benefits must be paid according to one of the following payment methods:

(1) by the purchase, from an insurer selected by the pension committee, of an annuity established using the value of the benefits in accordance with section 218 of the Act, which applies in accordance with paragraph 1 of section 120 and sections 122 and 138;

(2) at the member's or beneficiary's request, by means of a transfer of the value of his or her benefits established in accordance with subparagraph 1 to a plan referred to in section 98 of the Act, with the necessary modifications.

The statement must also indicate that, if a member or beneficiary does not communicate his or her choices to the pension committee before the expiry of the period referred to in the first paragraph of section 207.2 of the Act, the value of his or her benefits will be paid by the purchase of an annuity referred to in subparagraph 1 of the second paragraph.

The estimate referred to in the second paragraph must be calculated based on the premium determined using the assumptions for the hypothetical wind-up and solvency valuations established by the Canadian Institute of Actuaries as they apply at the date on which the statement was prepared, increased by a margin that allows for any possible variation in the cost of purchasing the annuity between that date and the probable date of payment.

140. Any amount paid by an employer, including any amount recovered after the date of termination in respect of contributions outstanding and unpaid at the date of termination, must be used for the payment of members' and beneficiaries' benefits in the order of priority established under section 218 of the Act.".

MISCELLANEOUS, TRANSITIONAL AND FINAL

28. Section 20 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), as amended by section 9 of this Regulation, applies to the financial report that must accompany the annual information return related to any fiscal year of the plan ending after 30 December 2024.

If the annual meeting was held before 31 December 2024, the dispense from the financial report audit may apply provided that the members and beneficiaries have been informed in writing before the expiry of the period set out in section 161 of the Act to send the annual information return.

29. Every flexible pension plan, within the meaning of section 26 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), must comply with the provisions of this Regulation as of 21 November 2024.

Despite the foregoing, the application for registration of amendments to a flexible pension plan that result from the provisions of Division VII of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, as amended by this Regulation, in particular regarding the refund of optional ancillary contributions not converted into optional ancillary benefits and regarding the plan text, must be filed with Retraite Québec not later than 21 November 2025.

30. Section 32 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), revoked by section 14 of this Regulation, continues to apply until payment by the employer of any amount determined before 21 November 2024 in accordance with that section.

31. For the purposes of partition, transfer and seizure of benefits of a flexible pension plan, the provisions of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7) apply, as in force on the date of the valuation of the member's benefits.

32. A flexible pension plan is exempted, for every application for registration filed after 20 November 2024, from payment of the $1000 fee provided for in paragraph 4 of section 13 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6).

33. Every member-funded pension plan must be subject to an actuarial valuation as at 31 December 2024.

34. Every statement produced before 21 November 2025 may be established in accordance with the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7) in force on 20 November 2024.

Despite the foregoing, every statement related to the withdrawal of an employer party to a member-funded pension plan or the termination of such a plan that is produced after the date on which the report related to the actuarial valuation referred to in section 33 of this Regulation is sent to Retraite Québec must be established in accordance with the provisions of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act as amended by this Regulation.

35. For every payment of benefits referred to in section 83 of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), as it reads before 21 November 2024, the most recent degree of solvency may be determined at the day on which the pension committee receives the application for payment of the benefits if that day is prior to that date and where the pension committee provided the member with the value of the member's benefits before that date.

36. Subdivision 13 of Division X of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 7), enacted by section 27 of this Regulation, does not apply to member-funded pension plans for the purpose of liquidating benefits where the notice referred to in section 200 or 204 of the Act was sent before the actuarial valuation referred to in section 33 was sent to Retraite Québec. The provisions of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, in force on 20 November 2024, apply for the purpose of liquidating the benefits of members and beneficiaries affected by the withdrawal of an employer or the termination of the plan.

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

107088

Gouvernement du Québec

O.C. 1553-2024, 23 October 2024

Transport Act
(chapter T-12)

Environment Quality Act
(chapter Q-2)

Highway Safety Code
(chapter C-24.2)

Road vehicles used for the transportation of school children
— Amendment

Regulation to amend the Regulation respecting road vehicles used for the transportation of school children

WHEREAS, under paragraph *a* of section 5 of the Transport Act (chapter T-12), in addition to the other regulatory powers conferred upon it by the Act, the Government may, by regulation, establish standards, conditions or modes of construction, use, safe-keeping, upkeep, ownership, possession, rent, hygiene or safety of any means of transport or transport system which it indicates;

WHEREAS, under paragraphs *a* and *b* of section 53 of the Environment Quality Act (chapter Q-2), the Government may make regulations applicable to the whole or to any part of the territory of Québec to classify motor vehicles and engines to regulate their use, their offer for sale or lease, their exhibition for sale or lease and their sale or lease and withdraw certain classes from the application of the Act and the regulations, as well as to prohibit or limit the use, offer for sale or lease, exhibition for sale or lease and sale or lease of motor vehicles, engines or devices to prevent or to reduce the emission of pollutants into the air;

WHEREAS, under subparagraph 29 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe any measure aimed at promoting the reduction of greenhouse gas emissions and require that climate change impact mitigation and adaptation measures be put in place;

WHEREAS, under the second paragraph of section 95.1 of the Act, a regulation made under that section may also prescribe any transitional measure necessary for its implementation;

WHEREAS, under paragraph 7 of section 618 of the Highway Safety Code (chapter C-24.2), the Government may, by regulation, determine the documents which must be produced with an application for registration or the payment of amounts under section 31.1 of the Code as well as the information they must contain and any other condition or formality for obtaining registration or for renewing the authorization to put a road vehicle into operation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting road vehicles used for the transportation of school children was published in Part 2 of the *Gazette officielle du Québec* of 31 July 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Transport and Sustainable Mobility and the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks :

THAT the Regulation to amend the Regulation respecting road vehicles used for the transportation of school children, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting road vehicles used for the transportation of school children

Transport Act
(chapter T-12, s. 5, par. *a*).

Environment Quality Act
(chapter Q-2, s. 53, pars. *a* and *b*, and s. 95.1, 1st par., subpar. 29, and 2nd par.).

Highway Safety Code
(chapter C-24.2, s. 618, par. 7).

1. The Regulation respecting road vehicles used for the transportation of school children (chapter T-12, r. 17) is amended in section 6.1 by replacing the second paragraph by the following:

"The first paragraph does not apply to a school bus used for the transportation of school children in a location served by an independent electric power distribution system and listed in Schedule II.".

2. The following is added after section 51:

"**CHAPTER V**
TRANSITIONAL AND FINAL

51.1. The first paragraph of section 6.1 does not apply to a school bus whose model year is prior to 2024 and which was registered in Québec on 31 October 2021.

51.2. The first paragraph of section 6.1 does not apply to a school minibus registered in Québec between 21 November 2024 and 30 September 2025, for the following purposes and on the following conditions:

(1) the replacement of a school minibus whose model year is 14 years old, provided the carrier is required to complete a route of at least 55 kilometres daily. The model year and the route are attested by the Minister of Transport;

(2) the acquisition of a school minibus to provide new student transportation that did not exist during the 2023-2024 school year and whose number of kilometres to be traveled daily is at least 55 kilometres. The new student transportation and the route are attested by the Minister of Transport;

(3) the replacement of a school minibus due to the total loss of a minibus as a result of an accident or a case of superior force. The necessity for such a replacement is attested by the Minister of Transport;

In the cases referred to in subparagraphs 1 and 3 of the first paragraph, a school minibus that is replaced must no longer be used for the transportation of school children despite paragraph 3.2 of the first paragraph of section 31 of the Regulation respecting student transportation, as amended by section 1 of the Regulation to amend the Regulation respecting student transportation, made by Order in Council 1532-2024 dated 23 October 2024, as it relates to the replacement of 14-year-old school minibuses.

The attestation of the Minister of Transport referred to in subparagraphs 1 to 3 of the first paragraph must be issued by the Minister before the carrier enters into a contract for the sale of school minibuses for the purposes and according to the conditions provided for in any of those subparagraphs. The carrier must send to the Minister of Transport the contract of sale providing that the delivery will take place not later than 30 September 2025. The Minister attests the commitment of the seller to deliver the minibuses not later than that date.

For the purposes of the registration provided for in the first paragraph, the carrier must submit the attestation of the Minister of Transport concerning any of the cases referred to in subparagraphs 1 to 3 of the first paragraph in addition to the attestation related to the contract of sale referred to in the third paragraph.

The Minister of Education, Recreation and Sports and the Société de l'assurance automobile du Québec provide the Minister of Transport with the information relating to an attestation that must be issued by the latter. The attested information must appear in a document and be on the registered school minibus.

For the purposes of this section, the number of kilometers to be travelled daily includes all transport of students organized for taking them to or from classes on a daily basis or for allowing them to go home at noon for lunch. That number of kilometers is determined from the moment a first student is on the minibus and ends when there are no more students on the minibus."

3. The heading of Schedule II is amended by replacing "A HYDRO-QUEBEC" by "AN".

4. Schedule II is amended by inserting "Chisasibi (Nord-du-Québec)", "Eastmain (Nord-du-Québec)", "Grosse-Île (Gaspésie-Îles-de-la-Madeleine)", "Kawawachikamach (Côte-Nord)", "Kitcisakik (Abitibi-Témiscamingue)", "Lac-Rapide (Outaouais)", "Les Îles-de-la-Madeleine (Gaspésie-Îles-de-la-Madeleine)", "Mistissini (Nord-du-Québec)", "Nemaska (Nord-du-Québec)", "Oujé-Bougoumou (Nord-du-Québec)", "Waskaganish (Nord-du-Québec)", "Waswanipi (Nord-du-Québec)", "Wemindji (Nord-du-Québec)" and "Whapmagoostui (Nord-du-Québec)" in alphabetical order.

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

107090

M.O., 2024

Order 2024-18 of the Minister of Transport and Sustainable Mobility dated 23 October 2024

Highway Safety Code
(chapter C-24.2, s. 633.2)

Extension of the suspension of the prohibition to transport dangerous substances with respect to double train tank trucks of more than 25 m but not more than 27.5 m in overall length

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING section 633.2 of the Highway Safety Code (chapter C-24.2), which provides that the Minister of Transport and Sustainable Mobility may, by order and after consultation with the Société de l'assurance automobile du Québec, suspend the application of a provision of the Code or the regulations for the period specified by the Minister, if the Minister considers that it is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that section 633.2 of the Code provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to such an order;

CONSIDERING Order 2022-10 of the Minister of Transport and Sustainable Mobility dated 7 November 2022 (2022, G.O. 2, 3829C), which concerns the suspension of the prohibition to transport dangerous substances with respect to double train tank trucks of more than 25 m but not more than 27.5 m in overall length;

CONSIDERING that it is advisable to extend the period during which the application of the second paragraph of section 39 of the Transportation of Dangerous Substances Regulation (chapter C-24.2, r. 43) is suspended with respect to double train tank trucks of more than 25 m but not more than 27.5 m in overall length if, in accordance with Part 4 of the Transportation of Dangerous Goods Regulations (SOR/2001-286), safety placards must be displayed;

CONSIDERING that the Minister considers that the suspension of that requirement is in the interest of the public and is not likely to compromise highway safety;

CONSIDERING that the Société de l'assurance automobile du Québec has been consulted;

ORDERS AS FOLLOWS:

1. Order 2022-10 of the Minister of Transport and Sustainable Mobility dated 7 November 2022 (2022, G.O. 2, 3829C), which concerns the suspension of the prohibition to transport dangerous substances with respect to double train tank trucks of more than 25 m but not more than 27.5 m in overall length, is amended in section 2 by replacing "on the second anniversary of its coming into force" by "on 26 November 2026".

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

Québec, 23 October 2024

GENEVIÈVE GUILBAULT
Minister of Transport and Sustainable Mobility

107086

Notice of adoption

Transport Act
(chapter T-12)

Commission des transports du Québec
— Internal by-law and regulation respecting the procedure

Notice is hereby given that, pursuant to the first paragraph of section 48 of the Transport Act (chapter T-12), the Commission des transports du Québec adopted, on October 23, 2024, the Internal by-law and regulation respecting the Commission des transports du Québec, which is included hereinafter.

By virtue of sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Internal by-law and regulation respecting the procedure of the Commission des transports du Québec published in Part 2 of the August 14, 2024 edition of the *Gazette officielle du Québec*, with a notice of erratum published in Part 2 of the September 4, 2024 edition of the *Gazette officielle du Québec*, will be eligible for approval by the Commission within 45 days of this publication.

President, Commission des transports du Québec
FRANCE BOUCHER

Internal by-law and regulation respecting the procedure of the Commission des transports du Québec

Transport Act
(chapter T-12, s. 48)

DIVISION I
GENERAL PROVISIONS

1. This regulation applies, unless the context points to a different meaning, to all applications submitted to the Commission des transports du Québec, including those it chooses to process, as well as to interventions or procedures by filing.

It also seeks to ensure that applications are processed with the cooperation of the persons involved and their representatives, when applicable, and through the use of available technological means.

The term "member" also refers to a group of such persons.

The term "party" means a person concerned and, as the case may be, an authorized intervenor under section 30 or a person whose interest is acknowledged by a section mentioned in the second paragraph of section 33. Unless otherwise indicated by context and bearing in mind the necessary modifications, provisions concerning a party apply to an attorney of the Commission, the Attorney General and the Minister of Transport.

2. Documents submitted in support of an application, procedural measures and the evidence presented must be proportional to the nature and complexity of the case in question, and this for the entire duration of the latter.

3. A member may, at all times and at conditions he determines, authorize a person to remedy any defect of form or procedure.

4. The Commission or one of its members, as the case may be and in the absence of provisions applicable to a specific case provided for in this regulation, may compensate by turning to a procedure compatible with the law or this regulation.

DIVISION II
BUSINESS HOURS, STATUTORY HOLIDAYS AND TIMEFRAMES/DEADLINES

5. The Commission's days and hours of operation, i.e., those periods during which it is open to the public, are indicated on its Web site.

6. The following statutory holidays and days off are observed:

(1) Saturdays and Sundays;

(2) January 1st and 2nd;

(3) Good Friday;

(4) Easter Monday;

(5) the Monday prior to May 25th;

(6) June 24th;

(7) July 1st, or July 2nd when the 1st falls on a Sunday;

(8) the first Monday in September;

(9) the second Monday in October;

(10) December 24th, 25th, 26th and 31st;

(11) any other day designated by the Government.

7. Unless it is submitted by technological means, a document filed with the Commission outside of regular business hours or on a statutory holiday is considered to have been filed at the start of business on the next business day.

8. When the date set for performing an act turns out to be a statutory holiday, the act can be validly executed on the following business day.

9. In the computation of a time period, the starting day is not counted but the expiry day is.

10. On request, a member can extend any timeframe or deadline that is not strict, as well as waive the consequences generally imposed on a person who fails to comply with such a timeframe or deadline.

In all cases, such a request is only entertained if it is based on reasonable grounds and to the extent that no party suffers serious prejudice.

DIVISION III
TRANSMISSION OF APPLICATIONS, DOCUMENTS AND OTHER INFORMATION

11. An application is deemed to have been validly submitted to the Commission when it is:

(1) presented in writing;

(2) duly signed;

(3) properly filled out by using the prescribed form, if applicable, and accompanied by the necessary documents and other information;

(4) accompanied by the payment of the applicable fees and duties.

12. Applications submitted to the Commission must include the following information:

(1) The applicant's name, address, telephone number and if applicable, e-mail address.

(2) When the applicant is being represented by someone else, the representative's name, address, telephone number and if applicable, e-mail address.

(3) All additional details required by virtue of the legal provision on which the application is based or this regulation, or as asked for by the Commission.

13. The Commission can accept a submitted application even though it includes a clerical irregularity.

14. All other parties and when relevant, their respective representatives, must immediately provide the Commission with their address, telephone number and e-mail address if applicable.

15. An attorney representing a party must submit to the Commission and to the other parties, as the case may be, the following information, dated and in writing: his name, the name of his law firm, his address, telephone number and e-mail address, and the name of the party he represents.

16. All of the Commission's communications regarding an application pertaining to a party represented by an attorney are sent solely to the latter, with the exception of the notice of intention and the decision.

17. An attorney who ceases to represent a party must immediately provide the Commission and all other parties with a written notification in this regard, and also indicate the date of termination of his mandate.

18. The Commission must be immediately notified in writing of any changes regarding the information provided by virtue of sections 11, 12, 14 and 15.

Any changes to the contact details of a party, its representative or its attorney must also be communicated in writing to all other parties, as the case may be.

19. A document may be submitted to the Commission by any means supported by the latter's technological environment.

20. Unless a specific provision in this regulation stipulates otherwise, a party concerned by an application or a related application may not reach out to the president concerning these until such time as a member has rendered an enforceable decision in this regard. The same applies to this party's representative or witness.

DIVISION IV
FILES OF THE COMMISSION

21. The Commission assigns a number to an application once it is received.

22. All subsequent written communications regarding an application must mention the number assigned to the application by the Commission.

23. Except for permit certificates, any document or copy of a document issued by the Commission or included in its archives is deemed authentic once it has been certified and signed by the president, secretary or a management employee.

DIVISION V
PUBLICATION OF APPLICATIONS

24. A notice must be published for all applications:

(1) for a bus transport permit, the modification, maintenance or transfer of such a permit, or the modification of the route concerned by said permit, unless the permit in question is for a duration of less than 90 days or if the application involves a modification to a territory subsequent to a decision by another administrative authority;

(2) for the reinstatement of a bus transport permit made under section 15.2 of the Bus Transport Regulation (chapter T-12, r. 16);

(3) requesting the partial or total suppression of urban or interurban bus transport services;

(4) resulting from a refusal to file a modification to the schedule or frequency of services authorized by virtue of an urban, interurban or airport bus transport permit, as provided for in the second paragraph of section 28;

(5) resulting from a refusal to file the rates and tariffs governed by section 4.3 of the Regulation respecting tariffs, rates and costs (chapter T-12, r. 14);

(6) regarding the particular fixing of tariffs which is not governed by the filing procedure provided for in division II of this regulation, as well as requests for their modification or revocation;

(7) for an application for a bulk trucking services brokerage permit or the modification or renewal of such a permit;

(8) for recognition of a regional association of truckers;

(9) for a certificate of aptitude relating to rail transportation;

(10) provided for under the law.

25. When provided for by this regulation, the Commission publishes, at the applicant's expense and on its Web site, a notice indicating the purpose of the application and the supporting public information.

26. When applicable, the following information regarding an application is included in the public notice posted on the Commission's Web site with regard to:

(1) bus transport:

(*a*) the date the application was submitted;

(*b*) the permit category concerned;

(*c*) the duration of the permit and if applicable, the duration of the requested modification;

(*d*) the description of the vehicle categories used;

(*e*) the territories and locations involved;

(*f*) the route identified;

(*g*) the targeted clientele;

(*h*) the planned schedule and frequency;

(*i*) the proposed rates;

(*j*) the operating conditions and noted limitations;

(*k*) the name and contact information of the applicant's representative;

(2) brokerage services:

(*a*) the date the application was submitted;

(*b*) the brokerage region and zone under consideration;

(*c*) the name and contact information of the applicant's representative;

(3) recognition of a regional association of truckers:

(*a*) the date the application was submitted;

(*b*) the brokerage region and zone under consideration;

(*c*) the name and contact information of the applicant's representative;

(4) rail transportation:

(*a*) the date the application was submitted;

(*b*) the description of the planned services;

(*c*) the planned corridor and schedule;

(*d*) the start date and if applicable, end date of the certificate of competence;

(*e*) the name and contact information of the applicant's representative.

27. An application for the partial or total suppression of urban or interurban bus transport services must, prior to its being received by the Commission, be posted in the applicant's buses and on the home page of its Web site, if applicable, for a period of 10 consecutive days or more.

However, when the applicant's buses are not in service due to exceptional circumstances, it is only required to post a notice on the home page of the applicant's Web site or failing that, on the Commission's Web site.

The application must also be accompanied by a proof of the posting and publication, as well as a copy of the notice, unless an explanation justifying the exceptional circumstances is provided.

28. A change in the schedule or frequency of an urban, interurban or airport bus transport permit which has been posted, published and submitted to the Commission according to section 27 comes into force on the 15th day following the date of its filing or at a later date as indicated by the permit holder.

A member can refuse any filing regarding a change in schedule or frequency, in which case the permit holder may submit, no later than 30 days following this refusal, an application for this same purpose.

29. The notice prescribed by sections 27 and 28 must state that all interested persons may submit their written observations to the Commission within 10 days of the last day of the posting, in which case this person does not, subject to sections 30 and 31, have the status of an intervenor.

DIVISION VI
INTERVENTION

30. Any person able to justify a sufficient interest may, contingent on a member's authorization and according to any conditions the latter establishes, intervene in support of an application or oppose the same.

A member who grants an interested person the status of intervenor can also decide, if he deems it necessary, the extent of this person's participation and more specifically, his interest, the type and significance of the issues raised by the primary application, and the proportionality rules provided for in section 2.

The provisions of this regulation apply to a person whose intervention was authorized according to this section and with due consideration given to any necessary modifications.

31. An application for an intervention is deemed to have been validly submitted if it:

(1) was duly submitted in writing and included the information noted in section 12 of this regulation;

(2) was substantiated;

(3) was notified to the Commission and the parties involved within 20 days of the first day of publication of the notice referred to in section 24, in the timeframe indicated in section 29 or otherwise, in due time prior to a decision being rendered with regard to the application leading up to the application for an intervention;

(4) included payment of the applicable fees and duties;

(5) was performed as per applicable legislative or regulatory provisions.

32. An application for the dismissal or rejection of an intervention is deemed to have been validly submitted if it:

(1) was duly submitted in writing, and signed;

(2) was substantiated;

(3) was notified to the Commission and the parties involved within 10 days of the submission of the application for intervention;

(4) included payment of the applicable fees and duties, as the case may be;

(5) was performed as per applicable legislative or regulatory provisions.

33. Despite sections 30 to 32, the attorney of the Commission, the Attorney General and the Minister of Transport may, at any time and without authorization or fees, intervene in any application or procedure submitted to the Commission.

Likewise, a person whose interest is acknowledged by sections 42.2 and 48.33 of the Transport Act (chapter T-12) or by section 80 of the Act respecting public transit authorities (chapter S-30.01) can also intervene, without authorization or fees and this according to the prescribed stipulations.

DIVISION VII
NOTIFICATION

34. The notification can be performed in any appropriate manner that constitutes evidence of the handing over, sending, transmission or publication of the document in question. Means of delivery include a bailiff, the postal service, in person, or through technological means or a public notice.

Regardless of the notification method adopted, the person who acknowledges receipt of the document or avows to having received it is considered to have been legally notified.

35. Notification through technological means consists of transmitting a document to the address identified by the receiver as being the place where he agrees to receive documents destined to him, or to the address provided to the Commission for this purpose, to the extent that the address in question is valid at the time of transmission.

A party not represented by an attorney cannot, in the absence of reasonable grounds, refuse to receive a document by such means.

36. A notification by the Commission to a person concerned by a decision, a procedure, a prior notice or any other document, to the valid postal or e-mail address provided to the Commission or to the Société de l'assurance automobile du Québec, is presumed to have been validly executed.

DIVISION VIII
SUMMONS

37. The Commission cannot issue a ruling on an application until such time as the parties have been convened and heard.

It is, however, exempted from the obligation of holding a hearing in conjunction with an application that is not being contested.

It is also exempted in this regard when all of the parties agree that it may proceed on the basis of the case alone.

38. A party or its representative who is aware of the fact that a member considering an application concerning it is proceeding based on the case, cannot speak to the party or representative with regard to this application or any related application unless the other party, if applicable, is so advised.

39. If a convened party is not present at the date and time set for the hearing, and this with no valid reason for its absence, or, if once present, refuses to be heard or renounces to this right, the assigned member can proceed to render a decision.

40. On his own initiative or upon request, a member may, at any time after having allowed the parties to be heard, reject an application he deems abusive, notably due to its being groundless, frivolous or dilatory; he may also subject it to various conditions.

41. Subject to other delays provided for by law, the Commission notifies the parties of the date, time and location of the hearing at least 10 days ahead of time. When a hearing is held remotely, the Commission advises the parties, within the same timeframe, that the communication means provided for in section 82 will be used.

To the extent that is permitted by law, the Commission is exempted from these obligations in emergency situations, to prevent irreparable harm or if the parties agree.

42. A party who believes that the Commission should set aside more than one day for a hearing shall advise it, as soon as possible prior to the hearing, of the desired duration and the grounds justifying this belief.

43. The president or the member he designates may order that an application or a procedure be heard on an emergency or priority basis, according to the terms he determines.

DIVISION IX
RELATED APPLICATION AND MODIFICATION

44. Any related application accessory to a primary application must be prepared in writing and be notified to all other parties, if applicable, at least 5 days before the hearing, failing which it shall be processed on the date and in the manner determined by the member responsible for the hearing.

45. When an application is processed based on the case, any related application must be notified to the other parties, as the case may be, and submitted to the Commission as quickly as possible, that is, before a decision on the primary application is rendered.

46. The president can designate any member to deal with a related application, or choose to hand it over to the member responsible for the primary application.

47. Before the hearing on a primary or related application, a party may bring modifications with the aim of replacing, rectifying or finalizing statements or conclusions, to put forth new facts or to present a right that has elapsed since the filing of the initial application or the intervention.

The party that modifies an application must provide a copy of such to the Commission and all of the other parties.

48. When a primary or related application is processed based on the case, any modification made must be notified to the other parties, as the case may be, and submitted to the Commission as quickly as possible, that is, before a decision on the primary application is rendered.

49. A copy of the initial application must be notified to any party added following a modification. In the latter's regard, the application is deemed to have been prepared at the date of this notification.

50. A member may, during the hearing and in the presence of the parties, authorize a modification on the basis of a verbal request noted in the minutes.

51. A member must refuse a modification if it is useless or contrary to the interests of justice, or if it leads to an entirely new application unrelated to the initial application.

DIVISION X
POSTPONEMENT AND ADJOURNMENT

52. All requests for the postponement of a hearing must be submitted to the president in writing, as soon as possible prior to the hearing.

Such a request, which is accompanied by supporting documents and is notified to the other parties, as the case may be, includes the following information:

(1) the grounds invoked in support of the request;

(2) the earliest dates at which each of the parties, their representatives and their witnesses, including any experts, are available;

(3) any other information considered relevant given the matter at hand.

53. No postponement request may be granted solely based on the consent of the parties.

54. The president, or the member he designates to handle a postponement request, shall render a decision by giving due consideration, as applicable, to the nature of the matter, the grounds invoked in support of the request, the impossibility of rescheduling the hearing at a reasonably nearby date, the need to respect a timeframe provided for by law, the behaviour of the party having submitted the request and the opportunity presented to the latter for the purposes of justice.

Section 37 notwithstanding, a decision can be rendered by the president or the member designated to do so, taking only the case into account, i.e., without holding a hearing, after having given all of the parties an opportunity to present their observations regarding the request for a postponement.

55. A member may, if required by the circumstances and according to the conditions he determines, adjourn a hearing that is underway.

In such a case, he will immediately set another date for the hearing to be continued or ask that it be rescheduled on the roster.

DIVISION XI
PRESENCE OF A WITNESS AT THE HEARING

56. A party that wishes to have a witness appear at a hearing, either to testify or to present a document, must fill in the form created for this purpose by the Commission.

57. The subpoena or notice to appear is delivered by the Commission or one of its members or, if a party is represented by an attorney, by the latter.

The notification is sent at least 5 days prior to the appearance of the witness. In the interest of justice, a member may benefit from a shorter timeframe, as long as it is not under 24 hours. The appearance notice must include the details of this authorization.

58. A member can also require that a party provide a list of the witnesses it plans to have heard, as well as a brief summary of their testimony.

59. A member can also, at his own initiative or upon request, convene any given person to appear in front of him.

Any person present at the hearing may be asked to testify. Such a person will then be required to answer as if he had received an official appearance notice.

60. A member can also order that a witness be excluded.

61. Evidence submitted by witness is only admitted if the testimony is provided after a witness has sworn to tell the truth.

62. A person called upon to testify must state his name, address and profession, unless the member determines otherwise.

63. A report from an expert and the latter's curriculum vitae are submitted to the Commission at least 5 days prior to the scheduled date of the hearing.

A member has the power, however, to authorize its filing within any other timeframe and according to the conditions he determines.

64. The expert witness gives an opinion on a question within the scope of his professional qualifications. He may be declared an expert when his qualifications or experience in the area in question have been established or recognized by all of the parties.

65. The expert witness must swear that his testimony will be guided by his primary duty, namely to enlighten the member, and that the opinion he will provide will be objective, impartial, rigorous and based on the most recent information and knowledge in the area in question.

DIVISION XII
PRODUCTION OF EVIDENCE AT THE HEARING

66. A party that plans to produce a material element or document as evidence during a hearing must, no later than 5 days before the latter, transmit a copy of it, at its own expense, to the other parties and to the court office of the Commission.

A member has the power, however, to authorize its filing within any other timeframe and according to the conditions he determines.

67. Section 66 notwithstanding, an update of the file prepared by the Société de l'assurance automobile du Québec pursuant to section 22 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3) and other related documents can be produced as evidence during the hearing.

68. A party that wants to present a technological document (rather than material) must ensure, prior to filing it with the court office, that the Commission will be able to share its contents during the hearing.

If the Commission is not equipped to share the content, the party in question must proceed, at its own expense, to transfer the document onto an adapted medium or provide the equipment needed for it be shared during the hearing.

69. A member can require a party to reveal or specify its intentions in writing, or ask that it file any document or evidence within a deadline it establishes.

70. Should a party fail to comply with one of the requirements noted in sections 58, 63, 66, 68 or 69 within the set timeframe, the member can, depending on the circumstances:

(1) refuse the filing of a document or item of evidence;

(2) refuse to allow any evidence related to an information, document or item of evidence;

(3) impose, if applicable, various conditions on the filing or presentation of a document or item of evidence;

(4) render any resulting decisions with no further notice or delay.

71. A document or material item presented as evidence cannot be withdrawn from the case prior to its being closed, except if a member so allows it and contingent on the conditions this member determines.

72. Only the party that has produced a document or material item as evidence can withdraw it from the case, and this by signing the related receipt.

DIVISION XIII
PRE-HEARING CONFERENCE AND PROCEDURAL MEASURES

73. A member can, at his own initiative or upon request from a party, hold a pre-hearing conference in order to identify ways of simplifying, curtailing or facilitating a hearing or of producing certain items of evidence.

74. The pre-hearing conference seeks to:

(1) examine the possibility of clarifying and specifying the intentions of the parties and the desired outcomes;

(2) define the questions to be addressed during the hearing;

(3) ensure that the parties share all items of evidence among themselves;

(4) plan the steps and presentation of the evidence during the hearing, and discuss the possibility of having the parties admit to certain facts and enter them as evidence under oath;

(5) consider any other means of simplifying, curtailing or facilitating the hearing.

75. As a procedural measure, the member can also, at any time and at his own initiative or upon request, decide to:

(1) implement one of the measures referred to in section 74;

(2) prepare a calendar of the deadlines to be complied with;

(3) rule on special requests submitted by the parties.

76. Any procedural decisions taken by a member are noted in the minutes. These decisions will guide the holding of the hearing, unless the member responsible for considering the case determines otherwise.

77. A member can, at all times, ratify a written agreement as long as it complies with the law.

The decision that enables this ratification also results in the application being closed. Should this not be the case, a hearing will be held as quickly as possible.

DIVISION XIV
HEARING

78. Several applications that raise similar questions or touch on related issues, whether or not they are brought forth by the same parties, may be combined through an order from the Commission's president or a member he designates, and this contingent on the conditions he sets.

During the hearing, a member can, on his own initiative or at a party's request, revoke an order if he considers that this would allow for ensuring that justice is best served.

79. The president can also order that a given application be heard and a decision rendered on a priority basis. In such a case, pending applications are temporarily suspended until the decision on the priority matter is rendered.

80. Commission hearings are public.

However, a member can prohibit or restrict the dissemination, publication or disclosure of specific information or documents when he is of the opinion that such a measure is necessary to preserve public order, and more specifically, to favour the dignity of those persons touched by an application or procedure, and to protect significant legitimate interests.

Such a member can also, at his own initiative or at a party's request, order that the hearing be closed (in camera).

81. The member oversees the debates and sees to the hearing's smooth operation.

82. When required or permitted by circumstances, a member can hold a hearing by any appropriate means of communication. The hearing is then deemed to have been held at the Commission's offices in Québec or Montréal.

A means of communication is considered appropriate when it allows the member responsible for the case and the various participants to communicate directly during the hearing.

83. The Commission selects the means by which exchanges during the hearing will be recorded. The recording shall be part of the file.

84. Any other type of audio or visual recording is prohibited, unless it is authorized by the member presiding over the hearing, and this at the conditions he determines.

The dissemination of any recordings of hearings in a public manner or for public viewing is prohibited.

85. All persons who are convened to and attend a hearing, as well as their representatives, must be suitably dressed and conduct themselves in a dignified and respectful manner. They must also refrain from hindering the hearing's smooth operation.

Any member of the public who attends a hearing must be dressed appropriately and adopt a respectful behaviour, remain silent and refrain from manifesting his agreement or disagreement; failure to act as requested could result in a person's expulsion.

86. A certified interpreter may assist any person, at the latter's own expense. The person can also be assisted by someone else for this same purpose if the member presiding the hearing so agrees.

The interpreter must swear that he will faithfully interpret what is being said.

87. The evidence associated with a specific application can also be transferred to another one, contingent on the member authorizing this measure, at the conditions he determines.

88. A member can also order a visit of the premises, in which case he will determine the associated conditions.

89. A member, by virtue of his office, can be apprised of the facts, the information and the notices generally acknowledged and associated with the Commission's area of expertise.

90. The minutes of the hearing are drafted based on the model created by the Commission. This model includes the following elements:

(1) the location, date and start and end times of the hearing;

(2) the application number and type;

(3) the name of the member overseeing the hearing;

(4) the use, if applicable, of the most appropriate means of communication;

(5) the name of each party and if applicable, the respective names of their representatives and witnesses;

(6) the presence or absence of a party and its representative;

(7) the name of the certified interpreter or, as the case may be, that of the person authorized by virtue of section 86;

(8) the various phases of the hearing, along with the recording stamps;

(9) the items of evidence produced and the numbers assigned to them;

(10) the start date of the deliberations.

The minutes, moreover and as applicable, also include the following elements:

(1) related applications and objections;

(2) formal admissions with a determining influence on the hearing or the decision to be rendered;

(3) decisions rendered during the course of the hearing;

(4) commitments agreed to by a party along with their end dates;

(5) all other useful information.

Minutes that include one or more of the elements mentioned in the second paragraph must be signed by the member.

91. Once a member learns the specifics of an application during the course of a hearing, neither a party nor its representative or a witness may speak to him when the other party is not present, with regard to the application in question or a related application.

92. Representations are held once the evidence of all parties has been produced.

93. No item of evidence may be filed once the application deliberation process is underway unless the hearing is reopened.

94. A member who deliberates a case may, at his own initiative or at the request of a party, allow further debates for the purposes and subject to the conditions he determines.

DIVISION XV
ABANDONMENT

95. The abandonment of an application or of any other legal process consists of submitting to the Commission a written notice signed by the party who is abandoning the procedure or his duly authorized representative. A copy must be notified to the other party forthwith, as the case may be.

An abandonment can also be expressed verbally during the hearing.

DIVISION XVI
DISQUALIFICATION

96. When a member to whom an application was referred to has a valid reason for believing he should be disqualified, he is required to immediately declare it to the president. The president will then designate another member to review the application or continue with its processing.

97. As long as it acts diligently, a party may, until such time as a decision is rendered with regard to an application, request the disqualification of the member responsible if it has valid grounds for doing so.

The member thus targeted entertains, at conditions he determines, the parties in question with regard to this request and seeks to render a decision in the timeliest possible fashion.

A request for disqualification does not automatically suspend the processing of the application per se.

98. Should a member be disqualified, the hearing is suspended until such time as the president designates another member as a replacement.

However, once an application has been heard by several members and one of them recuses himself, the other members will continue with the hearing.

DIVISION XVII
ABANDONED APPLICATION

99. The Commission can declare an application as having been abandoned if more than one year has elapsed since the applicant last transmitted a document in this regard.

The Commission must first send a notice to the applicant and to any other party when relevant.

DIVISION XVIII
DECISION

100. Commission decisions are transmitted to all of the parties involved as well as their respective attorneys, as the case may be.

101. A decision must be rendered within 3 months of being taken under advisement. However, the president or his designated vice-president can extend this timeframe in the presence of significant grounds.

When a member responsible for an application fails to render his decision in the timeframe indicated above, the president may, by virtue of his office or when asked to do so by a party, have the member in question step down and ask that the task be entrusted to another member.

102. The president can replace a member entrusted with or having already heard an application should said member be ill, unable to act, leave his position, retire or pass away before a decision is rendered.

103. Any application heard by a group where one of its members has stepped down or been replaced by virtue of section 101 or 102 will either be put to a decision by the other members, if they are sufficient in number to constitute a quorum, or be heard anew.

104. A member responsible for an application under section 101 or 102 can, if the parties so agree, limit his examination to the items of evidence produced along with the recording and minutes of the hearing. He can also, should the previously mentioned elements be inadequate, ask to hear a witness anew or request additional evidence from the parties.

When this member is part of a group, he must ensure that the other members will be able to obtain the details, at the same time as he does, of all new testimony or new items of evidence required under the first paragraph.

DIVISION XIX
REVIEW AND CORRECTION OF A DECISION

105. An application for review must comprise the name and address of the applicant, specific details of the decision in question, and the grounds being invoked in support of the application.

106. A decision containing an error in writing or in calculation or any other clerical error may be corrected by the Commission.

DIVISION XX
MISCELLANEOUS PROVISIONS

107. When the Commission notes that a permit or any other similar authorization has become obsolete, it may cancel it without any other formality, and this after having ensured that no right is affected and that no one suffers any prejudice.

108. Unless the Commission decides otherwise, the recognition granted a regional association of truckers is automatically renewed each year.

109. A person may not, prior to the expiry of the 6-month period following the date of a decision concerning it rendered by the Commission, submit a request:

(1) regarding the same matter as the one that was denied;

(2) asking for a modification of the safety rating assigned to them;

(3) seeking that a prohibition order with regard to the driving of a heavy vehicle be lifted;

(4) asking for the registration of a dispatcher who was removed for cause by virtue of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2).

A member may, however, benefit from a shorter time period in the case of serious grounds and to the extent that no other party suffers serious prejudice.

DIVISION XXI
TRANSITIONAL AND FINAL PROVISIONS

110. This regulation replaces the Regulation respecting the procedure of the Commission des transports du Québec (chapter T-12, r. 11).

111. This regulation comes into force on the 15th day following the date of its publication in the *Gazette officielle du Québec*.

107091

Draft regulation

Act respecting the Québec Pension Plan
(chapter R-9)

Benefits
— Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting benefits, appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The draft Regulation provides for the simplification of the rule fixing the disability end date. The current rule sets the end of the disability at the end of the first three-month period in which average monthly earnings exceed the maximum amount allowed. The new proposed rule sets the end of the disability on the last day of the month in which the earnings reach the maximum amount allowed.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Ms. Virginie Guilbert-Couture, Direction générale des affaires juridiques, Retraite Québec, 2600, boulevard Laurier, 7e étage, bureau 760, Québec (Québec) G1V 4T3, telephone: 418 657-8702; email: virginie.guilbert-couture@retraitequebec.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to René Dufresne, President and Chief Executive Officer, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, bureau 544, Québec (Québec) G1V 4T3, email: rene.dufresne@retraitequebec.gouv.qc.ca.

ERIC GIRARD
Minister of Finance

Regulation to amend the Regulation respecting benefits

Act respecting the Québec Pension Plan
(chapter R-9, s. 219, par. *h*.2).

1. The Regulation respecting benefits (chapter R-9, r. 5) is amended by replacing section 19.1 by the following:

"**19.1.** For the purposes of the third paragraph of section 96 of the Act, a contributor's disability end date is fixed on the last day of the month during which the contributor's income from an occupation reaches the amount that, in accordance with section 17, is considered to qualify an occupation as being substantially gainful for the year.".

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

107089

Draft Regulation

Civil Code of Québec
(CCQ)

Recognition of an owner of a residential building whose dwellings are intended for persons pursuing studies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the recognition of an owner of a residential building whose dwellings are intended for persons pursuing studies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the terms and criteria for obtaining the recognition of an owner of a residential building with dwellings intended for persons pursuing studies provided for in the second paragraph of article 1979 of the Civil Code of Québec and identifies the authority in charge of granting such recognition.

Further information on the draft Regulation may be obtained by contacting Krystel Doucet, director, Direction de l'expertise et du développement des infrastructures, Ministère de l'Enseignement supérieur, 1060, rue Louis-Alexandre-Taschereau, aile Jacques-Parizeau, 3e étage, Québec (Québec) G1R 5E6; email: krystel.doucet@mes.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Isabelle Taschereau, Secretary General, Ministère de l'Enseignement supérieur, 675, boulevard René-Lévesque Est, aile René-Lévesque, bloc 4, 3e étage, Québec (Québec) G1R 6C8; email: isabelle.taschereau@mes.gouv.qc.ca.

PASCALE DÉRY
Minister of Higher Education

Regulation respecting the recognition of an owner of a residential building whose dwellings are intended for persons pursuing studies

Civil Code of Québec
(CCQ, a. 1979, 2nd par.).

DIVISION I
OBTAINING RECOGNITION

1. The Minister of Higher Education grants the recognition provided for in the second paragraph of article 1979 of the Civil Code of Québec, for a period of 5 years, to the owner of a residential building that meets the following criteria:

(1) the owner provides the information and documents determined in section 2;

(2) the owner is a non-profit legal person, a housing bureau constituted under the Act respecting the Société d'habitation du Québec (chapter S-8) or a housing cooperative governed by the Cooperatives Act (chapter C-67.2);

(3) the owner, where applicable, complied within the time fixed with any remedial notice or order concerning that immovable for failure to comply with the Safety Code (chapter B-1.1, r. 3), in accordance with sections 122 and 123 of the Building Act (chapter B-1.1);

(4) the immovable concerned is not the subject of an order made in accordance with section 124 of the Building Act (chapter B-1.1);

(5) the owner leases or intends to lease more than half of the dwellings in the immovable to persons pursuing studies who are registered full-time in an educational institution;

(6) the owner did not cease to be recognized for that immovable, in accordance with section 9, in the 2 years preceding the application;

(7) the owner undertakes to inform the lessees of that immovable of the end of its recognition.

2. An application for recognition must be filed with the Minister in writing and contain the following information and documents:

(1) the name of the owner, the address of its head office and, where not located in Québec, the address of the owner's principal establishment in Québec;

(2) the name, address, telephone number and email address of the person authorized to represent the owner;

(3) the Québec business number assigned to the owner under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(4) the address or, failing that, the lot number of the immovable for which the recognition is requested and the number of dwellings in the immovable;

(5) a copy of the title of ownership of the immovable;

(6) any document showing that more than half of the dwellings in the immovable are leased to persons pursuing studies who are registered full-time in an educational institution or a declaration by the owner that it intends to lease more than half of the dwellings in the immovable to such persons;

(7) a written undertaking by the owner to inform the lessees of the immovable of the end of its recognition.

At the request of the Minister, the owner must provide any other information or document deemed necessary by the Minister to demonstrate that the criteria provided for in paragraphs 2 to 5 of section 1 are met.

3. Before refusing to grant recognition to an owner, the Minister must notify the owner as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the owner a period of at least 10 days to present observations.

DIVISION II
RENEWAL OF THE RECOGNITION

4. The Minister renews the recognition of an owner of a residential building who meets the criteria provided for in paragraphs 2 to 4 of section 1 and demonstrates that more than half of the leases of the dwellings in the immovable concerned by the recognition are entered into with persons pursuing studies who are entitled to maintain occupancy in accordance with the second paragraph of article 1979 of the Civil Code of Québec.

Every application for renewal of the recognition must be filed with the Minister in writing not later than 90 days before the end of the validity period of the recognition and contain the information and documents provided for in subparagraphs 1 to 5 of the first paragraph of section 2. The owner must also provide any other information or document deemed necessary by the Minister to demonstrate that the criteria provided for in the first paragraph of this section are met.

DIVISION III
ATTESTATION OF RECOGNITION AND OBLIGATIONS OF THE RECOGNIZED OWNER

5. The Minister issues a document attesting to the recognition of the owner that contains in particular

(1) the name of the owner, the address of its head office and, where not located in Québec, the address of the owner's principal establishment in Québec;

(2) the address of the immovable concerned by the recognition; and

(3) the validity period of the recognition.

The document must be posted at the entrance of the immovable concerned by the recognition.

6. The recognition is inalienable.

7. The recognized owner must inform the Minister without delay of any change which renders inaccurate or incomplete the information and documents provided in an application for recognition or for the renewal of a recognition.

After having been informed in accordance with the first paragraph or otherwise informed of such a change, the Minister may require that the recognized owner provide any other necessary information or document to demonstrate that the criteria provided for in paragraphs 2 to 5 of section 1 or the first paragraph of section 4, as the case may be, remain met.

8. The recognized owner must inform the Minister in writing, not later than 1 June each year, of the number of leases entered into with persons pursuing studies who are entitled to maintain occupancy in accordance with the second paragraph of article 1979 of the Civil Code of Québec and in progress on 1 December of the preceding year as well as on 1 April of the current year.

DIVISION IV
END OF RECOGNITION

9. The owner ceases to be recognized for an immovable where one of the following situations occurs:

(1) 5 years have elapsed since the owner obtained the recognition and it is not renewed;

(2) the owner no longer meets one of the terms or criterion provided for in this Regulation;

(3) the owner informs the Minister that it no longer wishes to be recognized.

In the situations provided for in subparagraphs 1 and 2 of the first paragraph, before informing the owner of the cessation of its recognition, the Minister must notify the owner as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and grant the owner a period of at least 10 days to present observations.

DIVISION V
FINAL

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

107060

Notice

Natural Heritage Conservation Act
(chapter C-61.01)

Réserve naturelle universitaire du Parc-du-Mont-Bellevue (Secteur de l'Université-de-Sherbrooke) — Recognition

Notice is hereby given, pursuant to section 60 of the Natural Heritage Conservation Act (Chapter C-61.01), that the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks has recognized a private property located in the city of Sherbrooke, known and designated as lots 1 106 500 and 2 132 208, as well as a part of lot 6 008 849, of the Québec cadastre, Sherbrooke registry division, as a nature reserve. This property covers an area of 125.16 hectares.

The recognition is given in perpetuity and takes effect as of the date of its registration in the land register. The Minister makes his decision public by publishing this notice in the *Gazette officielle du Québec*.

MARC-ANDRÉ BOUCHARD
Directeur principal du développement de la conservation

107085