No. 3

Part 2
LAWS AND REGULATIONS

15 January 2025 / Volume 157

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

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Part 2 – LAWS AND REGULATIONS

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(1) Acts assented to;

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

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1. Publication of a document in Partie 1:
   $2.06 per agate line.
2. Publication of a document in Part 2:
   $1.37 per agate line.

   A minimum rate of $300 is applied, however, in the case of a publication of fewer than 220 agate lines.

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

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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 27 NOVEMBER 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 27 November 2024

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

76 An Act mainly to enhance the quality of construction and public safety

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, 29 November 2024

Office of the Lieutenant-Governor

Québec, 29 November 2024

This day, at twenty to noon, Her Excellency the Lieutenant-Governor was pleased to assent to the following bill:

63 An Act to amend the Mining Act and other provisions

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

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 4 DECEMBER 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 4 December 2024

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

73 An Act to counter non-consensual sharing of intimate images and to improve protection and support in civil matters for persons who are victims of violence

78 An Act to give effect to the agreement between the Minister of Justice and the Barreau du Québec to improve the tariffs for legal aid

80 An Act respecting the implementation of certain provisions of the Budget Speech of 12 March 2024 and amending other provisions

To these bills the Royal assent was affixed by Her Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 5 DECEMBER 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 5 December 2024

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

32 An Act to establish the cultural safety approach within the health and social services network

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 32
(2024, chapter 42)

An Act to establish the cultural safety approach within the health and social services network

Introduced 9 June 2023
Passed in principle 4 June 2024
Passed 5 December 2024
Assented to 5 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act requires Santé Québec and every institution in the health and social services network to adopt a cultural safety approach toward First Nations members and the Inuit. The approach consists of implementing a set of practices which aim to ensure that First Nations members and the Inuit have equitable access, without any discrimination, to health care and social services. It implies taking their cultural, linguistic and historical realities into account in all interactions with them.

In that respect, the Act requires Santé Québec and every institution to develop, with representatives of the First Nations and the Inuit, measures specifying the culturally safe practices they intend to implement. The practices must take into account, in particular, the cultural, spiritual and historical realities of First Nations members and the Inuit, promote partnership with them and be welcoming to and inclusive of them.

The Act creates the national committee on cultural safety that is responsible for giving its opinion to the Minister on, among other things, the provision of health services and social services to First Nations members and the Inuit and on the cultural safety approach implemented by Santé Québec and the institutions in the health and social.services network.

Lastly, the Act empowers the Government to make a regulation prescribing the terms and conditions to allow First Nations members and Inuit to engage in certain professional activities reserved under the Professional Code for the purpose of facilitating access by First Nations members and the Inuit to professional services in the field of mental health and human relations and, in particular, to promote the culturally safe nature of those services.

LEGISLATION AMENDED BY THIS ACT:

− Professional Code (chapter C-26).

Bill 32

AN ACT TO ESTABLISH THE CULTURAL SAFETY APPROACH WITHIN THE HEALTH AND SOCIAL SERVICES NETWORK

AS First Nations members and the Inuit must be distinguished from other users when taking into account users' rights to receive appropriate health services and social services, since they form nations with distinct histories and cultures;

AS the Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission of Canada, the National Inquiry into Missing and Murdered Indigenous Women and Girls and the Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec have recognized the racism and discrimination in society experienced by First Nations members and the Inuit;

AS the Commission d'enquête sur les relations entre les Autochtones et certains services publics au Québec recommends the implementation of the cultural safety approach by institutions in the health and social services network;

AS the implementation of the cultural safety approach in the health and social services sector contributes to the overall improvement of the living conditions of the First Nations and the Inuit;

AS the cultural safety approach is based on the principle of social justice and helps promote trusting relationships with First Nations members and the Inuit;

AS this approach is important to First Nations members and the Inuit and is one of the demands put forward in Joyce's Principle;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. For the purposes of this Act, cultural safety is an approach that consists of implementing a set of practices which aim to ensure that First Nations members and the Inuit have equitable access, without any discrimination, to health care and social services.

This approach aims to enable First Nations members and the Inuit to enjoy the best possible physical, mental, emotional and spiritual health. It implies taking into account their cultural, linguistic and historical realities in the organization of care and services and in all interactions with them. It also implies considering with respect their traditional and contemporary practices and knowledge in the fields of health and social services.

2. Santé Québec and every institution in the health and social services network must adopt a cultural safety approach toward First Nations members and the Inuit.

To that end, Santé Québec and every institution must develop, with representatives of the First Nations and the Inuit, measures specifying the culturally safe practices they intend to implement, the means to be taken and timetable for implementing them, the desired impact of the implementation and the mechanisms for measuring that impact.

Culturally safe practices must

(1) take into account the values and the cultural, spiritual and historical realities of First Nations members and the Inuit;

(2) promote partnership and effective communication with First Nations members and the Inuit;

(3) be welcoming to and inclusive of First Nations members and the Inuit;

(4) provide for the development of continuing education programs, make such education mandatory for the professionals and personnel in the health and social services network and provide for a mechanism for evaluating learner outcomes; and

(5) adapt the offering of health and social services by means such as

(*a*) hiring personnel from among First Nations members and the Inuit;

(*b*) providing access to support resources for First Nations members and the Inuit, including within the framework of any complaint examination process; and

(*c*) taking into account the realities specific to First Nations women and girls or Inuit women and girls or specific to their families and children.

The implementation of culturally safe practices must take into account the legislative and regulatory provisions relating to the organization and operation of Santé Québec and the institutions as well as the human, material and financial resources at their disposal.

For the purposes of this Act, "institution" means any institution referred to in Schedule II to the Act respecting the governance of the health and social services system (chapter G-1.021) and in Part IV.1 of the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2).

3. Every year, every institution in the health and social services network submits to Santé Québec, in the form the latter determines, a report on the culturally safe practices it has implemented.

Every year, Santé Québec must present the culturally safe practices it has itself implemented and those implemented by the institutions in a report it sends to the Minister not later than 31 March.

The Minister sends Santé Québec's report to the President of the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 30 days of resumption. The report is published on the website of the Ministère de la Santé et des Services sociaux and presented to the national committee on cultural safety provided for in section 4, the First Nations and the Inuit. The manner in which the report is to be presented to the First Nations and the Inuit is determined by the national committee on cultural safety.

4. A national committee on cultural safety is responsible for giving its opinion to the Minister on the following matters:

(1) the provision of health services and social services to First Nations members and the Inuit; and

(2) the cultural safety approach toward First Nations members and the Inuit, in particular

(*a*) the deployment of culturally safe practices;

(*b*) the impact of culturally safe practices in the health and social services network; and

(*c*) the continuing education programs developed under subparagraph 4 of the third paragraph of section 2.

The committee is composed of members appointed by the Minister and includes at least

(1) one person representing the First Nations, who is a First Nations member;

(2) one person representing the Inuit nation;

(3) one person with experience relevant to the provision of health services and social services to First Nations members and the Inuit in urban areas;

(4) one person with knowledge relevant to the realities specific to First Nations women and girls; and

(5) one person with knowledge relevant to the realities specific to Inuit women and girls.

A regulation of the Minister provides for the committee's rules of operation, the terms and conditions for the administration of its affairs, and its other functions, duties and powers.

5. In order to improve the cultural safety approach and culturally safe practices, the Minister establishes the priorities, objectives and guidelines of Santé Québec and the institutions in the health and social services network and sees that they are complied with and implemented.

PROFESSIONAL CODE

6. The Professional Code (chapter C-26) is amended by inserting the following section after section 39.9:

"**39.9.1.** To facilitate access by First Nations members and the Inuit to professional services in the field of mental health and human relations and, in particular, to promote the culturally safe nature of those services, the Government may, by regulation and after consulting the First Nations, the Inuit and the professional orders concerned, determine the terms and conditions on which First Nations members and Inuit who do not meet the conditions for the issue of a permit by one of the professional orders may, on an Indian reserve, in a settlement in which an Indigenous community lives or on Category I or Category I-N lands within the meaning of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1), engage in the following reserved professional activities:

(1) assess a person further to a decision of the director of youth protection or of a tribunal made under the Youth Protection Act (chapter P-34.1);

(2) assess an adolescent further to a decision of a court made under the Youth Criminal Justice Act (Statutes of Canada, 2002, chapter 1); and

(3) determine the intervention plan for a person who suffers from a mental disorder or exhibits suicidal tendencies and who resides in a facility run by an institution operating a rehabilitation centre for young persons with adjustment problems."

FINAL PROVISIONS

7. The Minister of Health and Social Services is responsible for the administration of this Act.

8. This Act comes into force on 5 December 2024.

107198

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 63
(2024, chapter 36)

An Act to amend the Mining Act and other provisions

Introduced 28 May 2024
Passed in principle 8 October 2024
Passed 28 November 2024
Assented to 29 November 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends mainly the Mining Act in several ways.

The Act replaces the term "claim" by "exclusive exploration right" and updates the method of granting such a right as well as certain conditions governing its exercise, including with respect to the costs of work required to renew it.

The Act allows the Government to enter into agreements with Indigenous communities to determine the boundaries of a parcel of land where mineral substances forming part of the domain of the State are reserved to the State or withdrawn from prospecting, mining exploration and mining operations. The Act specifies the powers of the minister responsible for mines to impose conditions and obligations on a holder of a mining right, in particular to enable prioritization and conciliation of uses and preservation of the territory. It allows the minister, for those purposes, to require that any property or any ore extracted from the land subject to the mining right be removed or moved.

The Act allows the minister to prohibit or restrict access to a mining road or to land in the domain of the State on which mining activities have been carried out if the minister is of the opinion that the land or the substances found there present a serious risk to human safety. It also allows the minister, where a state of emergency declared by the Government or a situation makes it impossible for the holder of a mining right to comply with the holder's obligations, to prescribe any measure necessary with respect to the rights and obligations under the Mining Act.

The Act provides that a lease for the exploration of surface mineral substances is required for the mining of collector minerals and crystals, and that a specific mining lease is required for the mining of tailings.

The Act harmonizes the issue of mining operation rights with the issue of the authorizations required under the Environment Quality Act. It provides that all new mining projects are subject to the environmental impact assessment and review procedure. It updates the obligations and process for rehabilitating and restoring mining sites in order to introduce, among other things, an obligation for the

holder of the mining lease to perform monitoring and maintenance to ensure follow-up to the holder's rehabilitation and restoration work. It also provides for the cases where compensation is payable for harm caused to the environment by mining activities.

The Act provides for the withdrawal from prospecting, mining exploration and mining operations of mineral substances situated in lands in the private domain and within urbanization perimeters. It allows a regional county municipality where the extracted mineral substances are situated to apply, on its own initiative or at the request of a local municipality, for a partial or total lifting of the withdrawal.

The Act revises the cases where the minister may reserve mineral substances to the State or withdraw them from prospecting, mining exploration or mining operations, or temporarily suspend prospecting on, and the granting of mining rights in respect of, a parcel of land.

The Act also amends the Act respecting the lands in the domain of the State in order to, among other things, replace the name of the land use plan by "land use plan for the land area in the domain of the State" and to specify the scope of the plan. The Act amends the Sustainable Forest Development Act to allow the minister responsible for forests to modify various forest rights in order to limit the impacts on regional or local economic activity of a modification to allowable cuts in the region concerned or in an adjacent region.

Lastly, the Act contains consequential, miscellaneous and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Sustainable Forest Development Act (chapter A-18.1);

– Act respecting land use planning and development (chapter A-19.1);

– Mining Act (chapter M-13.1);

– Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);

– Act respecting lands in the domain of the State (chapter T-8.1).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);

– Mining Regulation (chapter M-13.1, r. 2);

– Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

– Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1).

REGULATION REPEALED BY THIS ACT:

– Ministerial Order respecting the types of construction that the holder of a claim, a mining exploration licence or a licence to explore for surface mineral substances may erect or maintain on lands of the domain of the State without ministerial authorization (chapter M-13.1, r. 3).

Bill 63

AN ACT TO AMEND THE MINING ACT AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

MINING ACT

1. Section 1 of the Mining Act (chapter M-13.1) is amended

(1) by inserting the following definitions in alphabetical order:

""**collector minerals and crystals**" means minerals and crystals, including gemstones, mined on the surface for commercial purposes and intended for collectors or for making jewellery;

""**holder of a mining right**" means a person who holds a mining title in accordance with this Act, including a business corporation, a partnership, an association of persons, a succession, a sequestrator, a trustee in bankruptcy, a monitor of financial affairs, a liquidator, a trustee or any other administrator of the property of others;";

(2) by replacing "searched" in the definition of "**to prospect**" by "in which the prospecting is carried out";

(3) by inserting "collector minerals and crystals;" after "gravel;" in the definition of "**surface mineral substances**".

2. The Act is amended by inserting the following section after section 2.3:

"**2.4.** In order to reconcile mining activities with the activities pursued by Indigenous people for food, ritual or social purposes or the activities pursued in accordance with the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1), the Government may enter into, with an Indigenous nation represented by all the band councils of the communities forming the Indigenous nation, with the Makivik Corporation, the Kativik Regional Government or the Cree Nation Government, or with an Indigenous community represented by its band council, northern village council, Cree village council or Naskapi village council, an agreement determining the boundaries of a parcel of land where any mineral substance forming part of the domain of the State is reserved to the State, on the conditions fixed in the agreement, or is withdrawn from prospecting, mining exploration and mining operations.

The reservation or withdrawal provided for in the first paragraph takes effect on the date fixed by the agreement.

The reservation or withdrawal limits shall be registered in the public register of real and immovable mining rights.

The Minister may, by the registration of a notice in the public register of real and immovable mining rights, temporarily suspend prospecting on and the granting of mining rights in respect of a parcel of land whose boundaries are indicated in the notice, until the reservation or withdrawal provided for by the agreement takes effect."

3. Section 4 of the Act is amended by inserting ", provided those substances were the subject of mining operations on 28 May 2024," after "below" in the introductory clause of the first paragraph.

4. Section 5 of the Act is amended by striking out "before 1 January 1966 or in lands wherein the rights in or over mineral substances were revoked in favour of the State on or after 1 January 1966".

5. Section 6 of the Act is replaced by the following section:

"**6.** The lessee of land in the domain of the State leased for purposes other than mining purposes may move and use, for the lessee's domestic needs, the mineral substances listed in section 5 on the parcel of land that is subject to the lessee's rights."

6. Section 13.1 of the Act is amended by replacing "106, 107, 140" in the first paragraph by "80.1, 106, 107, 140, 140.0.1".

7. The heading of Division I of Chapter III of the Act is replaced by the following heading:

"GENERAL PROVISIONS".

8. Section 17 of the Act is amended, in the first paragraph,

(1) by replacing "the principle of sustainable development" by "sustainable development and circular economy principles";

(2) by replacing "mineral prospecting, exploration and development" by "prospecting and exploration for, and mining of, mineral substances, as well as their processing in Québec".

9. The Act is amended by inserting the following section after section 18:

"**18.1.** Any person who complies with the conditions prescribed by regulation may apply for the granting of a mining right and may hold such a right."

10. Section 19 of the Act is replaced by the following section:

"**19.** Any person may prospect on land in the domain of the State in accordance with this division."

11. Section 26 of the Act is amended by striking out "containing mineral substances forming part of the domain of the State".

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

"**27.** It is prohibited to prospect on a parcel of land that is subject to an exclusive exploration right, a mining lease or a mining concession as well as on a parcel of land regarding which a temporary suspension notice has been issued or on a parcel of land where mineral substances are withdrawn from prospecting, mining exploration and mining operations under this Act.

It is prohibited to prospect on a parcel of land where mineral substances are reserved to the State, except to the extent provided for in sections 2.4 and 304."

13. Sections 29 and 30 of the Act are repealed.

14. Section 30.1 of the Act is amended by replacing "No person may designate on a map or carry on mining exploration or mining operations work" by "It is prohibited to perform mining exploration or mining operation work".

15. Section 34 of the Act is amended

(1) by replacing "the work to be performed on the land that will be subject to the claim" in the first paragraph by "prospecting";

(2) by striking out the second paragraph.

16. Section 40 of the Act is amended

(1) by replacing "A claim" in the first paragraph by "An exclusive exploration right";

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

"The expression "exclusive exploration right" also covers any claim obtained by staking or by map designation in accordance with this Act before 29 November 2024.";

(3) by replacing ""staked claim"" and ""claim obtained by staking"" in the second paragraph by ""staked exclusive exploration right"" and ""exclusive exploration right obtained by staking"", respectively.

17. The Act is amended by inserting the following section after section 40:

"**41.** An exclusive exploration right may be registered in favour of the State."

18. Section 42 of the Act is amended by replacing "a claim" and "shown in the" by "an exclusive exploration right" and "registered in the", respectively.

19. Section 42.1 of the Act is amended

(1) by replacing "shown on the maps kept at the office of the registrar" in the first paragraph by "registered in the public register of real and immovable mining rights";

(2) by replacing all occurrences of "claim" and "claim holder" by "exclusive exploration right" and "holder of an exclusive exploration right", respectively.

20. Section 42.2 of the Act is amended

(1) by replacing "as shown on the maps" and "shown on the maps" in the first paragraph by "as registered in the public register of real and immovable mining rights" and "registered in the register", respectively;

(2) by replacing "shown on the maps" in the second paragraph by "registered in the register";

(3) by replacing "a claim", "claim holder" and all other occurrences of "claim" by "an exclusive exploration right", "holder of an exclusive exploration right" and "exclusive exploration right", respectively.

21. Section 47 of the Act is amended by replacing "A claim" and "at the office of the registrar" by "An exclusive exploration right" and "in the public register of real and immovable mining rights", respectively.

22. Section 49 of the Act is amended by adding the following paragraph at the end:

"Any notice that does not meet the requirement set out in the first paragraph is not admissible for consideration."

23. Section 52 of the Act is amended

(1) by replacing subparagraphs 3 to 5 of the first paragraph by the following subparagraphs:

"(2) where the land is subject to a mining lease, a mining concession, an application for a mining lease or an application for a conversion of an exclusive exploration right under subdivision 5 of Division III of this chapter;

"(3) where the land's mineral substances are withdrawn from prospecting, mining exploration and mining operations;

"(4) where the land is subject to a temporary suspension notice pursuant to section 304.1;

"(5) where the land is an outstanding geological site classified under section 305.1;

"(6) where the land has been designated on a map in contravention of sections 38 and 288;

"(7) where the land has been designated by a person who does not meet the conditions set out in section 18.1; or

"(8) where the territory has an area of 0.1 hectares or less.";

(2) by striking out "under section 304" in subparagraph 4 of the second paragraph;

(3) by striking out the fourth paragraph;

(4) by replacing "a claim" and "the claim" by "an exclusive exploration right" and "the exclusive exploration right", respectively.

24. The Act is amended by inserting the following section after section 52:

"**52.1.** The Minister may impose on a holder of an exclusive exploration right, at the time the Minister considers appropriate, conditions and requirements that, despite the provisions of this Act, may, in particular, concern the work to be performed, in the following cases:

(1) for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities; or

(2) to enable prioritization or reconciliation of uses and preservation of the territory."

25. Section 55 of the Act is replaced by the following section:

"**55.** The decision to refuse a notice of map designation must be in writing, give reasons and be notified to the interested person within 15 days."

26. Section 57 of the Act is repealed.

27. Section 60.1 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "indicate them on maps kept at the office of the registrar" by "register them in the public register of real and immovable mining rights";

(*b*) by replacing all occurrences of "claims" by "exclusive exploration rights";

(2) by replacing the second and third paragraphs by the following paragraph:

"A log of modifications to the boundaries of the territories in which exclusive exploration rights may be obtained by map designation shall be kept in the register."

28. Section 61 of the Act is amended

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

"An application for renewal that has been transmitted even though the holder of an exclusive exploration right has failed to comply with one of the conditions set out in subparagraphs 1 and 2 of the second paragraph is not admissible for consideration.";

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

"If all or part of an exclusive exploration right lies within a mining-incompatible territory, sections 73 and 75 to 78 do not apply to renewals after the delimitation of that territory.";

(3) by replacing "a claim", "claim holder", "A claim", both occurrences of "claims" and all occurrences of "the claim" by "an exclusive exploration right", "holder of the exclusive exploration right", "An exclusive exploration right", "exclusive exploration rights" and "the exclusive exploration right", respectively.

29. Section 63 of the Act is amended

(1) by replacing "the claim holder" in paragraph 2 by "the holder of the exclusive exploration right";

(2) by replacing all occurrences of "claim" by "exclusive exploration right".

30. Section 64 of the Act is amended by replacing "a claim" and "the claim" in the introductory clause by "an exclusive exploration right" and "the exclusive exploration right", respectively, and by replacing "rechercher des" in that clause in the French text by "faire de l'exploration de".

31. Section 65 of the Act is amended

(1) by striking out the last sentence of the second paragraph;

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

"The Minister shall, within 60 days after the exclusive exploration right is registered, notify the local municipality and, as the case may be, the Indigenous nation or community concerned of the existence of that right. Where land that is subject to the exclusive exploration right is granted, alienated or leased by the State for purposes other than mining purposes or is subject to an exclusive lease to mine surface mineral substances, the Minister shall also notify the owner, the lessee and the holder, as the case may be, of the lands.";

(3) by replacing all occurrences of "claim", the first two occurrences of "claim holder" and the last occurrence of "claim holder" by "exclusive exploration right", "holder of an exclusive exploration right" and "holder of the exclusive exploration right", respectively.

32. Section 66 of the Act is replaced by the following sections:

"**65.1.** The holder of an exclusive exploration right shall transmit to the representatives of every local municipality located in the region of the land subject to the right and, as the case may be, every Indigenous nation or community concerned, at least 30 days before exploration work begins and, subsequently, each year that the work continues, an annual work planning, presented using the form supplied by the Minister.

The holder shall hold an information session concerning the annual work planning with each such representative who so requests. During such a session, the representative may submit observations and present information that is complementary to that presented by the holder.

The holder shall publish on the holder's website or by any other means of publication authorized by the Minister the annual work planning and, if applicable, a summary of the information session.

"**66.** The holder of an exclusive exploration right shall not erect or maintain any permanent construction or facility on lands in the domain of the State without obtaining an authorization under the Act respecting the lands in the domain of the State (chapter T-8.1).

The holder of an exclusive exploration right shall not erect or maintain any temporary construction or facility on lands in the domain of the State without obtaining the Minister's authorization, except in the case of a portable shelter that can be dismantled and is made of pliable material stretched over rigid supports.

The authorization provided for in the second paragraph is issued for a period of one year where the conditions prescribed by regulation are met. The Minister may extend the authorization for one-year periods.

"**66.1.** A holder of an exclusive exploration right must notify the Minister in writing on becoming aware of a third person erecting or maintaining a construction or facility on land in the domain of the State that is subject to the holder's right."

33. Section 67 of the Act is amended

(1) by replacing "claim holder to explore for mineral substances" in the third paragraph by "holder of an exclusive exploration right to explore";

(2) by replacing "claim", "a claim" and "claim holder" by "exclusive exploration right", "an exclusive exploration right" and "holder of the exclusive exploration right", respectively.

34. Section 69.1 of the Act, enacted by section 44 of chapter 8 of the statutes of 2022, is amended by adding the following paragraph at the end:

"Where the authorization concerns sampling work, the Minister may attach conditions or obligations to it to maximize the economic spinoffs within Québec."

35. Section 70 of the Act is amended by replacing "Where, on land of the domain of the State, and before the registration of any claim, an improvement consistent with the regulation already exists," by "Where an improvement and a strip of land adjacent to it, where applicable, as defined by regulation, are situated on lands in the domain of the State that are subject to the exclusive exploration right,".

36. Section 71.1 of the Act is amended

(1) by replacing "claim holder" in the first paragraph by "holder of the exclusive exploration right";

(2) by striking out the second paragraph.

37. Section 72 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "claim holder" and both occurrences of "claim" by "holder of the exclusive exploration right" and "exclusive exploration right", respectively;

(*b*) by striking out the last sentence;

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

"A regulation may also prescribe the amounts spent that are accepted in the minimum cost of the work as well as the period for which they are accepted.";

(3) by replacing "The claim holder" by "The holder of an exclusive exploration right".

38. Section 73 of the Act is replaced by the following section:

"**73.** A holder of an exclusive exploration right who has performed and reported, within the time prescribed, work whose cost represents at least 90% of the minimum cost required under section 72 may, to enable the renewal of his exclusive exploration right, pay the Minister an amount equal to twice the difference between the minimum cost of the work that should have been performed and the work reported."

39. Section 76 of the Act is replaced by the following section:

"**76.** The holder of an exclusive exploration right may, for the renewal of his right, apply to the sole amount necessary for that purpose and before the date on which the right expires, all or part of the amounts spent for work performed in respect of an exclusive exploration right for which excess amounts have been spent, provided that the land that is subject to the exclusive exploration right whose renewal is applied for is situated entirely within a 4.5-kilometre radius circle measured from the geometrical centre of the land subject to the exclusive exploration right for which excess amounts have been spent."

40. Section 79 of the Act is amended

(1) by replacing "a claim", "claim holder" and "submit a new" in the first paragraph by "an exclusive exploration right", "holder" and "amend his", respectively;

(2) by striking out the second paragraph.

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

"**80.1.** A holder of an exclusive exploration right must obtain the authorization of the Minister, using a form supplied by the latter, to transfer all or part of the holder's right during the first term of the right.

The Minister shall authorize the transfer once the work required under section 72 has been performed on the land subject to the right.

Any transfer of an exclusive exploration right in contravention of this section is null and void."

42. Section 83 of the Act is amended

(1) by replacing both occurrences of "the claim holder" in the second paragraph by "the holder of the exclusive exploration right";

(2) by replacing "A claim holder" and both occurrences of "claim" by "A holder of an exclusive exploration right" and "exclusive exploration right", respectively.

43. Section 83.14 of the Act is amended

(1) by replacing both occurrences of "the claim holder" by "the holder";

(2) by replacing all occurrences of "claim" and "claims" by "exclusive exploration right" and "exclusive exploration rights", respectively.

44. Section 83.15 of the Act is amended

(1) by replacing "reproduced on the maps kept in the office of the registrar" and "to the third paragraph of" in the first paragraph by "registered in the public register of real and immovable mining rights" and "to", respectively;

(2) by replacing both occurrences of "claim holder", both occurrences of "claims" and all other occurrences of "claim" by "holder of the exclusive exploration right", "exclusive exploration rights" and "exclusive exploration right", respectively.

45. The Act is amended by inserting the following subdivision after section 83.15:

"§9. — *Grouping of exclusive exploration rights*

"**83.16.** The Minister may, in the cases and on the conditions determined by regulation, group together exclusive exploration rights of a single holder whose parcels of land are contiguous to each other and to the land that is subject to a mining lease or mining concession also held by that holder, in order to form a single exclusive exploration right.

The minimum cost of the exploration work to be performed on the land that is subject to the exclusive exploration right after the grouping as well as the fees payable for the renewal of the exclusive exploration right correspond to the total costs and fees that were payable for all the exclusive exploration rights before they were grouped together, with the necessary modifications.

A regulation may prescribe special terms and conditions in respect of the period of validity and renewal of the exclusive exploration right."

46. The Act is amended by inserting the following sections before section 100:

"**98.** A holder of exclusive exploration rights must provide the Minister, where applicable, with a preliminary version of the scoping and market study provided for in section 101 within the time limit prescribed in the second paragraph of section 31.3 of the Environment Quality Act (chapter Q-2) for the transmission of the impact assessment statement.

"**99.** The Minister shall make public the rehabilitation and restoration plan as submitted for approval under section 232.1 and register it in the public register of real and immovable mining rights for information and public consultation purposes as part of the environmental impact assessment and review procedure provided for by the Environment Quality Act (chapter Q-2)."

47. Sections 101 and 101.0.1 of the Act are replaced by the following sections:

"**101.** The Minister shall grant a mining lease in respect of all or part of a parcel of land that is subject to one or more exclusive exploration rights where the following conditions are met:

(1) the rehabilitation and restoration plan provided for in section 232.1 has been approved;

(2) a financial guarantee has been provided in accordance with section 232.4;

(3) the holder of exclusive exploration rights has provided a project feasibility study presenting, in particular, an estimate of the deposit's mineral resources and reserves, certified by an engineer or a geologist who meets the qualification requirements prescribed by regulation;

(4) where applicable, the authorization required under section 31.5, 154 or 189 of the Environment Quality Act (chapter Q-2) for the mining operations concerned has been issued;

(5) for the mining of mineral substances determined by regulation and according to the standards prescribed in the regulation, the holder of exclusive exploration rights has provided the Minister with a scoping and market study that concerns, among other things, the integration of the proposed mining operations in a circular economy and the processing in Québec of the mineral substances extracted;

(6) the holder of exclusive exploration rights has provided the Minister, on request, with any document and information relating to the mining project; and

(7) the holder of exclusive exploration rights has complied with the conditions and paid the annual rental prescribed by regulation.

In the case of a project for the mining of tailings, the Minister shall grant a lease giving only the right to mine those tailings.

"**101.0.1.** The Minister may, when granting the mining lease, subject it to conditions or obligations in the following cases:

(1) to enable prioritization or reconciliation of uses and preservation of the territory;

(2) for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities;

(3) where the lease concerns land where mineral substances are reserved to the State; and

(4) to maximize the economic spinoffs within Québec of the mining project.

The conditions and obligations may, among other matters and despite the provisions of this Act, concern the work to be performed on the land."

48. Section 101.0.2 of the Act is repealed.

49. Section 101.0.3 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraph:

"The lessee shall establish a monitoring committee, whose mandate is determined by regulation, to foster the involvement of the local community within 30 days after the lease is issued, unless a committee has already been established for the same project.";

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

"The lessee determines the number of representatives who are to sit on the committee. However, the committee must include at least one representative of the economic sector and one member of the public from the region where the project is situated and, if applicable, one representative of each Indigenous nation or community, as the case might be, consulted by the Government with respect to the project. The committee must also include a representative of each local municipality or regional county municipality whose territory is included, in whole or in part, on land that is the subject of the project that so requests. A majority of the committee members must be independent from the lessee.

However, the Minister may authorize a different committee composition if the lessee shows that it is impossible to find a representative of each sector.

The committee shall be maintained until all the work provided for by the rehabilitation and restoration plan has been completed."

50. Section 103 of the Act is amended

(1) by replacing "claims" by "exclusive exploration rights";

(2) by striking out ", and the work to be performed during the current year in the territory is not reduced".

51. Section 104 of the Act is amended

(1) by inserting ", except for a lease granted for the mining of tailings, whose term, determined by the Minister, is up to 10 years" at the end of the first paragraph;

(2) by replacing subparagraphs 2 and 2.1 of the second paragraph by the following subparagraphs:

"(2) has submitted a report establishing that he has conducted mining operations for at least 2 years during the lease's period of validity, where it has been granted for the mining of tailings, or in the last 10 years in other cases;

"(2.1) has provided the Minister, for the mining of mineral substances determined by regulation and according to the standards prescribed in the regulation, with a scoping and market study that concerns, among other things, the integration of the mining operations in a circular economy and the processing in Québec of the mineral substances extracted;".

52. Section 111 of the Act is amended by inserting "or inert tailings" after "Stone".

53. The Act is amended by inserting the following section after section 116:

"**116.1.** The grantee shall pay the annual duties prescribed by regulation before January 31 of each year."

54. Sections 118 and 118.1 of the Act are replaced by the following sections:

"**118.** From 29 November 2024, the grantee shall, for each 10-year period following that date, perform mining operation work for at least two years.

"**118.1.** The grantee shall, within one year after the date of coming into force of this section, transmit to the Minister a scoping and market study that concerns, among other things, the integration of the mining operations in a circular economy and the processing in Québec of the mineral substances extracted for the mining of mineral substances determined by regulation and according to the standards prescribed in the regulation. The grantee shall transmit a revised scoping and market study every 10 years.

"**118.2.** On an application by the grantee, the Minister may convert a mining concession into a mining lease. The application for conversion must be filed using the form supplied by the Minister, and contain the information and be accompanied by the fee prescribed by regulation.

The provisions applicable to the mining lease apply to a lease obtained by conversion, with the exception of sections 101 and 101.0.1."

55. Section 120 of the Act is amended

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

"Every lessee and every grantee shall prepare a report in the manner prescribed by regulation. The report must indicate or include, for each mine,

(1) the activities carried out and the quantity and value of the ore extracted between 1 January and 31 December of the previous year;

(2) the duties paid under the Mining Tax Act (chapter I-0.4) during the previous year;

(3) the overall contributions paid during the previous year;

(4) a characterization of the mineral substances found in the tailings derived from the mining project during the previous year; and

(5) the other information determined by regulation.

Every five years, the report provided for in the first paragraph must also include information concerning the processing in Québec of the mineral substances extracted and their shipping outside Québec.

At the lessee's or grantee's option, the report shall be transmitted either

(1) to the Minister, not later than the 150th day following the end of the lessee's or grantee's fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Autorité des marchés financiers at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).";

(2) by replacing "first" in the second paragraph by "third".

56. The Act is amended by inserting the following section after section 121:

"**121.1.** The Minister may, if he considers it necessary, correct the perimeter of a mining lease or mining concession registered in the public register of real and immovable mining rights to bring it into conformity with the survey."

57. Section 122 of the Act is amended by adding the following paragraph at the end:

"A mining lease or mining concession is deemed to be abandoned from the date of notification, to the right holder, of the authorization provided for in subparagraph 4 of the first paragraph."

58. The Act is amended by inserting the following section after section 123:

"**123.1.** A lessee or grantee may not transfer his right before the financial guarantee has been provided in accordance with section 232.4, 232.5 or 232.7.

Any transfer of a lease or concession in contravention of the first paragraph is null and void.

This section does not apply to a transfer having occurred under the Companies' Creditors Arrangement Act (R.S.C. 1985, c. C-36) or the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3)."

59. Section 140 of the Act is amended by inserting ", except a person who extracts or mines surface mineral substances for the construction or maintenance of a forest road on lands in the domain of the State as part of the person's forest development activities within the meaning of the Sustainable Forest Development Act (chapter A-18.1)" at the end of the first paragraph.

60. The Act is amended by inserting the following sections after section 140:

"**140.0.1.** The Minister may, within the perimeter and on the conditions the Minister determines, authorize another minister or an agency that is a mandatary of the State to extract or mine a surface mineral substance for the period necessary for the construction or maintenance of a State work.

The Minister may also determine the perimeter within which and conditions on which the Minister may extract or mine surface mineral substances for the purposes referred to in the first paragraph.

"**140.0.2.** A person who builds or maintains a forest road and who is not subject to the obligation to obtain a lease provided for in the first paragraph of section 140 may not extract or mine surface mineral substances on land subject to a lease to mine surface mineral substances in favour of a third person."

61. Section 140.1 of the Act is amended

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

"An applicant for a lease to mine surface mineral substances must, after transmitting the application, hold a public consultation in the region of the land

where the project is situated, in the manner prescribed by regulation, where the following conditions are met:

(1) the lease is a peat lease or a lease to carry on an industrial activity or to engage in commercial export; and

(2) the lease is for the carrying out of a mining project that is not subject to the environmental impact assessment and review procedure provided for by the Environment Quality Act (chapter Q-2).";

(2) by striking out the third paragraph.

62. Section 141 of the Act is amended by striking out ", or where the lease is applied for by the State for the construction or maintenance of a public highway or other State works" in the second paragraph.

63. The Act is amended by inserting the following section after section 141:

"**141.1.** A non-exclusive lease may only be for a single loose deposit of mineral substances in their natural state. The perimeter of such a deposit shall be determined by the Minister according to the perimeter authorized under section 22 of the Environment Quality Act (chapter Q-2) or declared in accordance with section 31.0.6 of that Act and shall be registered in the public register of real and immovable mining rights."

64. Section 142 of the Act is amended

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

"No lease, other than a peat lease, may be granted before, where applicable, the ministerial authorization provided for in section 22 of the Environment Quality Act (chapter Q-2) has been obtained or the declaration of compliance provided for in section 31.0.6 of that Act has been filed.";

(2) in the second paragraph,

(*a*) by striking out ", except to the State,";

(*b*) by replacing "fourth" by "fifth";

(3) in the third paragraph,

(*a*) by striking out "to explore for mineral substances";

(*b*) by replacing "a claim" and "the claim" by "an exclusive exploration right" and "the exclusive exploration right", respectively.

65. Sections 142.0.1 and 142.0.2 of the Act are replaced by the following sections:

"**142.0.1.** The Minister may refuse an application for a non-exclusive lease for a loose deposit of mineral substances in their natural state that has never been mined, that has been the subject of rehabilitation and restoration measures or in respect of which the available quantity of mineral substances is insufficient.

"**142.0.2.** The Minister may, to enable prioritization or conciliation of land uses, in particular for agricultural purposes, and of land preservation, or for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities,

(1) refuse an application for a lease or its renewal;

(2) make the granting or the renewal of a lease subject to conditions and obligations the Minister determines;

(3) grant a lease for a smaller area than the one applied for; or

(4) terminate a lease or reduce the area subject to it.

Where the Minister terminates a lease in accordance with subparagraph 4 of the first paragraph, he shall grant the lease holder a lease in respect of another parcel of land. Failing that, the Minister shall pay to the holder compensation equal to the amounts spent for the work performed on the land.

No lease in respect of another parcel of land may be granted before, where applicable, the ministerial authorization provided for in section 22 of the Environment Quality Act (chapter Q-2) has been obtained or the declaration of compliance provided for in section 31.0.6 of that Act has been filed."

66. Section 142.1 of the Act is amended

(1) by striking out "to explore for mineral substances" in the fifth paragraph;

(2) by replacing both occurrences of "a claim" and all other occurrences of "claim" by "an exclusive exploration right" and "exclusive exploration right", respectively.

67. Section 144 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "provided for" in subparagraph 1 by "as well as the strip of land adjacent to it, defined";

(*b*) by striking out "à la recherche," in subparagraph 2 in the French text;

(*c*) by adding the following subparagraphs at the end:

"(6) a parcel of land covered by an authorization given under the second paragraph of section 140; and

"(7) a parcel of land situated within a perimeter where surface mineral substances are extracted or mined under section 140.0.1.";

(2) in the second paragraph,

(*a*) by striking out subparagraph 3;

(*b*) by striking out "under section 304" in subparagraph 4.

68. Section 145 of the Act is replaced by the following sections:

"**145.** The perimeter of the parcel of land that is subject to an exclusive lease, except a peat lease, shall be determined by the Minister in accordance with the following criteria:

(1) it shall be comprised within a single perimeter;

(2) it shall not exceed an area of 100 hectares; and

(3) it shall be included within the perimeter authorized under section 22 of the Environment Quality Act (chapter Q-2) or declared in accordance with section 31.0.6 of that Act.

"**145.1.** The perimeter of the parcel of land that is subject to a peat lease shall be determined by the Minister in accordance with the following criteria:

(1) it shall be comprised within a single perimeter; and

(2) it shall not exceed an area of 300 hectares.

Despite the first paragraph, the Minister may grant such a lease in respect of a parcel of land having an area in excess of 300 hectares in order to guarantee a supply of peat for a period of approximately 50 years, taking into account the operation's projected rate of production and production capacity.

The Minister shall, as applicable,

(1) terminate the lease if

(*a*) the application for the ministerial authorization provided for in section 22 of the Environment Quality Act (chapter Q-2) for the activity of producing peat is refused; or

(*b*) the activity is not eligible for a declaration of compliance under section 31.0.6 of that Act; or

(2) adjust the perimeter of the parcel of land according to the ministerial authorization issued under section 22 of the Environment Quality Act or the declaration of compliance filed in accordance with section 31.0.6 of that Act."

69. Section 146 of the Act is amended by replacing "of section 145" in paragraph 2 by "of sections 145 and 145.1".

70. Section 148 of the Act is amended

(1) by replacing subparagraph 2 of the second paragraph by the following subparagraphs:

"(1.1) has mined mineral substances exclusively for the purposes referred to in the second paragraph of section 141;

"(2) has extracted the minimum quantity of mineral substances that is prescribed by regulation;";

(2) by inserting "and subject to the same conditions" before ", the Minister may" in the fourth paragraph;

(3) by inserting the following paragraph after the fourth paragraph:

"Despite the preceding paragraphs, if the lessee has not extracted the minimum quantity of mineral substances that is prescribed by regulation, the Minister may extend the term of the lease for a single two-year period to allow the lessee to remove the surface mineral substances already extracted and set aside."

71. Section 149 of the Act is amended by replacing the first paragraph by the following paragraph:

"The lessee or a person who has obtained an authorization under the second paragraph of section 140 or the first paragraph of section 140.0.1 has a right of access to, and may extract or mine surface mineral substances on, the parcel of land that is subject to the lessee's or person's right. In the cases referred to in the second paragraph of section 140.0.1, the Minister may access a parcel of land to extract or mine surface mineral substances on it."

72. Section 151 of the Act is amended by replacing "and gravel" by ", gravel and inert tailings".

73. Section 152 of the Act is replaced by the following section:

"**152.** The lessee shall comply with the conditions of the lease prescribed by regulation."

74. Section 155 of the Act is amended

(1) by inserting "or set aside" after "alienated" in the first paragraph;

(2) by striking out subparagraphs 2 and 3 of the third paragraph.

75. The Act is amended by inserting the following section after section 155:

"**155.1.** The holder of a non-exclusive lease must submit, along with the report provided for in the first paragraph of section 155, a financial contribution for the rehabilitation and restoration of a loose deposit of mineral substances in their natural state, the amount of which is fixed by regulation.

No financial contribution is required from the holder where the lease is required for the construction or maintenance, on lands in the domain of the State, of

(1) a mining road;

(2) all or part of a road in respect of which a municipality has obtained an authorization to see to its maintenance and repair in accordance with section 66 of the Municipal Powers Act (chapter C-47.1); or

(3) a road by a non-profit organization determined by the Minister."

76. Section 156 of the Act is amended by adding the following paragraph at the end:

"The lease is deemed to be abandoned from the date of notification, to its holder, of the authorization provided for in subparagraph 3 of the first paragraph."

77. Section 207 of the Act is amended

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

"Every document sent, filed or received for the purposes of this Act is deemed to have been sent, filed or received on the date and at the hour and minute it is received, as the case may be, by the registrar or by the Minister.";

(2) by replacing "at the office of the registrar" in the second paragraph by ", as the case may be, by the registrar or by the Minister".

78. The Act is amended by inserting the following section after section 207:

"**207.1.** A representative must be designated, as prescribed by regulation, where a mining right is held by more than one holder. The representative shall act as the mandatary of all the holders in their relations with the Minister."

79. Section 213 of the Act is amended by inserting "or designated as a biological refuge or as wetlands of interest" after "forest ecosystem" in the fifth paragraph.

80. The Act is amended by inserting the following section after section 215:

"**215.1.** Subject to an authorization given under this Act, the Minister may, at any time, require the holder of a mining right to remove or move, within the time fixed by the Minister, any property or extracted ore or any extracted surface mineral substance situated on the land subject to the mining right in order to enable prioritization or conciliation of uses and preservation of the territory or for a public interest reason, in particular to prevent or limit impacts on local and Indigenous communities."

81. Section 216 of the Act is amended

(1) by replacing "a claim" in the first paragraph by "an exclusive exploration right";

(2) by striking out "and may be removed by the Minister at the expense of the holder of the mining right" in the fourth paragraph.

82. Section 216.1 of the Act is replaced by the following section:

"**216.1.** If a person referred to in section 215.1 or 216 fails to remove or move the property or extracted ore or the extracted surface mineral substances as prescribed by that section, the Minister may remove or move them at the person's expense."

83. Section 224 of the Act is replaced by the following section:

"**224.** The holder of a mining right or an operator shall transmit to the Minister, at least 30 days before beginning mining exploration or mining operation work determined by regulation or resuming it after a suspension of six months or more, a notice that complies with the standards established by regulation.

Any person exploring, extracting or mining tailings referred to in the second paragraph of section 7 on lands in the private domain must, in the cases provided for by regulation, and at least 30 days before beginning exploration, extraction or mining operation work, transmit to the Minister a notice that complies with the standards established by regulation.

The person referred to in the second paragraph must also prepare a report in the manner prescribed by regulation. The report must indicate, for each exploration, extraction or mining project,

(1) the activities carried out and the quantity and value of the ore extracted between 1 January and 31 December of the previous year;

(2) the duties paid under the Mining Tax Act (chapter I-0.4) during the previous year, where applicable;

(3) the overall contributions paid;

(4) a characterization of the mineral substances from the tailings; and

(5) the other information determined by regulation.

Every five years, the report provided for in the third paragraph must also include information concerning the processing in Québec of the ore extracted and its shipping outside Québec.

At the person's option, the report shall be transmitted either

(1) to the Minister, not later than the 150th day following the end of the person's fiscal year or, in the case of a natural person, of the calendar year; or

(2) to the Autorité des marchés financiers at the same time as the statement required under the Act respecting transparency measures in the mining, oil and gas industries (chapter M-11.5).

The Autorité des marchés financiers shall send the report received under subparagraph 2 of the fifth paragraph to the Minister without delay."

84. The Act is amended by inserting the following sections after section 231:

"**232.** The following persons must rehabilitate and restore, in accordance with this Act, the land on which they carry out their mining activities in order to make reparation for any harm caused to the environment:

(1) every holder of a mining right who performs exploration work determined by regulation or agrees to such work being performed on the land subject to his mining right;

(2) every operator who performs mining operation work determined by regulation in respect of mineral substances listed in the regulation;

(3) every person who operates a mineral substance processing plant of a category determined by regulation or a mineral substance concentration plant; and

(4) every person who performs mining operation work determined by regulation in respect of tailings.

The rehabilitation and restoration obligation includes work to restore the affected land to a satisfactory condition as well as the monitoring and maintenance required to ensure follow-up to the work carried out.

"**232.0.1.** A person referred to in the first paragraph of section 232 who transfers, as the case may be, his mining right, the land on which he carries out his mining activities, or his concentration or processing plant is liable to pay a compensation to the Minister for the harm caused by his activities to the environment, as prescribed by regulation.

The Minister may waive payment of that compensation in exchange for the implementation of a more efficient rehabilitation and restoration method for the land used for mining activities.

The first paragraph does not apply to a transfer of mining rights referred to in section 123.1."

85. Section 232.1 of the Act is replaced by the following section:

"**232.1.** The persons referred to in the first paragraph of section 232 must submit a rehabilitation and restoration plan to the Minister for approval and perform the rehabilitation and restoration work as well as the monitoring and maintenance required to ensure follow-up to the work in accordance with the approved plan."

86. Section 232.2 of the Act is amended by replacing "in section 232.1" by "in the first paragraph of section 232".

87. Sections 232.3 and 232.4 of the Act are replaced by the following sections:

"**232.3.** The rehabilitation and restoration plan must comply with the standards prescribed by regulation and contain, in particular,

(1) a description of the rehabilitation and restoration work relating to the activities of the person submitting the plan and intended to restore the land affected by the activities to a satisfactory condition;

(2) if the land is affected by tailings, containment work and, if required, work to put in place, operate and maintain any infrastructure that could result from the presence of tailings on the land;

(3) if progressive restoration work is possible, the conditions and phases of completion of the work;

(4) the conditions and phases of completion of the work in the event of final cessation of mining activities;

(5) commitments related to the monitoring and maintenance required for follow-up to the rehabilitation and restoration work;

(6) a detailed assessment of the anticipated costs for carrying out the rehabilitation and restoration work and for the follow-up to the work; and

(7) in the case of an open-pit mine, a backfill feasibility study.

"**232.4.** A person referred to in the first paragraph of section 232 must, in accordance with the standards established by regulation, provide and maintain a guarantee covering the anticipated costs for carrying out the rehabilitation and restoration work and for the follow-up to the work, as determined in the plan.

Where the guarantee is property or a sum of money, the property or money is exempt from seizure."

88. Section 232.5 of the Act is amended

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

"The Minister may, before approving a rehabilitation and restoration plan, require any amendment or subject his approval to other conditions and obligations that he determines.

The Minister may require, for the approval of the plan, payment of a provisional financial guarantee, in accordance with the standards established by regulation.

The Minister shall approve the plan after obtaining a favourable opinion from the Minister of Sustainable Development, Environment and Parks.";

(2) by replacing "232.1" in the second paragraph by "232".

89. Section 232.6 of the Act is amended

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

"(3.1) before carrying out work that is not provided for in or does not comply with the approved plan;";

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

"In the case of an emergency, a person may carry out work not provided for in the plan and submit a revised plan within a reasonable time."

90. Section 232.7 of the Act is amended by replacing "in section 232.1" in the second and third paragraphs by "in the first paragraph of section 232".

91. Section 232.7.1 of the Act is replaced by the following section:

"**232.7.1.** The rehabilitation and restoration work must begin, in respect of each of the activities covered by the plan, at the time specified by the plan or, failing that,

(1) within three years after a cessation of the mining operations; or

(2) on the cessation of activities in other cases.

However, the Minister may require that the work begin earlier, or authorize one or more extensions of the time limit. The first extension shall not exceed three years and any additional extension shall not exceed one year."

92. Section 232.8 of the Act is amended

(1) by replacing "232.1 to 232.7" in the first paragraph by "232 and 232.1 to 232.7.1";

(2) by replacing the first sentence of the second paragraph by the following sentence: "If the person concerned fails to comply with the Minister's prescription within the time granted, the Minister may, at the person's expense and in addition to any other civil, administrative or penal sanction, carry out any research or study, prepare the rehabilitation and restoration plan, or cause the work provided for by such a plan to be performed at the person's expense."

93. Section 232.9 of the Act is amended by replacing "230, 231, 232 and 232.8" by "231, 232.0.1, 232.4, 232.5, 232.7, 232.8 and 232.10.3".

94. Section 232.10 of the Act is replaced by the following sections:

"**232.10.** The Minister shall declare being satisfied with the rehabilitation and restoration work carried out by a person referred to in the first paragraph of section 232 where the work was, in the Minister's opinion, carried out in accordance with the plan approved by him, where no sum of money is due to him because of the performance of the work, and where the Minister obtained a favourable opinion from the Minister of Sustainable Development, Environment and Parks.

The declaration provided for in the first paragraph releases the person from the obligations set out in sections 232 to 232.7.1, except the monitoring and maintenance required to ensure follow-up to the rehabilitation and restoration work carried out.

The follow-up to the rehabilitation and restoration work must be conducted during the period specified by the approved plan, which period shall not exceed 15 years from the date on which the Minister declares being satisfied, in accordance with the first paragraph.

"**232.10.1.** The Minister may release a person from the obligations set out in sections 232 to 232.7.1 where the Minister agrees to let a third person assume the obligations.

The Minister shall issue a certificate attesting that the person has been released from those obligations.

"**232.10.2.** The Minister shall, at the time the Minister declares being satisfied under the first paragraph of section 232.10, return or reimburse to the person referred to in the first paragraph of section 232 the part of the financial guarantee relating to the anticipated costs for the rehabilitation and restoration work.

The Minister shall return or reimburse the rest of the guarantee once the follow-up obligation set out in the plan in respect of the rehabilitation and restoration work ends.

"**232.10.3.** The Minister may require from the person referred to in the first paragraph of section 232 the payment of financial compensation as prescribed by regulation for the follow-up to the rehabilitation and restoration work that must be carried out on lands in the domain of the State at the end of the rehabilitation and restoration plan.

The Minister may, in particular, make the remittance or reimbursement of part of the financial guarantee conditional on the payment of the compensation."

95. Section 232.12 of the Act is amended by replacing "232.1" by "232".

96. Section 233.1 of the Act is amended by inserting ", even after the expiry of the mining right, where applicable" at the end.

97. The Act is amended by inserting the following division after section 233.1:

"**DIVISION III.1**

"CIVIL LIABILITY

"**233.2.** Every person is required, irrespective of anyone's fault, for each event determined by regulation and up to the amount prescribed by the regulation, to make reparation for any harm or injury caused through or in the course of his activities in the exercise of a mining right or in the implementation of a rehabilitation and restoration plan, including a loss of non-use value relating to a public resource. Beyond that amount, such a person may be required to make reparation for harm or injury caused through the person's fault or the fault of any of his subcontractors or employees in the performance of their functions. The person nevertheless retains his right to bring a legal action, for the entire harm or injury, against the author of the fault.

No person referred to in the first paragraph may be relieved of liability by proving that the harm or injury resulted from superior force. The cases of apportionment of liability set out in the Civil Code apply to any action brought against such a person for sums in excess of the amount prescribed by the first paragraph and to any recursory action brought by the person. Only the Government may bring a legal action under this section.

This section does not apply to harm caused to the environment for which reparation must be made in accordance with a rehabilitation and restoration plan.

"**233.3.** The holder of a mining lease or mining concession situated on lands in the domain of the State must hold insurance, whose amount, term and coverage are determined by regulation, that covers the holder's civil liability for harm or injury caused through or in the course of his activities in the exercise of his right or, among other things, in the implementation of the rehabilitation and restoration plan.

The term of the required insurance coverage shall not exceed 15 years from the date on which the Minister releases such a person from his obligations in accordance with sections 232.10 and 232.10.1."

98. Section 234 of the Act is amended by replacing the introductory clause of the first paragraph by the following:

"**234.** In order to ensure that every lessee or grantee recovers the economically workable mineral substance that is the subject of his mining activities in accordance with generally recognized best practices, the Minister may".

99. The Act is amended by inserting the following section after section 234:

"**234.1.** In keeping with circular economy principles and to promote the mining, in accordance with generally recognized best practices, of tailings, in particular those containing critical and strategic minerals, or tailings from surface mineral substances, the Minister may, in the cases prescribed by regulation and if those tailings are economically and technically workable, on the conditions and within the time he determines,

(1) require the lessee or grantee to mine the mineral substances found in tailings;

(2) impose on the lessee or grantee any measure to promote the mining of tailings.

If the lessee or grantee fails to comply with the requirements or measures imposed under the first paragraph, the Minister may order the suspension of activities for the period he determines.

The Minister may require from the lessee or grantee any document or information enabling the Minister to ascertain the implementation of the requirements and the measures imposed under this section."

100. Section 240 of the Act is amended by striking out "or, where the project is subject to the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), by the Government".

101. Section 242 of the Act is amended, in the first paragraph,

(1) by striking out "of Transport";

(2) by replacing "part of the costs" by "all or part of the costs".

102. Section 244 of the Act is replaced by the following section:

"**244.** The Minister must inform the holder of a forestry right provided for in the Sustainable Forest Development Act (chapter A-18.1) if all or part of the route of a mining road that the Minister plans to build is situated in the territory subject to the right."

103. Section 245 of the Act is amended

(1) by striking out "of Transport" in the first paragraph;

(2) by replacing "except with the authorization of the Minister of Natural Resources and Wildlife and subject to the conditions he determines" in the third paragraph by "without first obtaining the authorizations required under the Sustainable Forest Development Act (chapter A-18.1)".

104. Section 246 of the Act is replaced by the following section:

"**246.** The Government may, by regulation, make the provisions of the Highway Safety Code (chapter C-24.2) that relate to highway traffic and safety applicable to a mining road."

105. Section 247 of the Act is amended by striking out "of Transport".

106. Sections 248 and 249 of the Act are repealed.

107. Section 250 of the Act is amended by striking out "secondary".

108. Section 251 of the Act is replaced by the following sections:

"**251.** The Minister may generally or specially authorize any person to act as an inspector to see to the enforcement of this Act and the regulations.

An inspector may have access to and inspect any place where an activity governed by this Act or the regulations is carried on. The inspector may, in such cases and by any reasonable, appropriate means,

(1) record the state of a place or of property situated there;

(2) collect samples, conduct tests and perform analyses;

(3) carry out any necessary excavation or drilling to assess the state of the premises;

(4) install any measuring apparatus necessary for taking measurements on the premises and subsequently remove the apparatus;

(5) take measurements, including continuous measurements, using an apparatus the inspector installs or that is already on the premises, for any reasonable period of time he determines;

(6) access a facility, including a secure facility, that is on the premises;

(7) set in action or use an apparatus or equipment to ensure that the inspection is properly conducted or require the apparatus or equipment to be set in action or used within the time and according to the conditions he specifies;

(8) require any information relating to the application of this Act and the regulations and the communication of any related documents for examination, recording and reproduction;

(9) use any computer, equipment or other thing that is on the premises to access data relating to the application of this Act and the regulations that is contained in an electronic device, computer system or other medium or to inspect, examine, process or reproduce such data; and

(10) 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 subparagraphs 1 to 9.

The inspector may also immediately seize any thing if he has reasonable grounds to believe that the thing constitutes proof of an offence under this Act.

The rules established by the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to things seized by the inspector under the second paragraph, except in respect of section 129 for the custody of the thing seized. In such a case, the inspector has custody of the thing seized even when it is submitted in evidence and until a judge declares it forfeited or orders it returned to its owner, unless the judge decides otherwise. However, the Minister may authorize an inspector to entrust the offender with custody of the thing seized, and the offender must accept custody of it until a judge declares it forfeited or orders it returned to its owner.

The holder of a mining right or the owner, lessee or custodian of a place being inspected and any person found there must lend assistance to the inspector in performing his duties.

The obligation set out in the fifth paragraph also applies to persons accompanying the inspector.

"**251.1.** An inspector may require, by any means that allows proof of receipt at a specific time, that a person communicate to the inspector any document or information relating to the application of this Act and the regulations, within the time and according to the conditions the inspector specifies.

"**251.2.** An inspector may order the suspension of any mining operation work being performed on surface mineral substances if he has reasonable grounds to believe that this Act or the regulations are being contravened.

In such a case, the inspector shall notify, as soon as possible, his decision in writing, with reasons, to the person who is the subject of the suspension, specifying the measures to be taken to remedy the situation.

The inspector shall authorize resumption of the work when he considers that the situation has been remedied.

A person who is the subject of a suspension may, within 10 days after notification of the inspector's decision, apply for a review of the suspension by the Minister."

109. Section 252 of the Act is repealed.

110. Section 255 of the Act is amended by replacing "inspector for official acts" by "inspector or a person accompanying the inspector for acts".

111. The Act is amended by inserting the following sections after section 259:

"**260.** The Minister may generally or specially authorize any person to act as a penal investigator for the enforcement of this Act and the regulations.

"**260.1.** In no case may legal proceedings be taken against the penal investigator for acts performed in good faith in the course of his duties."

112. Section 261 of the Act is amended by inserting ", on the Minister's recommendation," after "may".

113. Section 262 of the Act is replaced by the following section:

"**262.** The Minister shall notify to the grantee or owner the Minister's intention to recommend to the Government the revocation of rights under section 261."

114. Section 263 of the Act is amended by replacing "last publication of the notice" by "notification by the Minister in accordance with section 262".

115. Section 288 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

"No person may designate on a map an exclusive exploration right or apply for a lease to mine surface mineral substances on all or part of a parcel of land that was subject to a mining lease, mining concession or lease to mine surface mineral substances that was revoked before 9:00 a.m. on the 31st day after the revocation of such a right became enforceable.

However, the holder of the revoked mining right shall not designate on a map an exclusive exploration right or apply for a lease to mine surface mineral substances on all or part of the parcel of land that was subject to the revoked mining right before an additional 30-day period."

116. Section 291 of the Act, amended by section 45 of chapter 8 of the statutes of 2022, is replaced by the following section:

"**291.** Every decision rendered under section 42.4, 53, 58, 58.1, 61, 63, 69.1, 74, 82, 101.0.1, 101.1, 104 or 121.1, the second paragraph of section 141, section 142.0.1, 142.0.2, 147, 148, 215.1 or 231, the third paragraph of section 232.5, subparagraph 4 of the first paragraph of section 232.6, the first paragraph of section 232.7, 232.8, 232.10.3 or 232.11, section 234 or 234.1, the fourth paragraph of section 251.2, or section 278 or 281 must be in writing and give the reasons on which it is based. It shall be notified within 15 days to the person concerned and, in the case of a decision rendered under section 42.4, to every holder of a mining right that may be affected by the decision."

117. Section 299 of the Act is amended by replacing "of the contested decision" by "prepared for the purpose of rendering the decision being contested".

118. Section 304 of the Act is amended

(1) in subparagraph 1 of the first paragraph,

(*a*) by striking out "à la recherche," in the introductory clause in the French text;

(*b*) by inserting "geological" before "exploration" in the text after the first dash;

(*c*) by replacing "the Groundwater Catchment Regulation (chapter Q-2, r. 6)" in the text after the eighth dash by "a regulation made under subparagraph *k* of paragraph 16 of section 46 of the Environment Quality Act (chapter Q-2)";

(*d*) by replacing "in accumulation areas under sections 232.1 and 232.11" in the text after the ninth dash by "on the termination of a mining lease, a mining concession, extraction or mining carried out in accordance with section 140.0.1, or a lease to mine surface mineral substances";

(*e*) by inserting "and wetlands of interest" after "refuges" in the text after the tenth dash;

(2) by replacing subparagraph 2.1 of the first paragraph by the following subparagraph:

"(2) reserve to the State or withdraw from prospecting, mining exploration and mining operations any mineral substance forming part of the domain of the State in order to allow the implementation of the land use plan for the land area in the domain of the State prepared under the Act respecting lands in the domain of the State (chapter T-8.1);";

(3) by replacing the second occurrence of "mining" in the second paragraph by "geological";

(4) by replacing the third and fourth paragraphs by the following paragraphs:

"The Minister must, by order, reserve to the State the mineral substances forming part of the domain of the State where, under section 142.0.2, the Minister has refused an application for a lease to mine surface mineral substances or has terminated such a lease.

The Minister may allow, by order, on the conditions he determines, prospecting, mining exploration or mining operations in accordance with this Act for the mineral substances reserved to the State that are determined by the Minister.

The Minister must, by order, reserve to the State the mineral substances forming part of the domain of the State that are situated in a parcel of land that is included in a mining-incompatible territory and in respect of which a withdrawal has been lifted, under section 304.1.2, in order to allow, under certain conditions, the mining of sand and gravel. The Minister shall not allow, by the order, prospecting, mining exploration or mining operations for other substances on the parcel of land concerned.";

(5) by striking out the sixth paragraph.

119. Section 304.1 of the Act is replaced by the following sections:

"**304.0.1.** Any mineral substance forming part of the domain of the State and situated in a parcel of land that is the subject of a decision of a minister or of the Government made under another Act and in the manner prescribed in that Act that reserves the mineral substance to the State or withdraws it from prospecting, mining exploration and mining operations is so reserved or withdrawn.

"**304.1.** The Minister may, by the registration of a notice in the public register of real and immovable mining rights, temporarily suspend prospecting on and the granting of mining rights in respect of a parcel of land whose boundaries are indicated in the notice, until a decision takes effect with regard to

(1) the reserving to the State or the withdrawal from prospecting, mining exploration and mining operations of any mineral substance forming part of the domain of the State that is situated in the parcel of land under the first paragraph of section 304 or under another Act pursuant to section 304.0.1;

(2) the classification of an outstanding geological site on the parcel of land under section 305.1; or

(3) the withdrawal provided for in section 304.1.1 in respect of the parcel of land.

The suspension takes effect on the date indicated in the notice.

The suspension under subparagraph 3 of the first paragraph is for a period of six months and it may be renewed by the Minister for the same period."

120. Section 304.1.1 of the Act is amended, in the first paragraph,

(1) by replacing "a claim" by "an exclusive exploration right";

(2) by inserting "or within an urbanization perimeter" after "mining-incompatible territory";

(3) by striking out "à la recherche," in the French text;

(4) by replacing "the territory is shown on the maps kept at the office of the registrar" by "a notice is registered in the public register of real and immovable mining rights".

121. The Act is amended by inserting the following sections after section 304.1.1:

"**304.1.2.** Despite section 304.1.1, the Minister may, on the application of a local municipality, partially lift a withdrawal covering the mineral substances forming part of the domain of the State that are situated in a parcel of land included in a mining-incompatible territory in order to allow the mining of sand or gravel on the conditions the Minister determines.

"**304.1.3.** Any mineral substance forming part of the domain of the State that is situated in a parcel of land in the private domain that is not included within an urbanization perimeter, except mineral substances situated in a parcel of land that is subject to a mining right in force or to a notice of map designation received before 28 May 2024, is withdrawn from prospecting, mining exploration and mining operations.

Any mineral substance forming part of the domain of the State that is situated in a parcel of land in the private domain that is not included within an urbanization perimeter and on which, at the time of the expiry, abandonment or revocation of the exclusive exploration right to which the land is subject, exploration work has not been performed, reported, and approved by the Minister since 24 October 1988 is also withdrawn from prospecting, mining exploration and mining operations.

"**304.1.4.** The Minister may, in the cases and on the conditions prescribed by regulation, withdraw from prospecting, mining exploration and mining operations the mineral substances forming part of the domain of the State situated in a parcel of land in the private domain that are not withdrawn under section 304.1.3, at the request of the regional county municipality where the substances are situated.

The withdrawal takes effect upon registration of a notice in the public register of real and immovable mining rights.

"**304.1.5.** The regional county municipality where the mineral substances withdrawn under section 304.1.1, within an urbanization perimeter, or under section 304.1.3 or 304.1.4 are situated may, after consulting the local municipality where the withdrawn mineral substances are situated or at that municipality's request, apply to the Minister, by resolution, for the partial or total lifting of the withdrawal.

Where more than 10 years have elapsed since a partial or total lifting of a withdrawal under the first paragraph, the regional county municipality may, after consulting the local municipality where the mineral substances concerned are situated or at that municipality's request, apply to the Minister, by resolution, for the partial or total reinstatement of the withdrawal.

Reinstatement of the withdrawal under section 304.1.3 does not terminate the rights granted under this Act during the time the withdrawal was lifted, prevent the granting of a mining lease to the holder of an exclusive exploration right issued during that period or prevent the granting of another right applied for during that period. The second paragraph of section 304.1.3 does not apply to the expiry, abandonment or revocation of such a right.

Where a regional county municipality does not decide on a request made to it by a local municipality for the lifting or reinstatement of a withdrawal within 120 days after the request, the local municipality may apply to the Minister, by resolution, for the lifting or reinstatement.

A regional county municipality may require, from a local municipality that requests it to lift or reinstate a withdrawal, any document, information or study necessary for assessing the request. The 120-day time limit prescribed in the fourth paragraph is suspended until the documents have been received by the regional county municipality.

The Minister shall register in the public register of real and immovable mining rights any lifting or reinstatement of a withdrawal for which a regional county municipality or local municipality applies to the Minister. The modification takes effect on the date specified in the register.

For the purposes of this section, with the necessary modifications, the following shall be considered regional county municipalities:

(1) the urban agglomeration councils of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de La Tuque and Municipalité des Îles-de-la-Madeleine; and

(2) the local municipalities whose territory is not included in that of a regional county municipality, excluding a local municipality whose territory is included in that of an urban agglomeration whose central municipality is referred to in subparagraph 1.

"**304.1.6.** The Minister may, by order, designate certain mineral substances as critical and strategic minerals. The order shall be published in the *Gazette officielle du Québec*."

122. Section 305.1 of the Act is amended by replacing "shown on maps kept at the office of the registrar" in the third paragraph by "registered in the public register of real and immovable mining rights".

123. Section 305.5 of the Act is amended by replacing "filed in the office of the registrar" in the second paragraph by "registered in the public register of real and immovable mining rights".

124. The Act is amended by inserting the following division after section 305.5:

"**DIVISION III**

"EMERGENCY RESPONSE

"**305.6.** Despite any contrary provision, the Minister may, by order, prohibit or restrict access to a mining road or to land in the domain of the State on which mining activities have been carried out if the Minister is of the opinion that the land or the substances found there present a serious risk to human safety.

The Minister shall prohibit or restrict such access for up to one year on the conditions he determines. The prohibition or restriction may be renewed for other maximum periods of one year in the presence of the same risks.

The order shall be disseminated by the most efficient means available to ensure that the population of the territory where the land or mining road is situated is rapidly informed, and shall be published in the *Gazette officielle du Québec*.

An order made under this section comes into force on the date specified in the order or, in the absence of such a date, on the date of the order's dissemination.

"**305.7.** Despite any contrary provision, where a state of emergency is declared by the Government or where a situation makes it impossible in fact to comply with the obligations relating to the exercise of mining rights by their holder, the Minister may prescribe any measure necessary in respect of the rights and obligations under this Act.

A measure prescribed under the first paragraph shall be published in the *Gazette officielle du Québec* and takes effect on the date indicated. The measure is applicable for the period the Minister determines, which shall not exceed one year following the end of the state of emergency or of the situation. If necessary to prevent or limit serious or irreparable harm, the Minister may, during the following five years, extend the period each year before its expiry.

Before adopting or extending such measures, the Minister must take into consideration the uses and preservation of the territory and the impacts on local and Indigenous communities."

125. Section 306 of the Act, amended by section 46 of chapter 8 of the statutes of 2022, is again amended

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

"(1.1) determine the conditions for applying for the granting of a mining right or for holding such a right under section 18.1;";

(2) by striking out "licence or" in paragraph 2;

(3) by striking out "or a licence" in paragraph 3;

(4) by striking out "licence or" in paragraph 5;

(5) by replacing "claims" in paragraph 8 by "exclusive exploration rights";

(6) by replacing paragraph 8.2 by the following paragraph:

"(8.2) prescribe the conditions for issuing an authorization to erect or maintain a temporary construction or facility referred to in section 66;";

(7) by inserting "and exempt work, in certain cases and on certain conditions, from the obligation to obtain an authorization" at the end of paragraph 8.3;

(8) by replacing "define the improvements" in paragraph 9 by "define the improvements and the strips of land adjacent to them";

(9) by replacing paragraph 10.1 by the following paragraphs:

"(10.0.1) prescribe the method for indexing the minimum cost of work;

"(10.1) prescribe, for the purposes of section 72, the amounts spent that are accepted in the minimum cost of work as well as the period for which they are accepted;

"(10.2) determine the cases in which and conditions on which the Minister may group together exclusive exploration rights under section 83.16 and the terms and conditions in respect of the period of validity and renewal of the grouped exclusive exploration rights;";

(10) by striking out paragraph 12;

(11) by replacing both occurrences of "a claim" in paragraph 12.1 by "an exclusive exploration right";

(12) by replacing all occurrences of "claims" in paragraphs 12.3 to 12.6 by "exclusive exploration rights";

(13) by inserting the following paragraphs after paragraph 12.6:

"(12.7) determine, for the purposes of sections 98, 101, 104 and 118.1, the standards applicable to the preparation of a scoping and market study as well as the substances for which such a study must be prepared;

"(12.8) determine, for the purposes of section 101, the standards applicable to a project feasibility study;";

(14) by replacing paragraphs 12.11 and 12.12 by the following paragraph:

"(12.11) determine the mandate and the operating rules of the monitoring committee established under section 101.0.3;";

(15) by inserting the following paragraphs after paragraph 13:

"(13.0.1) prescribe the amount of the annual duties payable by a grantee;

"(13.0.2) determine the information and fee that must accompany the mining concession conversion application provided for in section 118.2;

"(13.0.3) determine the manner in which information, including information concerning the processing in Québec of the mineral substances extracted and their shipping outside Québec, must be presented in the report provided for in the first paragraph of section 120 or the third paragraph of section 224, and determine the other information that must be indicated in the report;";

(16) by inserting the following paragraphs after paragraph 14:

"(14.1) determine the manner in which the public consultation required under section 140.1 is to be held;

"(14.1.1) prescribe the minimum quantity of mineral substances to be extracted for renewal of an exclusive lease in accordance with section 148;

"(14.1.2) determine the applicable elements, scales and methods for establishing the amount of the financial contribution to be paid under section 155.1;";

(17) by inserting the following paragraph after paragraph 21.1:

"(21.2) determine the terms and conditions applicable to the designation of a representative under section 207.1;";

(18) by inserting the following paragraph after paragraph 23:

"(23.1) determine, for the purposes of section 224, the cases or the mining exploration or mining operation work for which a notice must be transmitted to the Minister;";

(19) by inserting "security and" before "protective" in paragraph 26;

(20) by inserting the following paragraph after paragraph 26:

"(26.0.1) determine the applicable elements, scales and methods for establishing the amount of the financial compensation to be paid under sections 232.0.1 and 232.10.3 and the applicable terms of payment, interest and penalties;";

(21) by replacing "and operations contemplated in section 232.1" in paragraph 26.1 by "or categories of processing plants contemplated in section 232";

(22) by replacing paragraph 26.2 by the following subparagraphs:

"(26.1.1) prescribe the standards that the rehabilitation and restoration plan must comply with;

"(26.2) establish the standards relating to the financial guarantee to be provided under section 232.4 or 232.5;";

(23) by inserting the following paragraphs after paragraph 26.4:

"(26.4.1) determine the events for which and the amount up to which a person is required to make reparation for harm or injury caused through or in the course of his activities in the exercise of a mining right under section 233.2;

"(26.4.2) determine, for the purposes of section 233.3, the amount, term and coverage of the civil liability insurance required according to the different mining rights and the level of risk;

"(26.4.3) prescribe the cases in which the Minister may require the mining of mineral substances found in tailings or impose any measure to promote the mining of tailings under section 234.1;";

(24) by striking out "secondary" in paragraph 28;

(25) by inserting the following paragraph after paragraph 28:

"(28.1) prescribe the cases in which and conditions on which the Minister may withdraw from prospecting, mining exploration and mining operations the mineral substances forming part of the domain of the State situated in a parcel of land in the private domain under section 304.1.4;";

(26) by striking out paragraph 29.3.

126. The Act is amended by inserting the following section after section 306.1:

"**306.2.** The conditions for applying for the granting of a mining right or for holding such a right, referred to in paragraph 1.1 of section 306, may vary according to classes of persons."

127. Section 308 of the Act is amended by replacing ", the rental referred to in paragraphs 2 and 3" by "or a mining concession, the rental, duty or fees referred to in paragraphs 2, 3 and 13.0.1".

128. Section 309 of the Act is amended by inserting "collector minerals and crystals," after "gravel," in the third paragraph.

129. Section 312 of the Act is repealed.

130. Section 313.2 of the Act is amended by inserting "security and" before "protective".

131. Section 313.3 of the Act is repealed.

132. The Act is amended by inserting the following section before section 314:

"**313.4.** A person who refuses or neglects to provide or transmit within the time granted the documents, information or reports required under this Act or the regulations is guilty of an offence and is liable to a fine of $500 to $5,000 in the case of a natural person and $1,500 to $30,000 in any other case, unless another fine is prescribed under this Act."

133. Section 314 of the Act is amended

(1) by inserting "65.1, 98," after "sections" in paragraph 1;

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

"(2.1) contravenes an order made under section 305.6 or 305.7;".

134. Section 315 of the Act is replaced by the following section:

"**315.** A person who

(1) contravenes any of the provisions of the first and second paragraphs of section 66, sections 81.1, 155, 155.1, 207.1, 233.1 or the fifth paragraph of section 251;

(2) hinders or attempts to hinder, in any way, the exercise of the functions of an inspector, an administrative investigator, a penal investigator or any person responsible for accompanying them, in particular by deceiving them by concealment or misrepresentation;

(3) refuses or neglects to provide information or to obey any order that an inspector, an administrative investigator or a penal investigator may require or give under this Act; or

(4) conceals or destroys a document or property relevant to an inspection or an investigation

is guilty of an offence and is liable to a fine of $2,500 to $250,000 in the case of a natural person and $7,500 to $1,500,000 in any other case."

135. Section 316 of the Act, amended by section 47 of chapter 8 of the statutes of 2022, is again amended

(1) by inserting "27," after "sections";

(2) by replacing "216" and "233, 240 and 241" by "215.1, 216" and "232.7.1, 232.8, 233, 233.3, 240 and 241", respectively.

136. Section 318 of the Act is amended by replacing "total amount" by "amount of the temporary guarantee or".

137. Section 322 of the Act is amended by replacing "314" by "313.4".

138. The Act is amended by inserting the following section after section 379.1:

"**380.** Secondary mining roads referred to in section 248, as it read on 28 November 2024, are mining roads under the Minister's responsibility from 29 November 2024.

Mining roads built, modified or maintained, with the authorization of the Government, before 28 November 2024, remain under the responsibility of the Minister of Transport.

The Minister of Transport may decide that certain mining roads referred to in the second paragraph, whose management has been entrusted to the Minister of Transport under the first paragraph of section 2 of the Act respecting roads (chapter V-9), are no longer mining roads, from the date the Minister determines.

Notice of a decision made under the third paragraph shall be published in the *Gazette officielle du Québec*.

Sections 242 to 247, as they read on 28 November 2024, apply to the mining roads referred to in the second paragraph. The immunity provided for in section 250 applies to the Minister of Transport in respect of mining roads that remain under the Minister of Transport's responsibility."

139. Section 382 of the Act is amended by striking out ", except the provisions concerning mining roads, which shall be administered by the Minister of Transport".

140. The Act is amended by replacing all occurrences of "claim holder", "a claim" and "claims" and all other occurrences of "claim" by "holder of an exclusive exploration right", "an exclusive exploration right", "exclusive exploration rights" and "exclusive exploration right", respectively.

SUSTAINABLE FOREST DEVELOPMENT ACT

141. Section 46 of the Sustainable Forest Development Act (chapter A-18.1) is amended by striking out ", but may not be prior to 1 April following the year the change was applied for" in the second paragraph.

142. Section 87 of the Act is amended by replacing paragraph 2.1 by the following paragraph:

"(2.1) determine, for permits other than a sugar bush management permit, the conditions for revising the permit while it is in effect and at the time of its renewal, in particular to apportion the reduction in annual volumes of timber following a reduction in the allowable cuts;".

143. Section 106 of the Act is amended by striking out ", that is, after 31 March of the following year" in the first paragraph.

144. Section 107 of the Act is amended

(1) by striking out "in a region covered by several timber supply guarantees";

(2) by replacing "vary the reduction in consequence" by "apportion the reduction between the guarantee holders of the region concerned and of the adjacent regions".

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

145. Section 5 of the Act respecting land use planning and development (chapter A-19.1) is amended by inserting "on lands in the domain of the State outside urbanization perimeters" at the end of the fifth paragraph.

ACT RESPECTING THE MINISTÈRE DES RESSOURCES NATURELLES ET DE LA FAUNE

146. The Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) is amended by inserting the following sections after section 12.2:

"**13.** The Minister may, by order, determine the particular method, medium or format that must be used to present or send a document or information under an Act or regulation under the Minister's responsibility.

The Minister may, by order, determine the method, medium or format the Minister uses to communicate or send a document or information to a person.

For the purposes of this section, the Minister may require registration with a single-window departmental point of service on the conditions the Minister determines.

"**14.** If an Act or regulation under the Minister's responsibility prescribes the holding of an information session or a public consultation, such a session may be held by a technological means that makes it possible for participants to hear each other simultaneously.

If the session or the consultation must be held in a determined place, the technological means must be reasonably accessible to persons who reside there."

147. Section 17.12.12 of the Act is amended, in subparagraph 4 of the first paragraph,

(1) by inserting "and of the circular economy" after "mineral potential";

(2) by inserting ", processing" after "exploration".

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

148. The heading of Division III of Chapter II of the Act respecting the lands in the domain of the State (chapter T-8.1) is amended by replacing "DES TERRES" in the French text by "DU TERRITOIRE".

149. Section 21 of the Act is amended

(1) by replacing "a land use plan for any part of the domain of the State he determines" in the first paragraph by ", for any part of the domain of the State that he determines, a land use plan for the land area in that domain";

(2) by replacing the second and third paragraphs by the following paragraphs:

"The land use plan shall define the Government's policy directions with regard to uses and preservation of land in the domain of the State and of the resources found there. In order to enable prioritization and reconciliation of uses and preservation of the land area in the domain of the State, the plan shall establish the application zones and the intentions and purposes for each of them. The plan may also establish specific objectives for certain zones.

The land use plan shall integrate the land uses for the land area in the domain of the State established under other Acts."

150. Section 23 of the Act is amended

(1) by replacing "land included in the territory of a regional county municipality, the Minister of Municipal Affairs, Regions and Land Occupancy" in the first paragraph by "a land area included in the territory of a regional county municipality, the Minister";

(2) by replacing all occurrences of "lands" in the second and third paragraphs by "the land area";

(3) by replacing "lands comprised in the territory" in the fourth paragraph by "a land area included in the territory".

151. Section 24 of the Act is amended by replacing "lands comprised in one of the territories referred to in paragraphs 1 to 4, the Minister of Municipal Affairs, Regions and Land Occupancy" in the introductory clause of the first paragraph by "a land area included in the territories referred to in subparagraphs 1 to 4, the Minister".

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

"**24.1.** The Minister may amend the land use plan with the collaboration of the ministers concerned by the amendment.

An amendment to the land use plan must be approved by the Government."

153. Section 25 of the Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence: "Where, under section 24.1, an amendment is proposed to a plan respecting a land area included in the territory of a regional county municipality

or of a metropolitan community, the Minister shall transmit, for an opinion, the proposed amendment to the council of the municipality or community or to both councils if the amendment is proposed to a plan respecting a land area included both in the territory of a regional county municipality and in the territory of a metropolitan community.";

(2) in the second paragraph,

(*a*) by replacing "lands comprised" by "a land area included";

(*b*) by striking out "of Municipal Affairs, Regions and Land Occupancy".

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

"**25.1.** Sections 22 to 24, the second paragraph of section 24.1 and section 25 do not apply when the Minister integrates into the land use plan a use of the land area in the domain of the State that is established under another Act.

"**25.2.** The Minister may ask another minister or a person, body, municipality or metropolitan community to send him any information or document he considers necessary for the preparation or amendment of the land use plan."

155. Section 35.1 of the Act is amended by adding the following paragraphs at the end:

"At the end of a period of 30 years from the date of the sale, any restrictive clause attached to the sale ceases to apply, and the sale becomes irrevocable.

The second paragraph also applies to any restrictive clause attached to a sale made before 29 November 2024, unless the Minister has waived the clause before that date."

REGULATION RESPECTING THE SUSTAINABLE DEVELOPMENT OF FORESTS IN THE DOMAIN OF THE STATE

156. Section 120 of the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) is amended by replacing "The holder of a lease to mine surface mineral substances referred to in section 140 of the Mining Act (chapter M-13.1) must, before the expiry of the lease," by "A person who uses a sandpit for the construction, improvement, repair, maintenance or decommissioning of forest roads must, within 30 days after the end of that use,".

157. Section 159 of the Regulation is amended by replacing subparagraph 7 of the second paragraph by the following subparagraph:

"(7) every person who contravenes section 120."

MINING REGULATION

158. Section 6 of the Mining Regulation (chapter M-13.1, r. 2) is amended by replacing "on the maps kept at the office of the registrar" in paragraph 3 by "in the public register of real and immovable mining rights".

159. Section 38 of the Regulation is amended by inserting "as well as a survey of the parcel of land involved, unless it has already been entirely surveyed" at the end of the second paragraph.

160. Section 51 of the Regulation is amended by replacing "reproduced on the maps kept at the office of the registrar" in the third paragraph by "registered in the public register of real and immovable mining rights".

161. The Regulation is amended by replacing all occurrences of "232.1" by "232".

MINISTERIAL ORDER RESPECTING THE TYPES OF CONSTRUCTION THAT THE HOLDER OF A CLAIM, A MINING EXPLORATION LICENCE OR A LICENCE TO EXPLORE FOR SURFACE MINERAL SUBSTANCES MAY ERECT OR MAINTAIN ON LANDS OF THE DOMAIN OF THE STATE WITHOUT MINISTERIAL AUTHORIZATION

162. The Ministerial Order respecting the types of construction that the holder of a claim, a mining exploration licence or a licence to explore for surface mineral substances may erect or maintain on lands of the domain of the State without ministerial authorization (chapter M-13.1, r. 3) is repealed.

REGULATION RESPECTING THE REGULATORY SCHEME APPLYING TO ACTIVITIES ON THE BASIS OF THEIR ENVIRONMENTAL IMPACT

163. Section 116 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended by replacing "lease or other document giving the applicant rights to" in subparagraph 1 of the first paragraph by "of the application for a lease or of any other document confirming the right to mine".

REGULATION RESPECTING THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW OF CERTAIN PROJECTS

164. Section 22 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is replaced by the following section:

"(**22**) MINING ACTIVITY

For the purposes of this section,

(1) "mine" means all the surface and underground infrastructures forming part of a mineral substance operation, except surface mineral substances within the meaning of the Mining Act (chapter M-13.1); and

(2) "operation area" means the surface area authorized under the Act or, if there is no such surface area, the surface area occupied by the mine; if the project includes an ore treatment plant, the operation area also includes the area of the plant referred to in section 23.

The following projects are subject to the procedure:

(1) work required for the operation of a new mine;

(2) where the operation of a mine was authorized under section 31.5 of the Act before 29 November 2024 or is the subject of such an authorization as of that date, work required for any expansion of 50% or more of the mine operation area; and

(3) where the operation of a mine was not authorized under section 31.5 of the Act before 29 November 2024,

(*a*) work required for any expansion of 50% or more of the mine operation area;

(*b*) work required for any project to increase the maximum daily extraction capacity by 50% or more;

(*c*) work that increases the maximum daily extraction capacity of a metal ore mine to 2,000 metric tons or more;

(*d*) work that increases the maximum daily extraction capacity of an ore mine other than a metal ore mine to 500 metric tons or more; and

(*e*) work required to resume the operation of a mine that underwent dismantling or restoration work after its operation stopped."

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

165. An owner or operator who, on 28 May 2024, performs mining operation work in respect of mineral substances referred to in section 4 of the Mining Act (chapter M-13.1) must send to the Minister, not later than 29 May 2025, a written notice that includes the following information:

(1) the name and address of the owner and of the operator;

(2) the designation of the lot on which the deposit that is the subject of mining operation work is situated; and

(3) the description of the extent of the deposit and its limits and of any mining operation work in progress on the deposit.

The Minister must, within 60 days after receipt of the notice, determine whether the mineral substances are the subject of mining operations within the meaning of section 4 of the Mining Act, as amended by section 3 of this Act.

If the Minister determines that the mineral substances are the subject of mining operations within the meaning of section 4 of the Mining Act, the Minister publishes a notice in the *Gazette officielle du Québec* that indicates

(1) the name of the owner;

(2) the name of the municipality where the deposit is situated; and

(3) the designation of the lot on which the deposit is situated.

The owner or operator may contest the decision of the Minister made under the second paragraph before the Court of Québec. Sections 296 to 300 and section 303 of the Mining Act apply, with the necessary modifications, to the contestation.

Rights in or over mineral substances referred to in section 4 of the Mining Act are revoked in favour of the State, without compensation, on 29 May 2025 or, if a notice is sent to the Minister in accordance with the first paragraph, on the date of the final decision, provided the mineral substances are not the subject of mining operations, in accordance with that section and with this section.

Within 30 days after the revocation provided for in the fifth paragraph, the person whose rights in or over mineral substances are revoked has priority for obtaining the exclusive exploration right in respect of all or part of the parcel of land where the mineral substances are situated, unless an exclusive exploration right is already registered in favour of a third person. In such a case, the person sends to the Minister a written notice to apply for the registration of the exclusive exploration right and the issue of a certificate of registration.

166. If the mineral substances listed in section 5 of the Mining Act (chapter M-13.1) are under a lease to mine surface mineral substances on 29 November 2024, they are abandoned to the owner of the soil on the expiry of the lease.

A lease referred to in the first paragraph, except a peat lease, may not be renewed. The impossibility of renewing a lease does not give the right to any compensation.

During the period of validity of the lease to mine surface mineral substances, the owner of the soil may move or use in accordance with section 6 of the Mining Act, as it read on 28 November 2024, the mineral substances listed in section 5 of that Act that are covered by the lease.

167. The instruments registered in the public register of real and immovable mining rights relating to an exclusive exploration right obtained or registered, as applicable, before 10 December 2013, that are not referred to in subparagraphs 2 and 4 of section 13 of the Mining Act (chapter M-13.1) are without effect against the State.

The registrar may withdraw the instruments referred to in the first paragraph from the register.

168. Facilities and constructions erected before 28 November 2024 in accordance with section 66, as it read before being amended by section 32 of this Act, are deemed, for a period of one year following the coming into force of that section 32, to have been authorized in accordance with the second paragraph of section 66 of the Mining Act (chapter M-13.1), as amended.

169. Until the coming into force of the first regulation made under paragraph 12.7 of section 306 of the Mining Act (chapter M-13.1), amended by section 125 of this Act, a scoping and market study, referred to in sections 98, 101, 104 and 118.1 of the Mining Act, amended respectively by sections 46, 47, 51 and 54 of this Act, is required for all mineral substances, except gold and silver, and the Minister determines, in each case, the standards applicable to its preparation.

170. Until the coming into force of the first regulation made under paragraph 12.8 of section 306 of the Mining Act (chapter M-13.1), amended by section 125 of this Act, the Minister determines, in each case, the standards applicable to the project feasibility study required under section 101 of the Mining Act, replaced by section 47 of this Act.

171. Section 101.0.1 of the Mining Act (chapter M-13.1), replaced by section 47 of this Act, applies to mining lease applications pending on 29 November 2024.

172. Section 101.0.3 of the Mining Act (chapter M-13.1), as amended by section 49 of this Act, applies to mining concessions.

A holder of a mining lease or mining concession in force on 28 November 2024 must establish a monitoring committee, in accordance with section 101.0.3, before 29 November 2025.

173. A mining lease granted for the mining of collector minerals and crystals in force on 28 November 2024 is deemed to be an exclusive lease to mine surface mineral substances granted under section 140 of the Mining Act (chapter M-13.1), with the necessary modifications, for the unexpired term of the lease, which must not exceed 10 years.

174. Section 142.0.2 of the Mining Act (chapter M-13.1), replaced by section 65 of this Act, applies to applications for a lease to mine surface mineral substances pending on 29 November 2024.

175. Section 145 of the Mining Act (chapter M-13.1), replaced by section 68 of this Act, and section 145.1 of the Mining Act, enacted by section 68 of this Act, do not apply to an exclusive lease to mine surface mineral substances granted before 29 November 2024.

176. Until the coming into force of the first regulation made under paragraph 26.1.1 of section 306 of the Mining Act (chapter M-13.1), amended by section 125 of this Act, the standards with which any rehabilitation and restoration plan must comply are determined by the Minister.

177. The urbanization perimeters delimited in a land use and development plan in accordance with the Act respecting land use planning and development (chapter A-19.1) as well as lands in the private domain are excluded from the mining-incompatible territories delimited in such a land use plan before 29 November 2024.

However, where mineral substances forming part of the domain of the State are situated in a parcel of land in the private domain that is not included within an urbanization perimeter, they are deemed to be withdrawn from prospecting, mining exploration and mining operations under section 304.1.4 of the Mining Act (chapter M-13.1), enacted by section 121 of this Act, from 29 November 2024 provided they are situated on one of the following parcels of land:

(1) a parcel of land included in a mining-incompatible territory; or

(2) a parcel of land subject to a temporary suspension notice on 28 November 2024, before the delimitation of a mining-incompatible territory under section 304.1 of the Mining Act, as it read on that date.

178. The formats, manners and places determined or prescribed under section 216.1 of the Mining Act (chapter M-13.1), as it read on 28 November 2024, are deemed to have been determined by the Minister under section 13 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), enacted by section 146 of this Act.

179. Unless the context indicates otherwise or this Act provides otherwise, in any Act, regulation or other document, “claim” and “mining claim” are replaced by “exclusive exploration right”, and “claims” and “claim holder” are replaced by “exclusive exploration rights” and “holder of an exclusive exploration right”, respectively.

180. Unless the context indicates otherwise, in any Act or regulation, the expressions “land use plan”, “public land use plan” and “land use plan for the lands in the domain of the State” are replaced by “land use plan for the land area in the domain of the State”.

181. The provisions of this Act come into force on 29 November 2024, except

(1) section 9, which comes into force on the date of coming into force of the first regulation made under paragraph 1.1 of section 306 of the Mining Act (chapter M-13.1), amended by section 125 of this Act;

(2) section 32, insofar as it enacts section 65.1 of the Mining Act, which comes into force on the date that is six months after the date of assent to this Act;

(3) section 32, insofar as it enacts sections 66 and 66.1 of the Mining Act, and section 162, which come into force on the date of coming into force of the first regulation made under paragraph 8.2 of section 306 of that Act, amended by section 125 of this Act;

(4) subparagraph *b* of paragraph 1 and paragraph 2 of section 37, which come into force on the date of coming into force of the first regulation made under paragraph 10.1 of section 306 of the Mining Act, amended by section 125 of this Act;

(5) section 40, which comes into force on 29 May 2026;

(6) section 41, which comes into force on 29 November 2025;

(7) section 45, which comes into force on the date of coming into force of the first regulation made under paragraph 10.2 of section 306 of the Mining Act, amended by section 125 of this Act;

(8) paragraph 1 of section 49, insofar as it determines the mandate of the monitoring committee, which comes into force on the date of coming into force of the first regulation made under paragraph 12.11 of section 306 of the Mining Act, amended by section 125 of this Act;

(9) section 54, insofar as it enacts section 118.2 of the Mining Act, which comes into force on the date of coming into force of the first regulation made under paragraph 13.0.2 of section 306 of the Mining Act, amended by section 125 of this Act;

(10) section 55, which comes into force on the date of coming into force of the first regulation made under paragraph 13.0.3 of section 306 of the Mining Act, amended by section 125 of this Act;

(11) section 63, which comes into force on 29 May 2026;

(12) section 70, which comes into force on the date of coming into force of the first regulation made under paragraph 14.1.1 of section 306 of the Mining Act, amended by section 125 of this Act;

(13) section 78, which comes into force on the date of coming into force of the first regulation made under paragraph 21.2 of section 306 of the Mining Act, amended by section 125 of this Act;

(14) section 83, which comes into force on the date of coming into force of the first regulation made under paragraph 23.1 of section 306 of the Mining Act, amended by section 125 of this Act;

(15) section 97, insofar as it enacts section 233.2 of the Mining Act, which comes into force on the date of coming into force of the first regulation made under paragraph 26.4.1 of section 306 of the Mining Act, amended by section 125 of this Act;

(16) section 97, insofar as it enacts section 233.3 of the Mining Act, which comes into force on the date of coming into force of the first regulation made under paragraph 26.4.2 of section 306 of the Mining Act, amended by section 125 of this Act; and

(17) section 99, which comes into force on the date of coming into force of the first regulation made under paragraph 26.4.3 of section 306 of the Mining Act, amended by section 125 of this Act.

107221

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 73
(2024, chapter 37)

An Act to counter non-consensual sharing of intimate images and to improve protection and support in civil matters for persons who are victims of violence

Introduced 3 October 2024
Passed in principle 6 November 2024
Passed 28 November 2024
Assented to 4 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act enacts the Act to counter non-consensual sharing of intimate images, which creates a new recourse allowing a person to prevent or put a stop to the non-consensual sharing of an intimate image.

The Act provides a fast and simple procedure to prevent or put a stop to the non-consensual sharing of an intimate image as well as the penalties that may be imposed when an order issued to that effect is disobeyed. An application to obtain such an order is presented to a judge of the Court of Québec or to a presiding justice of the peace.

The Code of Civil Procedure is amended to broaden the scope of a protection order so that it may be used to protect a person who fears that their life, health or safety is threatened, in particular due to a context of violence. It also simplifies the procedure applicable to an application for a protection order and makes the provisions concerning contempt of court inapplicable to the protection order so that Criminal Code sanctions apply to any violation of the order.

The Act provides for testimonial aids for persons who are victims of family, spousal or sexual violence, in particular the possibility of testifying at a distance and of being accompanied by a support dog or a person of trust.

The Act amends the Civil Code, the Labour Code, the Professional Code, the Public Service Act, the Act respecting administrative justice and the Act to establish the Administrative Labour Tribunal in order to provide for a presumption of irrelevance of proof based on myths and stereotypes recognized in criminal law when a civil or administrative matter contains allegations of sexual violence or spousal violence.

The Act provides that the Minister of Justice must make sure that government departments and bodies offer training on the realities relating to spousal violence and sexual violence to the persons who are likely to intervene in such contexts.

The proof required of a person who is a victim is facilitated, in the course of an action for damages for injury resulting from an act that constitutes a criminal offence, by allowing the filing of a copy of the judgment of guilty rendered against the perpetrator of the offence, which has become final, to be sufficient as proof of the fault.

The Act provides that the right resulting from a judgment obtained against the person who is liable for injury resulting from a criminal offence as defined in the Act to assist persons who are victims of criminal offences and to facilitate their recovery is not subject to prescription. That right is nevertheless prescribed by three years in the case of the death of the person liable for such an injury.

The Act provides that the public servant or public officer designated by the Minister of Justice may, on examining a judgment confirming a situation of violence, issue the certificate that must accompany the notice of resiliation of a lease on grounds of sexual violence, spousal violence or violence towards a child.

Lastly, the Act provides that the court seized of an application relating to the appointment or replacement of a tutor takes into consideration, in particular, the judicial record of the proposed tutor in criminal, penal or civil matters as well as in bankruptcy matters and, for that purpose, the documents that must be filed in the court record.

LEGISLATION ENACTED BY THIS ACT:

– Act to counter non-consensual sharing of intimate images (2024, chapter 37, section 1).

LEGISLATION AMENDED BY THIS ACT:

– Civil Code of Québec;

– Code of Civil Procedure (chapter C-25.01);

– Professional Code (chapter C-26);

– Labour Code (chapter C-27);

– Public Service Act (chapter F-3.1.1);

– Act respecting administrative justice (chapter J-3);

– Act respecting the Ministère de la Justice (chapter M-19);

– Act to establish the Administrative Labour Tribunal (chapter T-15.1);

– Courts of Justice Act (chapter T-16).

Bill 73

AN ACT TO COUNTER NON-CONSENSUAL SHARING OF INTIMATE IMAGES AND TO IMPROVE PROTECTION AND SUPPORT IN CIVIL MATTERS FOR PERSONS WHO ARE VICTIMS OF VIOLENCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TITLE I

NON-CONSENSUAL SHARING OF INTIMATE IMAGES

CHAPTER I

ENACTMENT OF THE ACT TO COUNTER NON-CONSENSUAL SHARING OF INTIMATE IMAGES

1. The Act to counter non-consensual sharing of intimate images, the text of which appears in this chapter, is enacted.

"ACT TO COUNTER NON-CONSENSUAL SHARING OF INTIMATE IMAGES

"**CHAPTER I**

"GENERAL PROVISIONS

"**1.** The purpose of this Act is to allow a person to, in an urgent, simple manner, prevent or put a stop to an infringement on their fundamental rights, in particular the right to the safeguard of their dignity, honour and reputation and the right to respect of their privacy, protected by the Charter of human rights and freedoms (chapter C-12) and by the Civil Code, resulting from the non-consensual sharing of an intimate image, considering that such sharing could cause the person irreparable injury, in particular by reason of the risk of the image being spread by technological means.

"**2.** An intimate image is any image, altered or not, that represents or appears to represent a person either nude or partially nude, exposing their breasts, genital organs, anal region or buttocks, or engaging in an explicit sexual activity, where the person had a reasonable expectation that their privacy would be protected, whether in the circumstances in which the image was created, taken or recorded or, where applicable, in which the image was shared.

Any visual or sound recording or live broadcast is considered an image for the purposes of this Act.

"**3.** The sharing of an intimate image includes publishing, broadcasting, distributing, transmitting, selling, communicating, making available or advertising such an image.

However, the sharing necessary for the purposes of the administration of justice is not subject to this Act.

"**4.** Consent to the creation, taking, recording or sharing of an intimate image does not constitute a renunciation of the fundamental rights that the person who gave consent is entitled to expect in other circumstances.

"**5.** A person may revoke their consent to the sharing of an intimate image.

Any person to whom the revocation is communicated must abstain from sharing the intimate image and make every reasonable effort to make the image inaccessible. Failing that, the person is responsible for any injury resulting from the image being made accessible or being shared.

However, revocation is not possible where the consent was given under a contract entered into for commercial or artistic purposes, unless the possibility of revoking consent was provided for therein or the contract is a contract of adhesion.

"CHAPTER II

"URGENT ORDER TO CEASE OR PREVENT THE SHARING OF AN INTIMATE IMAGE

"**6.** A judge of the Court of Québec or a presiding justice of the peace may, where an intimate image is shared without consent or there is a threat of such sharing, order any person who possesses or has control of an intimate image to, upon notification of the order,

(1) abstain from sharing the image;

(2) cease any sharing of the image; and

(3) destroy the image.

Likewise, the judge or presiding justice of the peace may order any person to de-index any hyperlink allowing access to the image.

In addition, the judge or presiding justice of the peace may order any person to provide them with any information necessary or useful for putting a stop to the sharing of such an image or for preventing it, in particular any information

that may be used to identify a person who has shared such an image or who is threatening to do so, and may issue any other incidental order that is appropriate in the circumstances.

"**7.** An application for such an order may be made by the person represented in the image or, where the latter consents to it or the court so authorizes, by another person or by a body.

In the event that the person represented in the image is deceased, the application for an order may also be made by the person's spouse, a close relative or a person connected by marriage or a civil union.

"**8.** A minor 14 years of age or over may file the application for the order alone or give their consent alone for another person or a body to file the application on their behalf.

"**9.** The person applying for such an order must, in order to obtain it, declare

(1) that they are the person represented in the intimate image within the meaning of this Act or that they are authorized to present the application, in particular because they have the consent of that person;

(2) that the intimate image is being shared, or that a person is threatening to share it, without the consent of the person represented in the image; and

(3) that they are applying for the order provided for by this Act.

The statement is deemed to be made under oath.

The person applying for the order also provides any information, of which they have knowledge, that could help prevent or put a stop to the sharing of the intimate image.

"**10.** The application for an order may be made by means of an outline that briefly presents the alleged facts or by using the form established by the Minister of Justice.

Supporting documents, if any, are to be produced with the court office in a manner that ensures their confidentiality.

"**11.** The application for an order need not be notified to the defendant, unless the court orders otherwise.

"**12.** The application for an order is heard and decided on an urgent basis.

The application may be heard outside the presence of the parties.

"**13.** The order may be issued with respect to any person, even if the person's identity is unknown to the court.

"**14.** The order is notified without delay by the court clerk to the defendant and to any other person the order concerns and whose identity or other information allowing notification is known at the time the order is issued.

Notification may be made by any appropriate method that provides proof that the order was delivered, including by court bailiff, by registered mail, by having the order delivered personally by a courier, or by a technological means.

Whatever the method of notification used, a person who acknowledges receipt of the document or admits having received it is deemed to have been validly notified.

"**15.** Within 30 days after notification of the order, the defendant or any other person the order concerns may request that the order be annulled on the grounds that the allegations in the statement made by the person who requested the order are insufficient or false, in particular for one of the following reasons:

(1) the person represented in the image did not have a reasonable expectation of privacy in the circumstances where the image was created, taken, recorded or shared, in particular because the defendant, or other person the order concerns, had the person's free and enlightened consent in those circumstances; or

(2) the image was shared for legitimate public information purposes without exceeding what is reasonable.

The application must be presented, in writing, in the district of the court that issued the order, as if it were an application in the course of a proceeding. It is to be heard and decided without delay.

The decision for annulment of the order may only be appealed by leave of a judge of the Court of Appeal.

"**16.** The order remains in force despite an application for annulment or an appeal, unless the court orders otherwise.

"**17.** Despite section 23 of the Charter of human rights and freedoms (chapter C-12), the hearing is held in camera and access to the court record is restricted.

However, if all parties are of full age, the court may, in the interests of justice, order that the hearing be public and that certain persons with a legitimate interest may have access to the record.

No person who has had access to the record may disclose or disseminate any information that would allow a party in a proceeding to be identified, unless authorized by the court.

"**18.** In addition to the sanction for contempt of court, anyone who neglects or refuses to comply with an order issued under this Act is liable to a fine of $500 to $5,000 per day in the case of a natural person or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and to a fine of $5,000 to $50,000 per day in any other case.

For a subsequent offence, the amounts are doubled.

There may be no accumulation of proceedings for contempt of court and of proceedings seeking a penal sanction for the violation of an order issued under this Act that occurred on the same day and is based on the same facts.

"**19.** If a legal person disobeys an order issued under this Act, the officer, director or representative of the legal person who ordered or authorized the commission of the act or the omission constituting the offence or who consented to it is a party to the offence and is liable to the same penalty as that legal person.

"**20.** All sums collected as fines under this Act are credited to the fund dedicated to assistance for persons who are victims of criminal offences established under the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1).

"**CHAPTER III**

"CIVIL LIABILITY

"**21.** A person who shared an intimate image without consent or who threatened to do so is bound to make reparation for the injury caused, unless they prove that they have not committed any fault.

"**22.** Despite section 23 of the Charter of human rights and freedoms (chapter C-12), the hearing is held in camera and access to the court record is restricted.

However, if all parties are of full age, the court may, in the interests of justice, order that the hearing be public and that certain persons with a legitimate interest may have access to the record.

No person who has had access to the record may disclose or disseminate any information that would allow a party in a proceeding to be identified, unless authorized by the court.

"**CHAPTER IV**

"FINAL PROVISION

"**23.** The Minister of Justice is responsible for the administration of this Act."

CHAPTER II

AMENDING PROVISION

COURTS OF JUSTICE ACT

2. Schedule V to the Courts of Justice Act (chapter T-16) is amended by adding the following at the end of paragraph 1:

"— issuing orders under the Act to counter non-consensual sharing of intimate images (2024, chapter 37, section 1)."

TITLE II

OTHER PROTECTION MEASURES

CHAPTER I

CIVIL PROTECTION ORDER

CODE OF CIVIL PROCEDURE

3. Article 58 of the Code of Civil Procedure (chapter C-25.01) is amended by striking out both occurrences of "or protection order" in the second paragraph.

4. Article 69 of the Code is amended by inserting "protection orders," after "temporary injunctions," in the second paragraph.

5. Article 509 of the Code is amended by striking out the second and third paragraphs.

6. The Code is amended by inserting the following chapter after article 515:

"**CHAPTER I.1**

"PROTECTION ORDER

"**515.1.** A protection order is an order directing a natural person to refrain from or cease doing something or to perform a specified act in order to protect another natural person who fears that their life, health or safety is threatened, in particular due to a context of violence based on a concept of honour, of family, spousal or sexual violence, of intimidation or of harassment.

An application for a protection order may be made by means of an outline that briefly presents the alleged facts or by using the form established by the Minister of Justice.

An application for a protection order may also be made, where the person fearing the threat consents to it or where the court so authorizes, by another person or by a body.

The application for a protection order is deemed to be made under oath.

"**515.2.** An application for a protection order is notified to other parties with a notice of its presentation.

However, the court may issue a protection order for a maximum period of 10 days without the application having been notified to the other party.

Once the application has been notified, the order may, prior to the trial on the merits, be extended or issued for a period of more than 10 days.

"**515.3.** An application for a protection order is tried and decided on an urgent basis.

The protection order is issued for a maximum period of five years and on the conditions determined by the court. It may be renewed, extended or issued anew.

"**515.4.** A judgment granting a protection order is notified without delay by the court clerk to the parties, to any other person identified in it, and to the police force of the plaintiff's place of domicile. Despite the second paragraph of article 133, notification may be made by a technological means.

The provisions relating to contempt of court do not apply to a person who disobeys a protection order.

The protection order is enforceable despite a contestation or an appeal, unless the court orders otherwise."

CHAPTER II

TESTIMONIAL AIDS FOR PERSONS WHO ARE VICTIMS

CODE OF CIVIL PROCEDURE

7. Article 95 of the Code of Civil Procedure (chapter C-25.01) is amended by adding the following paragraph at the end:

"A party may elect domicile at the firm of the lawyer that is representing the party or, failing that, at the court office, if the party has filed with the court office a certificate confirming that the party has gone to an assistance organization for persons who are victims that is recognized by the Minister of Justice for help as a victim of family, spousal or sexual violence on the part of another party or a witness in the proceeding. The party's domiciliary address and certificate are confidential; the domiciliary address may be communicated

only with the authorization of the court and only if warranted on serious grounds. However, the party's domiciliary address accompanies the judgment where the law provides that the judgment is to be notified by the court clerk to a public officer, a government department or a public body or appears on the statements required under article 444."

8. Article 110 of the Code is amended by adding the following sentence at the end of the first paragraph: "However, notification to a party that has filed with the court office the certificate referred to in article 95 is made by a technological means."

9. Article 279 of the Code is amended

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

"A witness, with the authorization of the court, or a party that has filed with the court office a certificate confirming that it has gone to an assistance organization for persons who are victims that is recognized by the Minister of Justice for help as a victim of family, spousal or sexual violence on the part of a party or of another witness in the proceeding, may, at their choice, testify at a distance or by means of a device allowing them not to see that party or other witness. The witness or party may also be accompanied by someone they consider capable of providing assistance or reassurance. In addition, the witness or party may be accompanied by a dog specifically trained for assistance in court and by the dog's handler, if applicable.";

(2) by adding the following sentence at the end of the fourth paragraph: "The court may also order the witness to testify in person if it considers that testimony at a distance does not allow the court to assess the witness's credibility."

10. Article 444 of the Code is amended by adding the following paragraph at the end:

"The information contained in the statements is confidential. It is collected only for the application of the Act to facilitate the payment of support (chapter P-2.2) by the Agence du revenu du Québec."

11. Article 445 of the Code is amended by inserting ", except the statements required under article 444" after "prescribed documents".

CHAPTER III

RESILIATION OF A LEASE OF A DWELLING

CIVIL CODE OF QUÉBEC

12. Article 1974.1 of the Civil Code of Québec is amended by inserting "a judgment confirming a situation of violence or" after "who, on examining" in the third paragraph.

CHAPTER IV

MEANS OF PROOF AND EXEMPTIONS FROM PRESCRIPTION

DIVISION I

MEANS OF PROOF

CIVIL CODE OF QUÉBEC

13. The Civil Code of Québec is amended by inserting the following article after article 2858:

"**2858.1.** Where a matter contains allegations of sexual violence or spousal violence, the following facts are presumed to be irrelevant:

(1) any fact relating to the reputation of the person who is the alleged victim of the violence;

(2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person's credibility;

(3) the fact that the person did not ask that the behaviour cease;

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

(5) any fact in connection with the delay in reporting the alleged violence; and

(6) the fact that the person maintained relations with the alleged perpetrator of the violence.

Any debate relating to the admissibility in evidence of any such fact is an issue of law and is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12)."

14. The Code is amended by inserting the following chapter after article 2874:

"**CHAPTER IV**

"PROOF OF CERTAIN FACTS

"**2874.1.** In the course of an action for damages for injury resulting from an act that constitutes a criminal offence, the filing of a copy of the judgment of guilty rendered against the perpetrator of the offence, having become final, is sufficient as proof of the fault."

CODE OF CIVIL PROCEDURE

15. Article 228 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting ", to facts presumed to be irrelevant where a matter contains allegations of sexual or spousal violence" after "fundamental rights" in the second paragraph.

PROFESSIONAL CODE

16. The Professional Code (chapter C-26) is amended by inserting the following section after section 149:

"**149.0.1.** Where the complaint concerns a derogatory act referred to in section 59.1 or an act of a similar nature set out in the code of ethics of the members of the professional order, the following facts are presumed to be irrelevant:

(1) any fact relating to the reputation of the person who is the alleged victim of the derogatory act;

(2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person's credibility;

(3) the fact that the person did not ask that the behaviour cease;

(4) the fact that the person did not file a complaint or exercise a recourse regarding the derogatory act;

(5) any fact in connection with the delay in reporting the alleged derogatory act; and

(6) the fact that the person maintained relations with the alleged perpetrator of the derogatory act.

Any debate relating to the admissibility in evidence of any such fact is an issue of law and is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12)."

17. Section 174 of the Code is amended

(1) by replacing "in section 149" by "in sections 149 and 149.0.1";

(2) by inserting ", with the necessary modifications" at the end.

LABOUR CODE

18. The Labour Code (chapter C-27) is amended by inserting the following section after section 100.9:

"**100.9.1.** Despite any rule of evidence, where a matter contains allegations of sexual violence or spousal violence, the following facts are presumed to be irrelevant:

(1) any fact relating to the reputation of the person who is the alleged victim of the violence;

(2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person's credibility;

(3) the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

(5) any fact in connection with the delay in reporting the alleged violence, except to demonstrate the existence or absence of reasonable grounds for extending a time limit or for relieving a person or not from the consequences of failing to act within a time limit; and

(6) the fact that the person maintained relations with the alleged perpetrator of the violence.

Article 209 of the Code of Civil Procedure (chapter C-25.01) applies to any debate relating to the admissibility in evidence of any such fact. Such a debate is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12)."

PUBLIC SERVICE ACT

19. The Public Service Act (chapter F-3.1.1) is amended by adding the following section after section 116:

"**116.0.1.** Despite any rule of evidence, where a matter contains allegations of sexual violence or spousal violence, the following facts are presumed to be irrelevant:

(1) any fact relating to the reputation of the person who is the alleged victim of the violence;

(2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person's credibility;

(3) the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

(5) any fact in connection with the delay in reporting the alleged violence, except to demonstrate the existence or absence of reasonable grounds for extending a time limit or for relieving a person or not from the consequences of failing to act within a time limit; and

(6) the fact that the person maintained relations with the alleged perpetrator of the violence.

Article 209 of the Code of Civil Procedure (chapter C-25.01) applies to any debate relating to the admissibility in evidence of any such fact. Such a debate is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12)."

ACT RESPECTING ADMINISTRATIVE JUSTICE

20. Section 137 of the Act respecting administrative justice (chapter J-3) is amended by adding the following paragraphs at the end:

"Where a matter contains allegations of sexual violence or spousal violence, the following facts are presumed to be irrelevant:

(1) any fact relating to the reputation of the person who is the alleged victim of the violence;

(2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person's credibility;

(3) the fact that the person did not ask that the behaviour cease;

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

(5) any fact in connection with the delay in reporting the alleged violence; and

(6) the fact that the party maintained relations with the alleged perpetrator of the violence.

Article 209 of the Code of Civil Procedure (chapter C-25.01) applies to any debate relating to the admissibility in evidence of any such fact. Such a debate is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12).”

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

21. The Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting the following section after section 35:

“**35.1.** Despite any rule of evidence, where a matter contains allegations of sexual violence or spousal violence, the following facts are presumed to be irrelevant:

(1) any fact relating to the reputation of the person who is the alleged victim of the violence;

(2) any fact related to the sexual behaviour of that person, other than a fact pertaining to the proceeding, and that is invoked to attack the person’s credibility;

(3) the fact that the person did not ask that the gestures, practices, verbal comments, behaviour or attitudes cease;

(4) the fact that the person did not file a complaint or exercise a recourse regarding the violence;

(5) any fact in connection with the delay in reporting the alleged violence, except to demonstrate the existence or absence of reasonable grounds for extending a time limit or for relieving a person or not from the consequences of failing to act within a time limit; and

(6) the fact that the person maintained relations with the alleged perpetrator of the violence.

Article 209 of the Code of Civil Procedure (chapter C-25.01) applies to any debate relating to the admissibility in evidence of any such fact. Such a debate is to be held in camera, despite section 23 of the Charter of human rights and freedoms (chapter C-12).”

DIVISION II

EXEMPTION FROM PRESCRIPTION

CIVIL CODE OF QUÉBEC

22. Article 2924 of the Civil Code of Québec is amended by adding the following paragraph at the end:

"However, such a right is not subject to prescription if it results from a judgment obtained against the person who is liable for injury resulting from a criminal offence as defined in the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1). Execution of such a judgment is nevertheless prescribed by three years from the death of the person liable for the injury."

CHAPTER V

TRAINING FOR PERSONS INTERVENING IN SEXUAL AND SPOUSAL VIOLENCE MATTERS

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

23. Section 3 of the Act respecting the Ministère de la Justice (chapter M-19) is amended by replacing subparagraph *f*.1 of the second paragraph by the following subparagraph:

"(*f*.1) makes sure that the government departments and bodies concerned offer basic and specialized training on the realities relating to spousal violence and sexual violence to the persons who are likely to intervene in such contexts; and".

CHAPTER VI

REPRESENTATION OF MINORS AND INCAPABLE PERSONS OF FULL AGE

CIVIL CODE OF QUÉBEC

24. The Civil Code of Québec is amended by inserting the following article after article 191:

"**191.1.** The court seized of an application relating to the appointment or replacement of a tutor takes into consideration, in particular and where applicable, the judicial record of any proposed tutor, the judgments rendered in civil matters against him as well as his bankruptcy, whether discharged from it or not."

CODE OF CIVIL PROCEDURE

25. The Code of Civil Procedure (chapter C-25.01) is amended by inserting the following article after article 404:

"**404.1.** In a case relating to the appointment or replacement of a tutor or of a temporary representative of a person of full age, the following documents must be filed in the record:

(1) with regard to any proposed tutor or temporary representative, a certificate of no judicial record, or a judicial record list indicating every finding of guilty for a criminal or penal offence, unless a pardon has been obtained for such an offence, or every pending charge for such an offence, as well as every judicial order subsisting against him; such certificate or list must be issued by a police force; and

(2) a declaration under oath by any proposed tutor or temporary representative affirming that no judgment in a civil matter has been rendered against him or, if applicable, listing any such judgments and indicating whether he has ever become bankrupt."

TITLE III

TRANSITIONAL AND FINAL PROVISIONS

26. Article 191.1 of the Civil Code and article 404.1 of the Code of Civil Procedure (chapter C-25.01), enacted by sections 24 and 25 of this Act, apply to an application relating to the appointment or replacement of a tutor or of a temporary representative of a person of full age presented from 4 March 2025.

27. The provisions of this Act come into force on 4 December 2024, except

(1) those of sections 24 and 25, which come into force on 4 March 2025; and

(2) those of sections 1 to 9, which come into force on 4 June 2025 or any earlier date set by the Government.

107202

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 76
(2024, chapter 35)

An Act mainly to enhance the quality of construction and public safety

Introduced 2 October 2024
Passed in principle 30 October 2024
Passed 26 November 2024
Assented to 27 November 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act makes various amendments to the Building Act and other provisions, mainly to enhance the quality of construction and public safety.

Under the Act, a project owner, that is, a contractor who is the owner of the construction premises or an owner-builder, will be required to have their construction work inspected at three or more key stages in the construction process, as determined by a site monitoring plan, and to obtain a certificate of the construction work's conformity with the Construction Code and, if applicable, with construction standards adopted by a municipality and the plans and specifications. The Act also specifies the requirement for a project owner to enter into a contract for those purposes before undertaking construction work. The Act makes provision for a regulation of the Régie du bâtiment du Québec (Board) to determine the categories of buildings, facilities, installations or construction work to which the requirements apply, as well as the other related terms and conditions. The first such regulation respecting the categories of buildings covered is to be published as a draft not later than 18 months after assent to the Act.

The Act introduces various provisions relating to contractors' or owner-builders' licences, in particular to require the successful completion of training programs and passing of examinations determined by regulation to obtain them. Under the Act, the Board may not examine the application for such a licence if the person or partnership applying held a licence that was cancelled in the 12 months preceding the application. It also broadens the power of commissioners to include new situations where they may decide to cancel a licence.

The Act allows commissioners to subject a licence, certificate, permit or recognition to any condition that they consider appropriate, including the application of a corrective, oversight or monitoring measure. It specifically empowers the Board to determine by regulation the rules of procedure applicable to the functions that commissioners exercise.

The Act enhances the information that the Board's public registers must contain regarding contractors' or owner-builders' licences and building inspectors' certificates. Provision is also made for the Board to keep a register composed of all the documents and information relating to the licences, permits, certificates and recognitions it grants.

The Act includes provisions regarding mediation and arbitration of disputes arising out of guaranty plans, in particular with regard to the Board's recognition of one or more bodies to conduct the mediation and arbitration of such disputes. The Minister of Labour is given the power to allow, by order, the use by any person of a design, building method, material or equipment approved by the Board to replace what is provided for in a code or regulation. Additionally, requirements are made applicable to the owner who applies for or holds a permit, in particular proving good moral character and a capacity to exercise activities in the field relating to the permit with competence and integrity, given past conduct.

The Act establishes a system of monetary administrative penalties applicable in cases of failure to comply with the Building Act or its regulations, and amends certain penal provisions.

The scope of the Building Act is broadened to include the installations of systems intended to produce or store energy, including renewable energy. The Act harmonizes certain provisions of the Master Electricians Act and Master Pipe-Mechanics Act with those of the Building Act.

Finally, the Act contains a number of consequential amendments and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting land use planning and development (chapter A-19.1);

– Building Act (chapter B-1.1);

– Master Electricians Act (chapter M-3);

– Master Pipe-Mechanics Act (chapter M-4);

– Act to establish the Administrative Labour Tribunal (chapter T-15.1).

REGULATION AMENDED BY THIS ACT:

– Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

Bill 76

AN ACT MAINLY TO ENHANCE THE QUALITY OF CONSTRUCTION AND PUBLIC SAFETY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

AMENDING PROVISIONS

BUILDING ACT

1. Section 2 of the Building Act (chapter B-1.1) is amended by adding the following subparagraph at the end of paragraph 3:

"(*f*) installations of systems intended to produce or store energy, including renewable energy;".

2. Section 16 of the Act is replaced by the following section:

"**16.** Every project owner, that is, a contractor who is the owner of the construction premises or an owner-builder shall have his construction work inspected at three or more key stages in the construction process, as determined by a site monitoring plan, and obtain a certificate of the construction work's conformity with the Construction Code (chapter B-1.1, r. 2) and, if applicable, with the construction standards adopted by a municipality and the plans and specifications.

For those purposes, he must entrust, by contract and for the entire duration of the work, an engineer, architect, a professional technologist or person or body recognized by the Board, in accordance with a regulation of the Board, with carrying out inspections, drawing up the monitoring plan and producing a certificate of conformity.

The project owner may not undertake construction work unless he has entered into such a contract. Similarly, the project owner must, in the cases determined by regulation, suspend the construction work where he finds that the person or body he entered into a contract with is not exercising the functions set out in the contract until this failure is remedied, in particular by the person's or body's resumption of those functions or by entering into a new contract.

A regulation of the Board determines the categories of buildings, facilities, installations or construction work to which this section applies, the key stages that must be provided for by the site monitoring plan, the cases in which the certificate must also pertain to the work's conformity with the plans and specifications, and the other terms and conditions in relation to the monitoring plan, the certificate of conformity and the contract, in particular as regards their form, content and conservation. Those documents must be delivered to the Board, a municipality, subsequent acquirer, syndicate of co-owners or to any other person, in the cases and subject to the conditions determined by regulation of the Board."

3. Section 17 of the Act is repealed.

4. Section 18 of the Act is amended by replacing "set" by "adopted".

5. The Act is amended by inserting the following section after section 51:

"**51.1.** An application for a licence may not be examined by the Board if the person or partnership applying held a licence that was cancelled, in the 12 months preceding the application, following a decision of a commissioner exercising the functions provided for in section 109.6.

Similarly, an application for a licence may not be examined by the Board if an officer of the partnership or legal person applying was the holder, or was the officer of a partnership or legal person that was the holder, of a licence that was cancelled in the 12 months preceding the application following a decision of a commissioner exercising the functions provided for in section 109.6."

6. Section 57.1 of the Act is amended by replacing "and the words "holder of a licence issued under the Building Act"" by "and any other information determined by regulation of the Board".

7. Section 58 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1 by the following subparagraph:

"(1) he shows, by successfully completing training programs and passing examinations or by any other means, that he has the knowledge or relevant experience in managing a building undertaking and in carrying out construction work to merit the public's trust, in accordance with the terms and conditions prescribed by regulation of the Board;";

(2) by replacing "convicted" in subparagraphs 8, 8.2, 8.3 and 8.4 by "found guilty".

8. Section 65.1 of the Act is amended, in the second paragraph,

(1) by inserting "or an officer of the licence holder" after "if the licence holder" in subparagraph 5;

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

"(6) if an officer of the licence holder is also an officer of a partnership or a legal person named in the register of enterprises ineligible for public contracts under the Act respecting contracting by public bodies, unless the licence holder proves to the Board that the offence that resulted in the registration was not committed in the exercise of the person's functions within the partnership or legal person."

9. Section 66 of the Act is replaced by the following sections:

"**66.** The Board shall keep a public register in which the following information is entered:

(1) the names and contact information of licence holders, their officers and guarantors and, if applicable, the Québec business number assigned to these holders under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) the date of issue and the numbers of such licences and, if applicable, the numbers of the licences for which the officers and guarantors referred to in subparagraph 1 are also officers and guarantors;

(3) the classes or subclasses of such licences and, if applicable, the participation in a guaranty plan referred to in section 80 and the names of the sureties having issued the security referred to in section 84;

(4) where applicable, any restriction indicated on a licence as regards the obtention of a public contract;

(5) where applicable, the history of any restrictions indicated on a licence as regards the obtention of a public contract;

(6) where applicable, the number of claims calling into question the security referred to in section 84 concerning the licence holder and having been declared in compliance with the requirements prescribed by regulation of the Board, and the amount of compensation paid following those claims;

(7) where applicable, the date and the operative part of any decision rendered by a commissioner to cancel or suspend a holder's licence;

(8) where applicable, the date and the nature of the orders concerning a licence holder under this Act or the regulations, and the non-compliance observed in the orders; and

(9) any other information, including personal information, determined by regulation of the Board.

As regards the information provided for in subparagraphs 5 to 9 of the first paragraph, the Board shall determine the date from which the information is to be entered in the register and for how long it is to be in the register.

The Board shall publish the register on its website.

"**66.1.** The Board may, for the period it determines, enter in the register provided for in section 66 the information referred to in that section concerning a licence that is no longer valid.

The Board may also enter in the register any other public information it considers of public interest."

10. The Act is amended by inserting the following section after section 69:

"**69.1.** A licence holder who wishes to relinquish his licence must notify the Board in writing.

The licence ceases to have effect upon receipt of the notice by the Board."

11. Section 70 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing all occurrences of "convicted" in subparagraphs 1, 3.2 and 3.3 by "found guilty";

(*b*) by inserting the following subparagraph after subparagraph 4:

"(4.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;";

(*c*) by striking out subparagraph 7;

(2) by replacing, in the second paragraph, both occurrences of "convicted" by "found guilty" and "conviction" by "finding of guilt".

12. Section 70.2 of the Act is amended

(1) by inserting "the first paragraph of section 124.1 of this Act or" after "under" in the first paragraph;

(2) by replacing "7.7 of that Act" in the second paragraph by "160 of this Act or section 7.7 of the Act respecting labour relations, vocational training and workforce management in the construction industry".

13. The Act is amended by inserting the following section after section 71:

"**71.1.** If a licence includes a subclass authorizing its holder to carry out construction work covered by a guaranty plan referred to in section 80, that subclass or, if the licence is for that subclass only, the licence shall cease to have effect as soon as the licence holder stops participating in the guaranty plan."

14. The Act is amended by inserting the following section after section 73:

"**74.** Despite sections 69.1, 71, 71.1 and 73, a licence is suspended where, between the receipt by the holder of the notice provided for in section 75 concerning a decision referred to in subparagraph 4 of the first paragraph of section 109.6 and the rendering of a decision,

(1) the holder notifies the Board of the holder's intention to abandon the licence;

(2) the holder did not pay the fees payable to maintain the licence when they were due;

(3) the licence includes only one subclass authorizing its holder to carry out construction work covered by a guaranty plan, and the holder no longer participates in the guaranty plan; or

(4) the guarantor of the partnership or legal person that is a holder has ceased to act in that capacity, in a case other than the guarantor's death, and it is not a situation where the licence remains in force under the second and third paragraphs of section 73.

The suspension is effective until the Board takes note of the situation concerned, in which case the licence ceases to have effect, or until the Board cancels the licence."

15. Section 83.1 of the Act is replaced by the following sections:

"**83.1.** The Board may recognize one or more bodies to conduct the mediation and arbitration of disputes arising out of guaranty plans, provided the body who so applies complies with the following conditions:

(1) it is devoted to both dispute mediation and arbitration;

(2) it has established a panel of mediators and arbitrators whose integrity and competence has been demonstrated to the Board and who satisfy the conditions determined by regulation of the Board;

(3) it agrees to apply mediation and arbitration procedures determined by regulation of the Board;

(4) it agrees to apply a tariff of mediation and arbitration costs prescribed by the Board and that pertains to mediation and arbitration expenses, including expenses incurred by the body and the cost of its services, the mediators' and arbitrators' fees and the provisions for expenses; and

(5) it complies with any other condition determined by regulation of the Board, in particular as concerns the documents and information relating to the body's activities that it is required to send the Board.

The Board may disseminate the documents and information obtained from the body under subparagraph 5 of the first paragraph. It must also ensure that the full text of decisions made by the arbitrators of the body is published.

"**83.2.** The Board may refuse to recognize a body or to renew such recognition, or may suspend or cancel such recognition, if the body does not comply with one of the terms or conditions set out in section 83.1.

The Board shall, before rendering a decision under the first paragraph, notify the body concerned in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the body at least 10 days to submit observations.

Decisions of the Board must be rendered in writing and give reasons."

16. Section 84 of the Act is amended by striking out "not covered by a guaranty plan referred to in section 80".

17. Section 86.11 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting the following subparagraph after subparagraph 3:

"(3.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;";

(*b*) by replacing "convicted" in subparagraphs 6, 7 and 8 by "found guilty";

(2) by replacing "paragraph 7" in the second paragraph by "subparagraph 7".

18. Section 86.13 of the Act is replaced by the following sections:

"**86.13.** The Board shall keep a public register in which the following information is entered:

(1) the names and contact information of the certificate holders, and, if applicable, the Québec business number assigned to these holders under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) certificate numbers and classes;

(3) the certificate's date of issue and annual renewal date;

(4) where applicable, the date and the operative part of any decision by a commissioner to cancel, suspend or refuse to renew a certificate;

(5) where applicable, the date and the nature of the orders concerning a certificate holder under this Act or the regulations, and the non-compliance observed in the orders; and

(6) any other information, including personal information, determined by regulation of the Board.

As regards the information provided for in subparagraphs 4 to 6 of the first paragraph, the Board shall determine the date from which the information is to be entered in the register and for how long it is to be in the register.

The Board shall publish the register on its website.

"**86.13.1.** The Board may, for the period it determines, enter in the register provided for in section 86.13 the information referred to in that section concerning a certificate that is no longer valid.

The Board may also enter in the register any other public information it considers of public interest."

19. Section 109.6 of the Act is amended

(1) by inserting "and subparagraph 6" after "subparagraph 4" in paragraph 2;

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

"(4.0.1) to take note of one of the situations referred to in the first paragraph of section 74, or to decide to cancel the licence;";

(3) by inserting the following paragraph after paragraph 4.1:

"(4.2) to refuse to recognize a mediation or arbitration body under section 83.2, or to suspend, cancel or refuse to renew the recognition of a body under that section;";

(4) by replacing "paragraphs 2 to 5 of section 128.3" in paragraph 5 by "subparagraphs 2 to 11 of the first paragraph of section 128.3 and the second, third and fourth paragraphs of that section";

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

"A commissioner may subject a licence, certificate, permit or recognition to any condition that the commissioner considers appropriate, including that the licence holder or the recognized person or body be subject, at the holder's or the person's or body's own expense and within the time the commissioner specifies, to a corrective, oversight or monitoring measure."

20. Section 111 of the Act, amended by section 103 of chapter 24 of the statutes of 2023, is again amended by replacing paragraph 5.1 by the following paragraph:

"(5.1) to grant financial assistance to support projects, services or activities related to information, awareness or training, whose purpose is to protect guaranty plan beneficiaries;".

21. Section 112 of the Act is amended by inserting ", a building inspector, a contractor, an owner-builder, the owner of a building, facility intended for use by the public, installation independent of a building or petroleum equipment installation, a pressure vessel manufacturer or a gas or petroleum product distribution undertaking" after "manager of a guaranty plan" in paragraph 1.

22. Section 124.1 of the Act is amended by inserting the following paragraph after the first paragraph:

"The Board may also order the suspension of construction work where the contractor or the owner-builder does not comply with the first, second and third paragraphs of section 16."

23. The Act is amended by inserting the following section after section 127:

"**127.1.** The Minister may, by order and on the conditions determined by the Minister, allow that a design, building method, material or equipment, approved by the Board under section 127, be used by any person to replace what is required by a standard provided for in a code or regulation made under this Act.

Such an order shall come into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the order. The order is also to be published on the Board's website. The order is established for a period of up to five years which the Minister may, if the Minister considers it necessary, extend twice for a period that may not exceed two years for each extension.

Divisions II and III of the Regulations Act (chapter R-18.1) and section 17 of that Act do not apply to such an order."

24. Section 128.3 of the Act is amended

(1) by replacing "if the applicant or holder" in the introductory clause by "if the partnership or person that applied for or holds a permit, or any of its officers,";

(2) by inserting the following paragraph after paragraph 3:

"(3.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;";

(3) by adding the following at the end:

"(6) has been found guilty of an offence under this Act, the Consumer Protection Act (chapter P-40.1), the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) or the Act respecting occupational health and safety (chapter S-2.1), if the serious nature or frequency of the offence justifies such a decision;

"(7) has or, in the case of a legal person that is not a reporting issuer within the meaning of the Securities Act (chapter V-1.1), its shareholder has, in the five years preceding the application, been found guilty of an offence under a fiscal law or an indictable offence related to the activities that the partnership or person intends to carry on in the field relating to the permit, unless a pardon has been obtained;

"(8) has, in the five years preceding the application, been found guilty by a foreign court of an offence or indictable offence referred to in subparagraph 7 which, if committed in Canada, would have resulted in criminal proceedings;

"(9) is the prête-nom of another person;

"(10) holds a suspended permit or has been the holder of a permit that was cancelled within less than three years; or

"(11) has failed to provide the Board with what is needed to carry out a verification or inspection.

Despite subparagraph 7 of the first paragraph, where the offence or indictable offence resulted in a term of imprisonment being imposed, a permit may not be issued before five years have elapsed since the end of the term of imprisonment imposed by the sentence, unless the person on whom the term of imprisonment was imposed has obtained a pardon.

The Board may also refuse to issue, amend or renew a permit, or may limit, suspend or cancel a permit, if issuing or maintaining the permit would be contrary to the public interest, for example because the partnership or person that applies for or holds a permit, or any of its officers, is unable to prove good moral character and a capacity to exercise activities in the field relating to the permit with competence and integrity, given past conduct.

The Board may also refuse to issue, amend or renew a permit, or may limit, suspend or cancel a permit, if an officer of a partnership or legal person that applies for or holds the permit was an officer of a partnership or legal person referred to in any of the cases provided for in this section or, if the conditions prescribed by subparagraph 7 of the first paragraph are met, if such an officer

or the shareholder of such a legal person has been the shareholder of a legal person which was found guilty of an offence or indictable offence referred to in that subparagraph."

25. Section 128.4 of the Act is amended by inserting the following paragraph after paragraph 3:

"(3.1) has failed to comply with a condition imposed under the second paragraph of section 109.6;".

26. Section 130 of the Act, amended by section 104 of chapter 24 of the statutes of 2023, is again amended by inserting ", 122" after "117" in subparagraph 2 of the third paragraph.

27. Section 141 of the Act is amended by striking out "by regulation" in the first paragraph.

28. Section 142 of the Act is amended by replacing "by regulation and subject to specified conditions, allow a signature to be affixed by means of an automatic device, an electronic signature to be affixed, or a facsimile of a signature to be engraved, lithographed or printed on specified documents" by "on the conditions and on the documents it determines, allow a signature to be affixed by means of an automatic device, an electronic signature to be affixed, or a facsimile of a signature to be engraved, lithographed or printed".

29. The Act is amended by inserting the following section after section 142:

"**142.1.** The Board keeps a register for the purposes of this Act. The register shall be composed of all the documents and information relating to a licence, permit, certificate or to the recognition of a person or body, such as an application for a licence, permit, certificate or recognition, as well as any other document required for maintaining or renewing them.

The register shall also contain the documents or information that could be used in penal proceedings for an offence under a provision of this Act."

30. Section 151 of the Act is amended by adding the following paragraph at the end:

"(8) amounts from the monetary administrative penalties imposed."

31. The Act is amended by inserting the following chapter after section 159:

"**CHAPTER VI.1**

"MONETARY ADMINISTRATIVE PENALTIES

"**DIVISION I**

"GENERAL FRAMEWORK AND IMPOSITION OF PENALTIES

"**159.1.** The Board shall develop and make public a general framework for applying monetary administrative penalties, specifying the following elements in particular:

(1) the purposes of the penalties, such as urging a non-compliant person or partnership to rapidly take measures required to remedy the failure to comply and deter its repetition;

(2) the categories of persons designated to impose penalties;

(3) the criteria that must guide designated persons when a failure to comply has been ascertained, including the type of failure, its repetitive nature, the benefits derived from it, the seriousness of the harm or potential harm resulting from it and the measures taken by the person or partnership to remedy the failure;

(4) the circumstances in which priority will be given to penal proceedings; and

(5) the other procedures connected with such penalties, such as the fact that they must be preceded by notification of a notice of non-compliance.

In addition, the general framework must set out the categories of administrative penalties or penal sanctions as defined by the Act or the regulations.

"**159.2.** The Board may impose a monetary administrative penalty on anyone who fails to comply with this Act or the regulations, in the cases and on the conditions set out in them.

"**159.3.** A monetary administrative penalty of $500 in the case of a natural person and $1,500 in any other case may be imposed on anyone who

(1) fails or refuses to send to the Board documents or information required for the application of this Act or the regulations;

(2) provides erroneous information or incomplete documents required under this Act or the regulations;

(3) fails to inform the Board of any change which makes the information provided to obtain or maintain his licence, permit, certificate or recognition inaccurate or incomplete;

(4) fails to mention the information provided for in section 57.1, or any other information determined by regulation of the Board, in any form of publicity, or in estimates, tender bids, contracts, statements of account or any other documents determined by such a regulation; or

(5) fails to comply with a remedial notice given under section 122 or contravenes a suppletory measure included in such a notice.

"**159.4.** A monetary administrative penalty of $1,000 in the case of a natural person and $5,000 in any other case may be imposed on anyone who

(1) prevents a person acting on behalf of the Board from exercising powers conferred on him by this Act or the regulations, impedes him or neglects to obey an order that such a person may give, in particular by refusing to give him access to a construction site, building, establishment, facility intended for use by the public, installation independent of a building, petroleum equipment installation or civil engineering structure, or by refusing to provide him with documents or information that the person is authorized to require under this Act; or

(2) fails to comply with a condition imposed by a commissioner under the second paragraph of section 109.6.

"**159.5.** A monetary administrative penalty of $3,000 in the case of a natural person and $7,500 in any other case may be imposed on anyone who

(1) acts as a building contractor or an owner-builder, holds himself to be such or gives cause to believe that he is a building contractor or an owner-builder when he does not hold a licence of the appropriate class or subclass, in contravention of the first paragraph of section 46 or section 48;

(2) if he is a contractor, uses, for the carrying out of construction work, the services of another contractor who does not hold a licence of the appropriate class or subclass, in contravention of the second paragraph of section 46;

(3) carries on an activity without obtaining a permit, certificate or recognition required under this Act, other than a licence, in particular under section 35.2, 37.1 or 86.8, as well as its renewal and amendment; or

(4) fails to comply with an order made under section 123, 124 or 124.1 or in any way prevents or hinders its enforcement.

"**159.6.** A monetary administrative penalty of $5,000 in the case of a natural person and $10,000 in any other case may be imposed on anyone who

(1) acts as a building contractor or an owner-builder, holds himself to be such or gives cause to believe that he is a building contractor or an owner-builder when he does not hold a licence, in contravention of the first paragraph of section 46 or section 48; or

(2) if he is a contractor, uses, for the carrying out of construction work, the services of another contractor who does not hold a licence, in contravention of the second paragraph of section 46.

"**159.7.** The Board may, by regulation, specify the cases where a failure to comply with a provision of this Act or of a regulation of the Board may give rise to a monetary administrative penalty. The regulation may set out conditions for applying the penalty and prescribe the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, among other things.

The amounts of the monetary administrative penalties prescribed under the first paragraph may not exceed the following amounts:

(1) $5,000 in the case of a natural person; and

(2) $10,000 in any other case.

"**159.8.** No monetary administrative penalty may be imposed on a person or partnership for failure to comply with a provision of this Act or of the regulations if a statement of offence has already been served on the person or partnership for contravention of the same provision on the same day and based on the same facts.

"**159.9.** No accumulation of monetary administrative penalties may be imposed on the same person or partnership for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the Board determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

"**159.10.** If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

In particular, continuing, day after day, to carry on an activity without obtaining a licence, permit, certificate or recognition required under this Act constitutes, for anyone who does so, a new failure for each day this continues.

"**159.11.** Before imposing a monetary administrative penalty, the Board shall notify a notice of non-compliance to the person or partnership in default informing the person or partnership of the failure in question and the possibility of submitting observations and, if applicable, producing any documents to complete the record. The notice shall urge the person or partnership to take the necessary measures to remedy the failure. The notice must mention that the failure may give rise to a monetary administrative penalty or penal proceedings.

"**159.12.** The imposition of a monetary administrative penalty for failure to comply with this Act or the regulations is prescribed by two years from the date on which the failure to comply is ascertained.

"**159.13.** A monetary administrative penalty is imposed on a person or partnership by the notification of a notice of claim.

If a notice of claim applies to more than one debtor, the debtors are solidarily liable.

The notice must state

(1) the amount of the claim;

(2) the reasons why the amount is owing;

(3) the time from which it bears interest, in accordance with section 155; and

(4) the right to obtain a review of the decision to impose the penalty and the time limit for exercising that right.

The notice must also include information on the procedure for recovery of the amount claimed. The debtor is also informed that failure to pay the amount owing could result in an unfavourable decision concerning a licence, permit, certificate or recognition of a person or body and, if applicable, that the facts on which the claim is founded could also result in an order or in civil or penal proceedings.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code for the recovery of an amount owing.

"**DIVISION II**

"REVIEW AND PROCEEDING

"**159.14.** Anyone on whom a monetary administrative penalty is imposed may apply, in writing, to the Board for review of the decision to impose a monetary administrative penalty within 30 days after the notification of the notice of claim. The application for review suspends the execution of the decision. However, the interest shall be accrued from the date provided for in subparagraph 3 of the third paragraph of section 159.13, subject to the application of the second paragraph of section 159.16.

The persons responsible for the review must not come under the same administrative authority as the persons responsible for imposing such penalties.

"**159.15.** The application for review must be dealt with promptly. After giving the applicant an opportunity to submit observations and, if applicable, produce any documents to complete the record, the person responsible for the review renders a decision on the basis of the record, unless he deems it necessary to proceed in some other manner.

"**159.16.** The review decision must be written in clear and concise terms with reasons given, must be notified to the applicant and must state the applicant's right to contest the decision before the Administrative Labour Tribunal and the time limit for bringing such a proceeding.

If the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to submit observations or produce documents, the interest provided for in section 155 on the amount owing ceases to accrue until the decision is rendered.

"**159.17.** A review decision that confirms the imposition of a monetary administrative penalty may be contested by the person or partnership concerned by the decision before the Administrative Labour Tribunal within 30 days of its notification.

Such a proceeding suspends the execution of the decision. However, interest nevertheless accrues.

Despite subparagraph 4 of the second paragraph of section 9 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Administrative Labour Tribunal may only confirm or quash a contested decision. At that time, the Tribunal may also rule on the accrued interest.

"**DIVISION III**

"RECOVERY

"**159.18.** If a partnership or legal person has defaulted on payment of a monetary administrative penalty, its officers are solidarily liable, with the partnership or legal person, for payment of the penalty, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

"**159.19.** Payment of a monetary administrative penalty is secured by a legal hypothec on the debtor's movable and immovable property.

"**159.20.** The Board and the debtor may enter into an agreement with regard to the payment of a monetary administrative penalty. The agreement or the payment of the penalty does not constitute, for the purposes of any other monetary administrative penalty or penal proceedings, an acknowledgement of the facts giving rise to it.

"**159.21.** If the monetary administrative penalty owing is not paid in its entirety or the payment agreement is not adhered to, the Board may issue a recovery certificate as of the date on which the decision imposing the penalty becomes final.

However, the recovery certificate may be issued before that date if the Board is of the opinion that the debtor is attempting to evade payment.

The recovery certificate states the debtor's name and address and the amount of the debt.

"**159.22.** Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of that amount.

"**159.23.** On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal and has all the effects of such a judgment.

"**159.24.** The debtor is required to pay a recovery charge in the cases, under the conditions and in the amount determined by regulation of the Board.

"**159.25.** The Board may, by agreement, delegate to a government department or to a body all or some of the powers relating to the recovery of an amount owing under this chapter.

"**DIVISION IV**

"PUBLIC REGISTER

"**159.26.** The Board keeps a public register of information related to monetary administrative penalties imposed under this Act or the regulations.

The register must contain the following information:

(1) the date the penalty was imposed;

(2) the date and nature of the failure for which the penalty was imposed and the legislative and regulatory provisions under which it was imposed;

(3) the name of the municipality in whose territory the failure is ascertained;

(4) if the penalty was imposed on a partnership or legal person, its name, the address of its head office and, where applicable, the business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(5) if the penalty was imposed on a natural person, the person's name, the name of the municipality in whose territory the person is domiciled, and

(*a*) if the failure occurred during the ordinary course of business of the person's enterprise, the enterprise's name, its address and, where applicable, the business number assigned under the Act respecting the legal publicity of enterprises; or

(*b*) if the natural person is a guarantor for or an officer of a partnership or legal person, the name of the partnership or legal person, the address of its head office and, where applicable, the business number assigned under the Act respecting the legal publicity of enterprises;

(6) the amount of the penalty imposed;

(7) if applicable, the date of receipt of an application for review and the date and conclusions of the Board's decision;

(8) if applicable, the date a proceeding was brought before the Administrative Labour Tribunal, and the date and conclusions of the Tribunal's decision, as soon as the Board is made aware of the information;

(9) if applicable, the date any proceeding was brought against the Administrative Labour Tribunal's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Board is made aware of the information; and

(10) any other public information the Board considers of public interest.

The information is entered in the register as of the time the decision imposing the penalty becomes final."

32. Section 160 of the Act, amended by section 109 of chapter 24 of the statutes of 2023, is again amended by replacing "sections 84" in paragraph 1 by "section 83.2, 84".

33. Section 164.1 of the Act, amended by section 110 of chapter 24 of the statutes of 2023, is again amended by inserting "83.2," after "section" in subparagraph 2 of the first paragraph.

34. The Act is amended by inserting the following section after section 176.1:

"**177.** The codes may provide for a person or body to certify or approve work carried out in accordance with a standard, the persons qualified to carry out such work, and the materials, equipment, appliances or installations covered by the standard."

35. Section 185 of the Act, amended by section 112 of chapter 24 of the statutes of 2023, is again amended

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

"(1) determine the categories of buildings, facilities, installations or construction work to which the first, second and third paragraphs of section 16 apply, the key stages that must be included in the site monitoring plan, the cases in which the certificate must also pertain to the construction work's conformity with the plans and specifications, and the other terms and conditions in relation to the monitoring plan, the certificate of conformity and the contract, in particular as regards their form, content, conservation and delivery;

"(1.1) determine the cases in which a project owner, that is, a contractor who is the owner of the construction premises or an owner-builder, is required, under the third paragraph of section 16, to suspend the construction work where he finds that the person with whom or body with which he has entered into the contract provided for in the second paragraph of that section is not exercising the functions set out in the contract;";

(2) by replacing paragraph 9 by the following paragraph:

"(9) determine the training programs and examinations that a person must successfully complete to qualify as a guarantor in a skill area, or any other means of establishing knowledge or experience, including any requirements relating to such programs, examinations or means, in particular as regards the content of the programs and the subjects of such examinations, and the criteria for admission and exemption;";

(3) by replacing paragraph 17.1 by the following paragraphs:

"(17.1) determine the other documents on which the information provided for in section 57.1 must appear, and any other information that the licence holder must include in any document;

"(17.2) determine any information to be entered in the public register, in accordance with subparagraph 9 of the first paragraph of section 66;";

(4) by adding the following subparagraph at the end of paragraph 19.5:

"(*i*) determine the management policies established by the Board that the manager of a guaranty plan must comply with to ensure the implementation of the plan, and the method of publication of these policies;";

(5) by striking out paragraph 19.5.2;

(6) by replacing subparagraph *d* in paragraph 19.6 by the following subparagraphs:

"(*d*) determine the conditions and procedure applicable to a mediation and arbitration body for the purposes of section 83.1;

"(*d.*1) establish the conditions and the manner according to which an authorization referred to in section 83.1 is issued, amended or renewed, and its period of validity;";

(7) by striking out "the rules regarding continuing education and" in paragraph 19.8;

(8) by inserting the following paragraph after paragraph 19.8:

"(19.8.1) determine the continuing education requirements, or the framework for continuing education requirements, with which building inspectors must comply, in accordance with the conditions set by resolution of the Board; the regulation must include the procedure for monitoring, supervising or evaluating compliance with the requirements, penalties for a failure to comply and, if applicable, any exemptions from the requirements;";

(9) by inserting the following paragraph after paragraph 19.9.1:

"(19.9.2) determine any information to be entered in the public register, in accordance with subparagraph 6 of the first paragraph of section 86.13;";

(10) by inserting the following paragraphs after paragraph 36.1:

"(36.2) determine the rules of procedure applicable to the exercise of the functions of the commissioner;

"(36.3) specify the cases where failure to comply with a provision of this Act or a regulation of the Board may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for determining them. The amounts may vary according to the seriousness of the failure to comply, among other things;

"(36.4) determine the cases in which and the conditions under which the debtor of a monetary administrative penalty is required to pay a recovery charge, and determine the amount of the charge;".

36. Section 194 of the Act is amended

(1) by replacing paragraph 4 by the following paragraph:

"(4) hinder or attempt to hinder the work of a person acting on behalf of the Board or obstruct him in the exercise of his duties in any way, in particular by exercising undue pressure on him, using intimidation or threats, misleading him by concealment or false declarations, refusing him access to a construction

site, a building, an establishment, a facility intended for use by the public, an installation independent of a building, a petroleum equipment installation or a civil engineering structure, or refusing to provide information or documents that the person is empowered to require under this Act;";

(2) by replacing paragraph 7 by the following paragraph:

"(7) contravene any of the provisions of sections 14, 15, the first, second and third paragraphs of section 16, sections 18, 19, 22, the first paragraphs of sections 24 and 25, sections 26, 27, 32 to 35, the third paragraph of section 35.2, sections 36, 37, 37.2, 38.1, 39, the second paragraph of section 49, section 53, the second paragraph of section 56, sections 57.1, 67, 69, 76.1, 79 or 82, or a regulatory provision determined under section 179 or paragraph 37 of section 185."

37. Section 196.1.1 of the Act is amended by adding the following paragraph at the end:

"On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

38. Section 197 of the Act is amended

(1) by inserting "the first paragraph of section 38," after "37.1";

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

"On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

39. Sections 197.1 and 197.2 of the Act are amended by adding the following paragraph at the end:

"On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

40. The Act is amended by inserting the following section after section 197.2:

"**197.3.** Any person who, on applying for a permit or at any time during his permit's term of validity, acts as a prête-nom, calls on a prête-nom or has a prête-nom among its officers is liable to a fine of $6,731 to $33,648 in the case of an individual and $20,190 to $100,945 in the case of a legal person.

On a second conviction, the minimum and maximum fines are doubled; on any subsequent conviction, they are tripled."

41. The Act is amended by adding the following sections after section 201:

"**201.0.1.** In any penal proceedings related to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of the defendant is sufficient to establish that it was committed by the defendant, unless the defendant establishes that he exercised due diligence and took all necessary precautions to prevent the offence.

"**201.0.2.** If a partnership or legal person, or an agent, mandatary or employee of a partnership or legal person, commits an offence under this Act or the regulations, the officer of the partnership or legal person is presumed to have committed the offence, unless it is established that he exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, a partnership's special partners are not presumed to be its officers."

42. Section 201.1 of the Act is amended by striking out "under section 194, 197, 198 or 199".

43. The Act is amended by replacing "convicted" by "found guilty" in the following provisions:

(1) subparagraphs 6, 6.0.1, 6.3, 6.4 and 8 of the first paragraph of section 60;

(2) subparagraph 2 of the first paragraph of section 61;

(3) the second paragraph of section 67;

(4) subparagraph 7 of the first paragraph of section 71;

(5) section 196.2.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

44. Section 120 of the Act respecting land use planning and development (chapter A-19.1), amended by section 118 of chapter 24 of the statutes of 2023, is again amended by replacing subparagraph 1.2 of the first paragraph by the following subparagraph:

"(1.2) the applicant has provided, in the cases and according to the terms and conditions provided for in the Building Act (chapter B-1.1) and the regulations:

(*a*) a statement to the effect that the contract provided for in the second paragraph of section 16 of the Building Act has been entered into;

(*b*) a statement, produced by the person or body that prepared the plans and specifications in accordance with the regulation provided for in section 17.4 of that Act, to the effect that the plans and specifications comply with the Construction Code (chapter B-1.1, r. 2);".

MASTER ELECTRICIANS ACT

45. Section 1 of the Master Electricians Act (chapter M-3) is amended

(1) by replacing "electrical installation work, or renovation, alteration or repair work on" in subparagraph *c* of paragraph 7 by "construction of";

(2) by replacing "electrical installation work or the work of renewing, altering or repairing" in paragraph 10 by "construction of";

(3) by replacing "electrical installation work or the work of renewing, repairing or altering" in paragraph 11 by "construction of".

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

"**1.1.** For the purposes of this Act, foundation, erection, renovation, repair, maintenance, alteration or demolition work is considered to be construction work."

47. The Act is amended by inserting the following section after section 19:

"**19.1.** No one contravenes this Act by carrying out or causing to be carried out demolition work on an electrical installation."

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

"**21.1.** In any penal proceedings related to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of the defendant is sufficient to establish that it was committed by the defendant, unless the defendant establishes that he exercised due diligence and took all necessary precautions to prevent the offence.

"**21.2.** If a partnership or legal person, or an agent, mandatary or employee of a partnership or legal person, commits an offence under this Act, the officer of the partnership or legal person is presumed to have committed the offence, unless it is established that he exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, a partnership's special partners are not presumed to be its officers."

49. Section 23 of the Act is amended by replacing "one year" and "five years" by "three years" and "seven years", respectively.

MASTER PIPE-MECHANICS ACT

50. Section 1 of the Master Pipe-Mechanics Act (chapter M-4) is amended

(1) by replacing "installation, renovation, alteration or repair" in subparagraph *b* of paragraph 5 by "construction";

(2) by replacing "the installing of any or all of the following systems, to wit" in the introductory clause of paragraph 6 by "any, several or all of the following systems";

(3) by striking out ", in any building or construction" in subparagraph *a* of the first paragraph of paragraph 6;

(4) by striking out ", in any building or construction" in subparagraph *c* of the first paragraph of paragraph 6;

(5) by striking out "in any building or construction" in subparagraph *e* of the first paragraph of paragraph 6;

(6) by striking out paragraph 7;

(7) by replacing "electrical installation work or the work of renewing, altering or repairing piping installations" in paragraph 8 by "construction work on a piping installation";

(8) by replacing "piping installation work or the work of renewing, repairing or altering piping installations" in paragraph 9 by "construction work on a piping installation".

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

"**1.1.** For the purposes of this Act, foundation, erection, renovation, repair, maintenance, alteration or demolition work is considered to be construction work."

52. Section 15 of the Act is amended

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

(2) by replacing the last sentence of the second paragraph by the following: "Nevertheless, no one contravenes this Act by carrying out or causing to be carried out

(*a*) construction work on a piping installation contemplated in subparagraphs *b* and *e* of the first paragraph of paragraph 6 of section 1 of this Act, or by doing with respect to such work the acts described in subparagraphs *c*, *d* and *e* of paragraph 5 of that section;

(*b*) construction work on a piping installation contemplated in subparagraph *c* of the first paragraph of paragraph 6 of section 1 of this Act, where the installation is located outside a building and is independent of it, or where the installation relates to a water service pipe, a sewer connection or the part of the building drain located outside the building; or

(*c*) demolition work on a piping installation."

53. The Act is amended by inserting the following sections after section 20:

"**20.1.** In any penal proceedings related to an offence under this Act, proof that the offence was committed by an agent, mandatary or employee of the defendant is sufficient to establish that it was committed by the defendant, unless the defendant establishes that he exercised due diligence and took all necessary precautions to prevent the offence.

"**20.2.** If a partnership or legal person, or an agent, mandatary or employee of a partnership or legal person, commits an offence under this Act, the officer of the partnership or legal person is presumed to have committed the offence, unless it is established that he exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, a partnership's special partners are not presumed to be its officers."

54. Section 21.2 of this Act is amended by replacing "one year" and "five years" by "three years" and "seven years", respectively.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

55. Section 8 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting ", 159.17" after "section 11.1" in paragraph 1.

REGULATION RESPECTING THE PROFESSIONAL QUALIFICATION OF CONTRACTORS AND OWNER-BUILDERS

56. Section 56.1 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended by replacing the first paragraph by the following paragraph:

"This chapter applies to construction work guarantors for any of licence subclasses 1.1.1, 1.1.2, 1.2 or 1.3 provided for in Schedule I."

57. Section 56.3 of the Regulation is repealed.

58. Section 56.5 of the Regulation is amended

(1) by striking out the second paragraph;

(2) by striking out "required under the first and second paragraphs" in the third paragraph.

59. Section 56.6 of the Regulation is amended

(1) by replacing "Where 16 hours of education are required, the guarantor" in the first paragraph by "The guarantor";

(2) by striking out the second and third paragraphs.

60. Section 56.7 of the Regulation is repealed.

61. Section 56.8 of the Regulation is amended by striking out the second sentence.

62. Schedule II to the Regulation is amended

(1) by striking out "and those included in subclass 15.1.1" in the second paragraph of subclass 15.1;

(2) by striking out subclass 15.1.1;

(3) in subclass 15.2:

(*a*) by striking out the second paragraph;

(*b*) by replacing the third paragraph by the following paragraph:

"It also authorizes related construction work.";

(4) by striking out subclass 15.2.1;

(5) in subclass 15.3:

(*a*) by striking out the second paragraph;

(*b*) by replacing the third paragraph by the following paragraph:

"It also authorizes related construction work.";

(6) by striking out subclass 15.3.1;

(7) by striking out "and those included in subclass 15.4.1" in the second paragraph of subclass 15.4;

(8) by striking out subclass 15.4.1;

(9) in subclass 15.5:

(*a*) by striking out "in any building or structure" in the first paragraph;

(*b*) by striking out the second paragraph;

(*c*) by replacing the third paragraph by the following paragraph:

"It also authorizes related construction work.";

(10) by striking out subclass 15.5.1;

(11) in subclasses 15.9 and 15.10:

(*a*) by striking out "15.1.1," in the second paragraph;

(*b*) by replacing "the appropriate subclass 15.4 or 15.4.1" in the third paragraph by "subclass 15.4".

CHAPTER II

TRANSITIONAL AND FINAL PROVISIONS

63. The Régie du bâtiment du Québec must, for the purposes of making a first regulation under the third and fourth paragraphs of section 16 and paragraphs 1 and 1.1 of section 185 of the Building Act (chapter B-1.1), as amended by section 2 and by paragraph 1 of section 35, respectively, of this Act, publish a draft regulation respecting the terms and conditions applicable to construction work on certain categories of buildings in the *Gazette officielle du Québec* in accordance with section 8 of the Regulations Act (chapter R-18.1), not later than 27 May 2026.

64. No monetary administrative penalty may be imposed under Chapter VI.1 of the Building Act (chapter B-1.1), enacted by section 31 of this Act, before the date on which the Régie du bâtiment du Québec makes public the first general framework for applying monetary administrative penalties in accordance with section 159.1 of the Building Act, enacted by section 31 of this Act.

65. The Regulation respecting the signing of certain deeds, documents or writings of the Régie du bâtiment du Québec (chapter B-1.1, r. 13) continues to apply until determined otherwise by the Board under the first paragraph of section 141 and section 142 of the Building Act (chapter B-1.1), as amended by sections 27 and 28 of this Act.

66. The holder of a licence with a subclass referred to in paragraphs 2, 4, 6, 8 or 10 of section 62 is exempt from the requirement to hold any of the equivalent subclasses 15.1, 15.2, 15.3, 15.4 or 15.5 provided for in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) until the holder obtains one of these equivalent subclasses or until 26 April 2025, whichever occurs first.

67. The holder of a licence with a subclass referred to in paragraphs 2, 4, 6, 8 or 10 of section 62 who applies to amend the licence to add any of the subclasses 15.1, 15.2, 15.3, 15.4 or 15.5, provided for in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is exempt from paying the charges provided for in subparagraph *b* of paragraph 4 of section 53 of the Regulation and the entrance dues provided for in section 13 of the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1), if the holder submits his application on 26 April 2025 and if the knowledge or experience of the guarantor who will be responsible for carrying out construction work for the subclasses whose addition is requested has been recognized by the Board.

A licence that includes any of the subclasses referred to in paragraphs 2, 4, 6, 8 or 10 of section 62 ceases to have effect in respect of those subclasses upon the coming into force of that section.

When a licence becomes void because it does not contain any subclass other than those referred to in the second paragraph, the Régie du bâtiment du Québec reimburses the holder of the licence for the fees paid for that licence on the basis of the number of full months between 26 April 2025 and the date on which such fees would have been payable for its retention.

68. The provisions of this Act come into force on 27 November 2024, except sections 1 to 4, paragraph 1 of section 7, sections 9, 15 and 18, paragraph 3 of section 19, section 22, paragraphs 1 and 3 of section 24, sections 32 and 33, paragraphs 1 and 2 of section 35, paragraph 3 of that section, insofar as it enacts paragraph 17.2 of section 185 of the Building Act (chapter B-1.1), paragraphs 6 to 9 of section 35, paragraph 2 of section 36, insofar as it refers to the second and third paragraphs of section 16 of the Building Act, and section 44, which come into force on the date or dates to be set by the Government.

107220

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 78
(2024, chapter 38)

An Act to give effect to the agreement between the Minister of Justice and the Barreau du Québec to improve the tariffs for legal aid

Introduced 6 November 2024
Passed in principle 21 November 2024
Passed 4 December 2024
Assented to 4 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act gives effect to the commitments made under the agreement entered into on 6 June 2024 between the Minister of Justice and the Barreau du Québec in response to various recommendations made by the Groupe de travail indépendant sur la réforme de la structure tarifaire de l'aide juridique to improve the tariffs for legal aid.

The Act amends the Act respecting legal aid and the provision of certain other legal services to broaden certain eligibility criteria for legal aid in criminal and penal matters. It also amends that Act to provide that any agreement concerning the tariff of fees for legal aid will, from now on, be entered into between the Minister of Justice and an association representing notaries, advocates, bailiffs or stenographers recognized by ministerial order, while prohibiting the representing association from being a professional order or an association that the professional order controls, finances or is otherwise related to.

The Act also amends two regulations made under that Act, including the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services to allow an advocate or a notary to whom a legal aid mandate has been entrusted to be replaced, within the scope of that mandate, by another advocate or notary, even if the latter is not in the same practice.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting legal aid and the provision of certain other legal services (chapter A-14).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4);

– Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

Bill 78

AN ACT TO GIVE EFFECT TO THE AGREEMENT BETWEEN THE MINISTER OF JUSTICE AND THE BARREAU DU QUÉBEC TO IMPROVE THE TARIFFS FOR LEGAL AID

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

1. Section 4.5 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by replacing "upon conviction there is likelihood either of imprisonment or committal to custody, or of loss of means of earning a livelihood or where it is in the interests of justice that legal aid be granted to the accused, having regard to exceptional circumstances, for instance the seriousness of the matter or the complexity of the case" in paragraph 3 by the following: "one of the following conditions is met:

(*a*) if the accused is found guilty, there is likelihood either of imprisonment or committal to custody or of loss of means of earning a livelihood;

(*b*) it is in the accused's best interests that legal aid be granted to him; or

(*c*) it is in the interests of justice that legal aid be granted to the accused, having regard to exceptional circumstances, for instance the seriousness of the matter or the complexity of the case".

2. Section 4.6 of the Act is amended by replacing "reasonably founded" in paragraph 2 by "founded on grounds that appear serious or where, in the case of an appeal, leave to appeal is granted".

3. Section 83.21 of the Act is amended

(1) by replacing "bodies authorized to represent notaries, advocates, bailiffs or stenographers" in the first paragraph by "associations representing notaries, advocates, bailiffs or stenographers recognized by the Minister by ministerial order";

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

"A professional order or an association that the professional order controls, finances or is otherwise related to may not be recognized as a representing association under the first paragraph."

REGULATION RESPECTING THE APPLICATION OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

4. Section 81.1 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4) is amended by striking out "in the same practice".

REGULATION RESPECTING THE REPORT RELATING TO THE SERVICES RENDERED BY CERTAIN ADVOCATES AND NOTARIES

5. Section 4 of the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8) is amended by replacing subparagraphs 1 to 4 of the second paragraph by the following subparagraphs:

"(1) in matters of immigration, for the preparation of personal information forms for the applicant or for each of the other family members in the same file;

"(2) within the framework of services rendered and billed under subdivision 3 of Division I of Chapter II of Part I of the Agreement dated 11 October 2024 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure (2024, G.O. 2, 3947); or

"(3) on a quarterly basis in all other cases."

FINAL PROVISION

6. The provisions of this Act come into force on 4 December 2024, except those of section 3, which come into force on the date or dates to be set by the Government.

107180

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 80
(2024, chapter 39)

An Act respecting the implementation of certain provisions of the Budget Speech of 12 March 2024 and amending other provisions

Introduced 7 November 2024
Passed in principle 19 November 2024
Passed 29 November 2024
Assented to 4 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends or enacts legislative provisions, in particular to implement certain measures contained in the Budget Speech delivered on 12 March 2024.

The Act respecting the Québec Pension Plan is amended mainly to

(1) eliminate, from 1 January 2025, the reduction in the retirement pension for persons 65 years of age or over who were beneficiaries of a disability pension between 60 and 65 years of age or qualified for a disability pension in that period;

(2) protect the benefit of the beneficiaries of a disability pension 60 to 64 years of age to ensure that they receive a benefit at least equal to the benefit they were receiving before the payment of their retirement pension; and

(3) amend the definition of de facto spouse.

The Supplemental Pension Plans Act and the Voluntary Retirement Savings Plans Act are amended, in particular, to regulate the pensions paid into a variable payment life pension fund and establish rules concerning the benefits payable in the event of the death of the beneficiary of such a pension.

The Act respecting the conditions of employment and the pension plan of the Members of the National Assembly is amended to provide that no adjustment be made to the annual indemnity paid to the Members for the 2023–2024 fiscal year.

The Act to facilitate the payment of support is amended to

(1) put in place a measure enabling the suspension of the driver's licence or the right to obtain one for debtors of support who have accumulated arrears equivalent to at least six months of support payments and the lifting of such a suspension, on certain conditions;

(2) provide that the prescriptive period for proceedings to render unenforceable a transfer of property, below the property's fair market value, by a debtor of support in default to a person with whom the

debtor of support is not dealing at arm's length is increased from three to four years and begins on the date on which Revenu Québec becomes aware of the transfer of property; and

(3) provide that any security exigible to guarantee the payment of support may be provided only in the form of a sum of money.

The Unclaimed Property Act is amended to provide that the period in which a holder of unclaimed financial products must deliver such property to Revenu Québec is the first quarter following the end of the calendar year in which the financial products became unclaimed, unless another delivery period is agreed on with the holder.

The Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions is amended to provide that the provisions concerning the new class of money services relating to the operation of cryptoasset automated teller machines come into force on 1 April 2025 and to set out transitional rules to take into account the coming into force of those provisions.

The Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions is amended to extend the application of the financial compensation program relating to the restaurant service and bar sectors to the operators of establishments in those sectors who acquired and activated a new sales recording module after 31 October 2019 and before 1 November 2021 and after 31 October 2023 and before 1 October 2024.

In addition, the Tax Administration Act is amended to

(1) provide that, where there are reasonable grounds to believe that recovery of a debt may be in jeopardy, an authorization to take recovery measures may be granted by a judge of a court of competent jurisdiction without the debtor being present; and

(2) provide that a service provider may consult only confidential information that is necessary for the performance of the contract and provide a penalty if the service provider fails to comply.

The Act respecting the Agence du revenu du Québec is amended to enable the Agency to grant a scholarship to a student enrolled in a university studies program who carries out research work related to the Agency's mission.

The Tobacco Tax Act, the Act respecting the Québec sales tax and the Act respecting the Société des alcools du Québec are amended to enable the Canada Border Services Agency to collect tobacco tax, the Québec sales tax, the specific tax on alcoholic beverages and the Société des alcools du Québec's markup for alcoholic beverages on property bound for Québec that is present in a preclearance area or preclearance perimeter.

The Act respecting municipal taxation is amended to provide that robotic devices intended for commercial warehousing, as defined by a regulation of the Minister of Municipal Affairs, are not to be entered on the property assessment roll.

Under this Act, Santé Québec is allowed to divide its procurement requirements according to those of its institutions when awarding contracts.

The Act proposes various other measures, including

(1) the transfer to the Generations Fund of a portion of the surpluses accumulated in the Territorial Information Fund;

(2) the dissolution of Financement-Québec;

(3) the possibility for the Institut de la statistique du Québec to use designated information to carry out some of its functions such as updating the Québec population record; and

(4) the abolition of the Health and Social Services Information Resources Fund.

Lastly, consequential, transitional and final provisions are also included.

LEGISLATION AMENDED BY THIS ACT:

– Financial Administration Act (chapter A-6.001);

– Tax Administration Act (chapter A-6.002);

– Act respecting the Agence du revenu du Québec (chapter A-7.003);

– Unclaimed Property Act (chapter B-5.1);

– Highway Safety Code (chapter C-24.2);

– Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1);

– Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1);

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

– Act respecting the governance of the health and social services system (chapter G-1.021);

– Tobacco Tax Act (chapter I-2);

– Act respecting the Institut de la statistique du Québec (chapter I-13.011);

– Act respecting the Ministère de l'Économie et de l'Innovation (chapter M-14.1);

– Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);

– Act respecting the Ministère des Finances (chapter M-24.01);

– Act respecting the Ministère du Tourisme (chapter M-31.2);

– Act to facilitate the payment of support (chapter P-2.2);

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

– Act respecting the Québec Pension Plan (chapter R-9);

– Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

– Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

– Supplemental Pension Plans Act (chapter R-15.1);

– Voluntary Retirement Savings Plans Act (chapter R-17.0.1);

– Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);

– Act respecting Retraite Québec (chapter R-26.3);

– Act respecting the Société des alcools du Québec (chapter S-13);

– Act respecting the Québec sales tax (chapter T-0.1);

– Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions (2023, chapter 10);

– Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions (2023, chapter 30).

LEGISLATION REPEALED BY THIS ACT:

– Act respecting Financement-Québec (chapter F-2.01).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting borrowings made by a body (chapter A-6.001, r. 3);

– Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1);

– Regulation respecting the collection of support (chapter P-2.2, r. 1).

Bill 80

AN ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 12 MARCH 2024 AND AMENDING OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DE FACTO SPOUSES AND ASSISTANCE FOR SENIORS WITH DISABILITIES

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE QUÉBEC PENSION PLAN

1. Section 91 of the Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing "with the contributor, whether the person is of the opposite or the same sex, in a *de facto* union" in subparagraph *b* of the first paragraph by "in a de facto union with the contributor and presenting the contributor publicly as a spouse, whether the person is of the opposite or the same sex,".

2. Section 116.2 of the Act is amended by inserting "or the amount referred to in subparagraph 2 of the first paragraph of section 137" after "or over" in the introductory clause of the second paragraph.

3. Section 120 of the Act is amended by adding the following paragraph at the end:

"The basic monthly amount of the retirement pension of the beneficiary of that pension who was qualified for a disability pension under this Act or a similar plan between 60 and 65 years of age is recalculated when the beneficiary reaches 65 years of age. It is then equal to the amount calculated in the first paragraph for the year in which the retirement pension became payable to the beneficiary, adjusted in accordance with section 119."

4. Section 120.1 of the Act is amended by inserting the following paragraph after the third paragraph:

"Despite the preceding paragraphs, the monthly amount of the retirement pension of a contributor 65 years of age or over who was qualified for a disability

pension under this Act or a similar plan between 60 and 65 years of age is adjusted only pursuant to subparagraph 2 of the first paragraph."

5. The Act is amended by inserting the following section after section 124:

"**125.** If the last monthly amount of a disability pension paid to a contributor in the month preceding the contributor's sixtieth birthday is greater than the aggregate of the basic monthly amount of the retirement pension, calculated as provided in section 120, and the basic monthly amount of the disability pension, calculated as provided in section 123, that are payable to the contributor at the age of 60, the difference is payable to the contributor. That additional amount is considered to be a disability pension.

If the contributor reaches 60 years of age in the month of January, the last monthly amount of the disability pension paid to the contributor is adjusted in accordance with section 119 for the purposes of the calculation provided for in the first paragraph."

6. Sections 136 and 136.1 of the Act are amended by inserting "and the second paragraph" after "paragraph" in the definition of "d" in the first paragraph.

DIVISION II
MISCELLANEOUS AND TRANSITIONAL PROVISIONS

7. The basic monthly amount of the retirement pension of a contributor 65 years of age or over who, on 31 December 2024, is the beneficiary of that pension and was qualified between 60 and 65 years of age for a disability pension under this Act or a similar plan is, from January 2025, calculated in accordance with the provisions of the Act respecting the Québec Pension Plan (chapter R-9), as they read on 1 January 2025.

The same applies to the basic monthly amount of the retirement pension of a person who is the beneficiary, on 31 December 2023, of the additional amount for disability after retirement referred to in section 111 of the Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions (2022, chapter 3) and to the basic monthly amount of the retirement pension of a contributor 65 years of age or over who was qualified between 60 and 65 years of age for the additional amount for disability after retirement under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023.

8. If the last monthly amount of the disability pension paid in December 2023 to a contributor referred to in section 112 of the Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions (2022, chapter 3), adjusted in accordance with section 119 of the Act respecting the Québec Pension Plan (chapter R-9), is greater than the aggregate of the basic monthly amount of the retirement pension, calculated as provided in section 120 of that Act, and the basic monthly amount of the

disability pension, calculated as provided in section 123 of that Act, that are payable to the contributor in January 2024, the difference is payable to the contributor. That additional amount is considered to be a disability pension.

9. If a contributor 60 years of age or over is the beneficiary, on 31 December 2024, of a surviving spouse's pension and a disability pension to which the second paragraph of section 113 of the Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions (2022, chapter 3) or the third paragraph of section 23 of the Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions (2023, chapter 30) applies, those pensions are, from January 2025, recalculated in accordance with the provisions of the Act respecting the Québec Pension Plan (chapter R-9), as they read on 1 January 2025.

The contributor is also presumed to have made an application for a retirement pension on 31 December 2024.

If the last monthly amount of the disability pension paid in December 2024 to the contributor referred to in the first paragraph, adjusted in accordance with section 119 of the Act respecting the Québec Pension Plan, as it read on 1 January 2025, is greater than the aggregate of the basic monthly amount of the retirement pension, calculated as provided in section 120 of that Act, and the basic monthly amount of the disability pension, calculated as provided in section 123 of that Act, that are payable to the contributor in January 2025, the difference is payable to the contributor. That additional amount is considered to be a disability pension.

In addition, if the aggregate of the last monthly amount of the surviving spouse's pension and the last monthly amount of the disability pension that are paid in December 2024 to the contributor referred to in the first paragraph, each adjusted in accordance with section 119 of the Act respecting the Québec Pension Plan, is greater than the aggregate of the basic monthly amount of the retirement pension, calculated as provided in section 120 of that Act, the basic monthly amount of the surviving spouse's pension, calculated as provided in section 136 of that Act, the basic monthly amount of the disability pension, calculated as provided in section 123 of that Act, and, where applicable, the additional amount, calculated as provided in the third paragraph, that are payable to the contributor in January 2025, the difference is payable to the contributor until the contributor's surviving spouse's pension ceases under section 108.2 of that Act or the contributor's disability pension ceases under section 166 of that Act or until the contributor reaches 65 years of age. That additional amount is added to the amount of the surviving spouse's pension, calculated as provided in section 136 of that Act.

10. If a contributor is the beneficiary, in the month preceding the contributor's sixtieth birthday, of a surviving spouse's pension and a disability pension to which the second paragraph of section 113 of the Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021

and amending other provisions (2022, chapter 3) or the third paragraph of section 23 of the Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions (2023, chapter 30) applies, those pensions are recalculated in accordance with the provisions of the Act respecting the Québec Pension Plan (chapter R-9), as they read on 1 January 2025, in the month in which the contributor reaches 60 years of age.

If the aggregate of the last monthly amount of the surviving spouse's pension and the last monthly amount of the disability pension that are paid to the contributor referred to in the first paragraph in the month preceding the contributor's sixtieth birthday, each adjusted in accordance with section 119 of the Act respecting the Québec Pension Plan, is greater than the aggregate of the basic monthly amount of the retirement pension, calculated as provided in section 120 of that Act, the basic monthly amount of the surviving spouse's pension, calculated as provided in section 136 of that Act, the basic monthly amount of the disability pension, calculated as provided in section 123 of that Act, and, where applicable, the additional amount, calculated as provided in section 125 of that Act, enacted by section 5 of this Act, that are payable to the contributor in the month in which the contributor reaches 60 years of age, the difference is payable to the contributor until the contributor's surviving spouse's pension ceases under section 108.2 of that Act or the contributor's disability pension ceases under section 166 of that Act or until the contributor reaches 65 years of age. That additional amount is added to the amount of the surviving spouse's pension, calculated as provided in section 136 of that Act.

11. If a contributor 60 years of age or over became disabled, within the meaning of section 96 of the Act respecting the Québec Pension Plan (chapter R-9), before 1 January 1999 and is the beneficiary of a disability pension on 31 December 2024, that pension is, from January 2025, recalculated in accordance with the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2025.

The contributor is also presumed to have made an application for a retirement pension on 31 December 2024.

If the last monthly amount of the disability pension paid in December 2024 to the contributor referred to in the first paragraph, adjusted in accordance with section 119 of the Act respecting the Québec Pension Plan, as it read on 1 January 2025, is greater than the aggregate of the basic monthly amount of the retirement pension, calculated as provided in section 120 of that Act, and the basic monthly amount of the disability pension, calculated as provided in section 123 of that Act, that are payable to the contributor in January 2025, the difference is payable to the contributor. That additional amount is considered to be a disability pension.

12. If a contributor became disabled, within the meaning of section 96 of the Act respecting the Québec Pension Plan (chapter R-9), before 1 January 1999 and is the beneficiary of a disability pension in the month preceding the

contributor's sixtieth birthday, that pension is recalculated in the month in which the contributor reaches 60 years of age in accordance with the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2025.

13. Despite section 218.4 of the Act respecting the Québec Pension Plan (chapter R-9), an increase in the cost of benefits under the pension plan resulting from this Act is not accompanied by an increase in the contribution rates.

CHAPTER II
VARIABLE PAYMENT LIFE PENSIONS

DIVISION I
AMENDING PROVISIONS

SUPPLEMENTAL PENSION PLANS ACT

14. Section 47 of the Supplemental Pension Plans Act (chapter R-15.1) is amended by replacing "90.2" by "90.3".

15. Section 65 of the Act is amended by replacing "section 93" by "sections 90.2 and 93".

16. The Act is amended by inserting the following heading before section 90.2:

"§1. — *General provisions*".

17. Section 90.2 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "as well as on the conditions set out in the plan" after "regulation";

(*b*) by adding the following sentence at the end: "Only a member or spouse at least 55 years of age is entitled to do so, unless the plan sets a lower age.";

(2) by replacing the second and third paragraphs by the following paragraph:

"The conditions set out in the plan must be such that any member or spouse referred to in the first paragraph has access, except to the extent determined by regulation, to at least one variable payment life pension fund established in the plan."

18. The Act is amended by inserting the following after section 90.2:

"**90.3.** The pension referred to in section 90.2 must be paid into a variable payment life pension fund, within the meaning of the fiscal rules, that is

established in the pension plan but separate from the rest of the plan's pension fund.

From the transfer of sums to a variable payment life pension fund, the member or spouse referred to in section 90.2 is said to be a beneficiary of the fund. The same applies to the member's surviving spouse and any successor of the member or of another beneficiary of the fund.

"**90.4.** The establishment of a variable payment life pension fund in a pension plan does not change its type.

Thus, a defined contribution plan continues to be referred to in paragraph 2 of section 116 and, consequently, exempted from the application of Chapter X, even if it includes a variable payment life pension fund.

In addition, as regards a plan to which Chapter X applies that includes a variable payment life pension fund, the assets that make up the fund and the value of the related benefits are deemed to be mentioned in section 122.1. The assets and the value of the benefits are, however, excluded for the purposes of the calculations made under sections 146.9.3 and 146.9.4.

"**90.5.** Every variable payment life pension fund must be valued according to the rules determined by regulation.

"**90.6.** Where a pension plan includes more than one variable payment life pension fund, the transfer of sums between funds is permitted in the cases and according to the terms and conditions prescribed by regulation.

"§2. — *Special provisions relating to variable payment life pensions*

"**90.7.** A variable payment life pension constitutes a retirement pension the periodic amounts of which may vary despite section 59.

"**90.8.** The exceptions to the life-long nature of the pension provided for in section 58 do not apply to the pensions paid under a variable payment life pension fund.

The amount of the variable payment life pension is established without reference to the provisions of sections 68 to 84 and 105.

Payment of a variable payment life pension may not be suspended and is not covered by section 104.

"**90.9.** Every variable payment life pension fund must offer the option that payment of the pension be guaranteed for 10 years.

In addition, only the following other options may be offered, on the conditions prescribed by regulation, regarding the variable payment life pension:

(1) the periodic increase of the pension according to a fixed rate;

(2) the payment of benefits after the death of the member or the member's spouse; the amount of the spouse's pension that results from that option may not, however, unless the spouse consents to it before the date on which payment of the member's pension begins, be less than 60% of the amount of the member's pension;

(3) the payment of benefits after the spouse's death; and

(4) any other option prescribed by regulation.

"**90.10.** Where a pension plan includes a variable payment life pension fund, spousal status is established as at the day a member begins receiving a benefit referred to in the second paragraph of section 85 or the day preceding the member's death, whichever date occurs first, even if the plan provides that spousal status is established as at the day preceding the member's death.

If the death occurs before the first payment of the variable payment life pension, the benefit referred to in the first paragraph of section 86, as far as the variable payment life pension fund is concerned, is equal to, despite subparagraphs 1 and 2 of that paragraph and despite the second and third paragraphs of that section, the sums transferred to the fund and accrued, from the date of transfer to the date of the member's death, at the rate of return of the fund, less investment expenses and administration costs. Interest calculated, from the date of death until the date of payment of the benefit, at the rate of return of the fund must be added to the benefit, less investment expenses and administration costs.

"**90.11.** Any redetermination of the variable payment life pension under section 89.1 must be made according to the rules determined by regulation.

"**90.12.** The variable payment life pension fund must meet the requirements prescribed by regulation, particularly with respect to establishing the amount of the pension that may be purchased with the sums transferred to it, with respect to paying the pension, increasing or decreasing it and with respect to the information to be provided to the beneficiaries of the fund instead of the information provided for in particular in section 112.

"§3. — *Division, withdrawal of employer and termination of plan*

"**90.13.** A variable payment life pension fund may not be divided. It may, however, in the event of division of the pension plan, form part of the assets transferred to a plan resulting from the division.

"**90.14.** In the event of withdrawal of an employer that is a party to a multi-employer pension plan,

(1) the assets of any variable payment life pension fund included in the plan on the date of withdrawal and the value of the benefits relating to such a fund must be excluded for the purposes of Division II of Chapter XIII;

(2) despite the third paragraph of section 198, the beneficiary of such a fund is not affected by the withdrawal as far as the beneficiary's benefits under the fund on the date of withdrawal are concerned; and

(3) the notice intended for the members and beneficiaries referred to in paragraph 4 of section 200 must include, in addition to the payment methods set out in that paragraph 4, the option for any member or spouse referred to in section 90.2 of applying for payment of a variable payment life pension.

"**90.15.** In the event of termination of the pension plan, the assets of any variable payment life pension fund included in the plan and the value of the benefits relating to such a fund must be dealt with separately from the rest of the plan's assets and liabilities and any such fund must be wound up in accordance with the provisions of subdivision 4.

However, for the sole purpose of allocating any remaining surplus assets in accordance with section 230.2, the beneficiaries' benefits under each variable payment life pension fund included in the plan constitute a group of benefits.

Special rules for determining the value of those benefits may be set out by regulation. The conditions and procedure for paying any portion of the remaining surplus assets that is due to a beneficiary of a variable payment life pension fund are set out by regulation.

"§4. — *Winding-up of variable payment life pension fund*

"**90.16.** The provisions of this subdivision apply to the winding-up of any variable payment life pension fund included in a pension plan in the event of termination of the plan.

They also apply where Retraite Québec orders, in the cases prescribed by regulation, the winding-up of a variable payment life pension fund included in the plan or authorizes the amendment of the plan to allow for the winding-up of such a fund.

Retraite Québec may determine the conditions of the winding-up.

"**90.17.** The variable payment life pension fund continues to pay the pensions of the beneficiaries of the fund until the date of payment of their benefits.

"**90.18.** The rules for determining the value of the benefits of the beneficiaries of the variable payment life pension fund for the purposes of their payment as well as their conditions and methods of payment are prescribed by regulation.

"**90.19.** The provisions of this Act relating to the amendment or termination of a pension plan, particularly with respect to notices, reports and any other required documents, their content and the conditions and procedure for producing them as well as the time allotted for carrying out any formality, apply for the purposes of the winding-up of a variable payment life pension fund, with the modifications prescribed by regulation.

"§5. — *Miscellaneous provisions*

"**90.20.** An amendment to the provisions of the pension plan relating to the appropriation or allocation of surplus assets need not be submitted for the consultation provided for in section 146.3 if made at the time the plan is amended to allow for the establishment of a variable payment life pension fund and if the purpose of the amendment concerned is to apply rules to the beneficiaries of the fund that have identical effects as those already applicable to the plan members with benefits under defined contribution provisions."

19. Section 244 of the Act is amended, in the first paragraph,

(1) by replacing "and content of" in subparagraph 1 by "of, content of and conditions and procedure for producing";

(2) by inserting the following subparagraph after subparagraph 3:

"(3.0.1) determine the documents that the pension committee must provide in relation to any application designated by the regulation;";

(3) by replacing subparagraph 3.1.2 by the following subparagraphs:

"(3.1.2) determine, for the purposes of section 90.2, the conditions and time limit for applying for payment of a variable payment life pension and to what extent the conditions set out in the plan may impede access to at least one variable payment life pension fund for any member or spouse referred to in that section;

"(3.1.3) determine, for the purposes of section 90.5, the rules for the valuation of variable payment life pension funds;

"(3.1.4) prescribe, for the purposes of section 90.6, the cases in which a transfer of sums between a plan's variable payment life pension funds is permitted as well as the conditions and procedure for such a transfer;

"(3.1.5) determine the conditions on which the options referred to in the second paragraph of section 90.9 may be offered regarding the variable payment life pension and any other option that may be offered;

"(3.1.6) determine, for the purposes of section 90.11, the rules applicable to any redetermination of the variable payment life pension made under section 89.1;

"(3.1.7) prescribe, for the purposes of section 90.12, the requirements that a variable payment life pension fund must meet, particularly with respect to establishing the amount of the pension that may be purchased with the sums transferred to it, with respect to paying the pension, increasing or decreasing it and with respect to the information to be provided to the beneficiaries of the fund;

"(3.1.8) determine, for the purposes of section 90.15, the rules for determining the value of the benefits under a variable payment life pension fund in the event of termination of the plan and the conditions and procedure for paying any portion of the remaining surplus assets that is due to a beneficiary of a fund;

"(3.1.9) prescribe the cases that may give rise to a winding-up order in respect of a variable payment life pension fund under the second paragraph of section 90.16;

"(3.1.10) prescribe, for the purposes of section 90.18, the rules for determining the value of the benefits of the beneficiaries of a variable payment life pension fund for the purposes of their payment as well as their conditions and methods of payment;

"(3.1.11) prescribe the modifications referred to in section 90.19 that apply for the purposes of the winding-up of a variable payment life pension fund;

"(3.1.12) prescribe any modification to the provisions of this Act that is intended to take into account the fact that the plan includes a variable payment life pension fund;".

VOLUNTARY RETIREMENT SAVINGS PLANS ACT

20. Section 1 of the Voluntary Retirement Savings Plans Act (chapter R-17.0.1) is amended by adding the following sentence at the end of the first paragraph: "This Act also governs the benefits that may be paid under a voluntary retirement savings plan."

21. Section 2 of the Act is amended by replacing the first sentence of the first paragraph by the following sentence: "Individuals may become members of a voluntary retirement savings plan to the extent that fiscal rules permit them to contribute sums to the plan or transfer to it sums accrued under a pension plan."

22. Section 3 of the Act is amended

(1) by striking out subparagraph 5 of the second paragraph;

(2) by replacing "the members and the employers" in the third paragraph by "the members, beneficiaries and employers".

23. Section 15 of the Act is amended by inserting "and beneficiaries" at the end.

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

"**15.1.** If the plan includes a variable payment life pension fund referred to in Division II of Chapter IV.1, the administrator must establish a written investment policy, taking into account, in particular, the criteria determined by regulation.

The content of the investment policy is prescribed by regulation.

"**15.2.** All deposits and investments of the assets of a variable payment life pension fund must be made in the name of the fund or for its account.

A fund's investments must be made in accordance with the provisions of this Act and the regulations; they must also be made in conformity with the investment policy."

25. Section 18 of the Act is amended

(1) by adding the following subparagraph at the end of the first paragraph:

"(3) on request, the investment policy provided for in section 15.1.";

(2) by inserting "a form for the designation of beneficiaries in case of death and" after "the individual" in the third paragraph;

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

"If the plan includes a variable payment life pension fund, the administrator must provide, free of charge, any document mentioned in the first paragraph to any person with benefits under the fund who so requests."

26. Section 24 of the Act is amended

(1) by striking out the last sentence of the first paragraph;

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

"In addition, the report must contain a statement of changes in the net assets available for the provision of benefits from each of the variable payment life pension funds included in the plan."

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

"**24.1.** The administrator must communicate to Retraite Québec the name and last-known address of every untraceable person who is entitled to a refund or benefit or is entitled to the transfer of benefits.

If Retraite Québec is able, with the information at its disposal, to locate the person, it must notify him or her to communicate with the administrator at the address indicated."

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

"**26.1.** The provisions relating to investment options do not apply to sums paid into or transferred to the plan with a view to receiving within a short period of time payment of a variable payment life pension referred to in section 70.1."

29. Section 27 of the Act is amended by adding the following paragraph at the end:

"Every variable payment life pension fund included in the plan must be low cost. Criteria for determining if a fund is low cost may be determined by regulation. In addition, the nature or amount of the following fees is determined by regulation:

(1) the fees that may be deducted from the return of each fund; and

(2) the fees the administrator may charge the beneficiaries of a fund."

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

"**29.1.** The Autorité des marchés financiers may subject its authorization to any undertaking it considers necessary to ensure compliance with the conditions and obligations applicable under this subdivision.

The Autorité des marchés financiers may also, in granting its authorization, attach the conditions and restrictions it considers necessary for that purpose."

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

"**31.1.** The Autorité des marchés financiers may, on its own initiative, review an authorization it has granted whenever it considers it necessary in order to ensure compliance with the conditions and obligations applicable under this subdivision.

The Autorité des marchés financiers must review the authorization it has granted to an administrator if the administrator applies for such a review to have an attached condition or restriction withdrawn.

"**31.2.** The application for review filed by an administrator must specify the condition or restriction the administrator wishes to have withdrawn and the reasons for the withdrawal.

The application must also include any other information prescribed by regulation of the Autorité des marchés financiers.

The costs and fees prescribed by regulation of the Autorité des marchés financiers must be filed with the application.

"**31.3.** The Autorité des marchés financiers may subject the withdrawal of a condition or restriction to any undertaking it considers necessary to ensure compliance with the conditions and obligations applicable under this subdivision.

"**31.4.** After reviewing an authorization, the Autorité des marchés financiers may maintain it as is, attach new conditions or restrictions to it, withdraw existing conditions or restrictions, or revoke or suspend it."

32. The Act is amended by inserting the following section after section 40:

"**40.1.** The Autorité des marchés financiers must notify Retraite Québec of the conditions and restrictions attached to or withdrawn from an authorization."

33. Section 41 of the Act is amended

(1) by inserting ", the restrictions attached to their authorization" after "place of business" in the first paragraph;

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

"The information contained in the register is public information."

34. Section 48 of the Act is amended by replacing the first paragraph by the following paragraph:

"An employer who has subscribed to a voluntary retirement savings plan must automatically enroll in the plan any eligible employee, except in the case of an employee described in subparagraph *a* or *b* of subparagraph 1 of the third paragraph of section 45. The employer must also enroll any employee who so requests."

35. Division IV of Chapter IV of the Act becomes Chapter IV.1 and its heading is replaced by the following heading:

"BENEFITS".

36. The Act is amended by inserting the following before section 70:

"**DIVISION I**

"TYPES OF BENEFITS

"§1. — *Variable benefits*".

37. Section 70 of the Act is amended

(1) by striking out "or the member's spouse, as defined in section 71,";

(2) by replacing "variable payments" by "variable benefits";

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

"Every member who has elected to receive variable benefits is entitled to apply for payment in one or more instalments of all or part of the funds referred to in the first paragraph, on the conditions and within the time prescribed by regulation."

38. Division V of Chapter IV of the Act becomes subdivision 2 of Chapter IV.1 and its heading is replaced by the following heading:

"§2. — *Variable payment life pension*".

39. Section 70.1 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "or the member's spouse, as defined in section 71,";

(*b*) by inserting "as well as on the conditions set out in the plan" after "prescribed by regulation";

(*c*) by adding the following sentence at the end: "Only a member at least 55 years of age is entitled to do so, unless the plan sets a lower age.";

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

"The conditions set out in the plan must be such that every member has access, except to the extent prescribed by regulation, to at least one variable payment life pension fund established in the plan.

Such a pension must be paid into a variable payment life pension fund, within the meaning of the fiscal rules, referred to in Division II."

40. The Act is amended by inserting the following after section 70.1:

"**70.2.** From the transfer of sums to the variable payment life pension fund, the member referred to in section 70.1 is said to be a beneficiary of the fund.

The same applies to the surviving spouse of a member who is a beneficiary of the fund and to any successor of such a member or of another beneficiary of the fund.

A member who becomes the beneficiary of a variable payment life pension fund retains his or her status as a member for the purposes of the provisions relating to the death of the member and of those relating to the transfer of benefits between spouses.

"**DIVISION II**

"VARIABLE PAYMENT LIFE PENSION FUND

"§1. — *General provisions*

"**70.3.** Every variable payment life pension fund established in the plan must be separate from the rest of the plan's assets.

"**70.4.** Every variable payment life pension fund must be valued according to the rules determined by regulation.

"**70.5.** Where a plan includes more than one variable payment life pension fund, the transfer of sums between funds is permitted in the cases and according to the terms and conditions prescribed by regulation.

"§2. — *Determination and payment of variable payment life pension*

"**70.6.** Every variable payment life pension fund must offer the option that payment of the pension be guaranteed for 10 years.

In addition, only the following other options may be offered, on the conditions prescribed by regulation, regarding the variable payment life pension:

(1) the periodic increase of the pension according to a fixed rate;

(2) the payment of benefits after the death of the member or the member's spouse; the amount of the spouse's pension that results from that option may not, however, unless the spouse consents to it before the date on which payment of the member's pension begins, be less than 60% of the amount of the member's pension; and

(3) where applicable, any other option prescribed by regulation.

"**70.7.** The rules applicable for the purpose of establishing the amount of the pension that may be purchased with the sums transferred to the variable payment life pension fund and for the purpose of paying the pension and of increasing or decreasing it are prescribed by regulation.

"§3. — *Winding-up of the variable payment life pension fund*

"**70.8.** The provisions of this subdivision apply to the winding-up of any variable payment life pension fund included in a plan in the event of termination of the plan.

They also apply where Retraite Québec orders, in the cases prescribed by regulation, the winding-up of a variable payment life pension fund included in a plan or where Retraite Québec authorizes, at the request of the administrator of the plan, the amendment of the plan to allow for the winding-up of such a fund.

Retraite Québec may determine the conditions of the winding-up.

"**70.9.** The variable payment life pension fund continues to pay the pensions of the beneficiaries of the fund until the date of payment of their benefits.

"**70.10.** The rules for determining the value of the benefits of the beneficiaries of a variable payment life pension fund for the purposes of their payment as well as their conditions and methods of payment are prescribed by regulation.

"**70.11.** The provisions of this Act relating to the amendment of a plan and the process for winding up a plan apply, with the modifications prescribed by regulation, to the winding-up of a variable payment life pension fund.

In addition, the notices, reports and any other documents required for the purposes of the winding-up of such a fund, as well as their content and the conditions and procedure for producing them, are determined by regulation.

"§4. — *Miscellaneous provisions*

"**70.12.** In the event of an amalgamation of administrators, any variable payment life pension fund included in a plan that must be liquidated under section 38 may, on the conditions set out by Retraite Québec, be transferred to the plan designated in accordance with that section."

41. Section 71 of the Act is amended

(1) by replacing "on the day before the death of the member" in the introductory clause of the first paragraph by "on the day of reference defined in the second paragraph";

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

"Spousal status is established as at the day preceding the member's death. However, if a member is the beneficiary of a variable payment life pension fund, it is established as at the date on which a pension begins to be paid to the member under the fund.";

(3) by replacing "on the day before the death occurs" in the second paragraph by "as at the day on which spousal status is established";

(4) by inserting "or the member sent the notice provided for in section 73.4" at the end of the third paragraph.

42. Section 72 of the Act is amended

(1) in the first paragraph,

(*a*) by striking out "who was not receiving variable payments";

(*b*) by replacing "until the date of payment or the transfer of all or part of the amount to a pension plan determined by regulation and chosen by the member's spouse or, if the member has no spouse, by his or her successors, to the extent that fiscal rules allow it" by "until the date on which the benefit is paid";

(2) by striking out the second paragraph.

43. Section 73 of the Act is replaced by the following sections:

"**73.** On the death of a member with benefits under a variable payment life pension fund, his or her spouse is entitled to a pension the amount of which is equal to or greater than 60% of the amount of the pension the member was receiving under the fund.

"**73.1.** Where a member dies before payment of the variable payment life pension begins, his or her spouse or, if the member has no spouse, his or her successors are entitled, despite any option exercised by the member under section 70.6 and despite section 73, to a benefit the amount of which is equal to the sums transferred to the variable payment life pension fund and accrued, from the date of the transfer to the date of the member's death, at the net rate of return of the fund. Interest calculated at the net rate of return of the fund, from the date of death to the date of payment of the benefit, must be added to that amount.

"**73.2.** The benefit referred to in section 72 or 73.1 is paid

(1) in a lump sum;

(2) by transfer of the amount of the benefit to a pension plan prescribed by regulation and chosen by the member's spouse or, if the member has no spouse, by his or her successors, to the extent that fiscal rules allow; or

(3) according to a combination of those payment methods.

The member's spouse may request that all or part of the amount of the benefit to which he or she is entitled under section 72 or 73.1 be maintained in the plan; in such a case, the spouse becomes a member and the amount maintained in the plan is credited to the spouse's not locked-in account.

"**73.3.** The spouse of a member may waive the rights conferred by this chapter by transmitting to the administrator a statement containing the information prescribed by regulation. The spouse may also revoke the waiver provided the administrator is notified in writing before the member's death or, in the case of the pension referred to in section 73, before payment of the member's pension begins.

A waiver under this section does not entail a waiver of the rights that may devolve upon the spouse as the member's successor. In addition, despite such a waiver, the plan is deemed, for the purposes of article 415 of the Civil Code, to be governed by an Act that grants the surviving spouse a right to death benefits.

"**73.4.** The right of a member's spouse to benefits under this chapter is terminated, as the case may be, by separation from bed and board, divorce or marriage annulment, by the dissolution or annulment of the civil union or by the cessation of conjugal relationship except if the member has notified the administrator in writing to pay the pension to the spouse despite the divorce, annulment of marriage, separation from bed and board, dissolution or annulment of the civil union or cessation of conjugal relationship.

"**73.5.** Where a member's variable payment life pension has been established having regard to the right of the member's spouse to a pension under section 73 and the spouse's right is terminated pursuant to section 73.4, the member is entitled, on request to the administrator, to a redetermination of the variable payment life pension.

Unless the administrator has received the notice provided for in section 73.4, the administrator must also redetermine the member's variable payment life pension if the member's benefits under the fund are partitioned, pursuant to section 75 or 77, subsequent to the first payment to the member of a pension established having regard to the spouse's right to a pension under section 73.

The redetermination of a pension under this section cannot alone operate to reduce the amount of a pension paid to the member.

"**73.6.** Any redetermination of the variable payment life pension under section 73.5 must be made according to the rules prescribed by regulation."

44. Section 75 of the Act is amended

(1) by replacing "accumulated by a member under the" in the first paragraph by "of a member under a";

(2) by replacing "accumulated by the member under" in the second paragraph by "of the member under".

45. Section 76 of the Act is amended by replacing "of the benefits accumulated by the member under" in the first paragraph by "of the member's benefits under".

46. Section 77 of the Act is amended by replacing "the benefits accumulated by the member under" in the first paragraph by "the member's benefits under".

47. Section 78 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "The same applies to the rules concerning the member's benefits under a variable payment life pension fund of the plan.";

(2) by inserting "or from a variable payment life pension fund of the plan" after "locked-in account" in subparagraph 1 of the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

"The spouse may request that the benefits referred to in subparagraphs 1 and 2 of the second paragraph that are awarded to the spouse be maintained, in whole or in part, in the plan; in such a case, the spouse becomes a member and the benefits maintained in the plan are entered, respectively, in the spouse's locked-in account and the spouse's not locked-in account."

48. Section 88 of the Act is amended by replacing both occurrences of "variable payments" by "variable benefits".

49. Section 90 of the Act is amended by inserting "of the plan, including any variable payment life pension fund included in the plan, where applicable," after "the assets".

50. Section 92 of the Act is amended by replacing "a member who is untraceable" and "of the member" in the first paragraph by "a person who is untraceable" and "of the person concerned", respectively.

51. Section 95 of the Act is amended by adding the following paragraphs at the end:

"The administrator must provide any member who makes an application under section 70.1 with the information and documents determined by regulation, in the manner prescribed by regulation.

In addition, the information and documents that must be provided to any person with benefits under a variable payment life pension fund included in the plan, as well as the conditions under which they must be provided, are prescribed by regulation."

52. Section 98 of the Act is amended

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

"(2.1) the assumptions used for the valuation of a variable payment life pension fund included in the plan are not consistent with generally accepted actuarial or accounting principles;";

(2) in paragraph 4,

(*a*) by inserting "or a regulation" after "in this Act";

(*b*) by replacing "of this Act or" by "of the Act or the regulation or of".

53. The Act is amended by inserting the following section after section 108:

"**108.1.** The Autorité des marchés financiers may require an authorized administrator or anyone who files an application in accordance with this Act to provide any document or information that is useful in assessing the applications on which the Autorité des marchés financiers is to rule in accordance with this Act."

54. Section 109 of the Act is amended by replacing "107, 108" by "107 to 108.1".

55. Section 113 of the Act is amended

(1) by striking out subparagraph *c* of paragraph 1;

(2) by inserting the following paragraphs after paragraph 3:

"(3.1) determine the criteria applicable to the establishment of the investment policy referred to in section 15.1 and prescribe the content of that investment policy;

"(3.2) prescribe rules relating to the investment of the assets of a variable payment life pension fund;";

(3) by striking out "the fees to be paid with the annual statement as well as" in paragraph 8;

(4) in paragraph 11,

(*a*) by inserting "the first and second paragraphs of" after "purposes of";

(*b*) by inserting "or beneficiaries" at the end;

(5) by inserting the following paragraph after paragraph 11:

"(11.1) for the purposes of the third paragraph of section 27, establish the criteria for determining if a variable payment life pension fund is low cost, as well as the nature or amount of the fees that may be deducted from the fund's return on assets and of the fees that the administrator may charge the beneficiaries of the fund;";

(6) by replacing "72" in paragraph 20 by "73.2";

(7) by replacing paragraphs 22 to 23 by the following paragraphs:

"(22) for the purposes of section 70, determine the conditions and time limits for the payment of variable benefits as well as the conditions and time limits for the payment in one or more instalments of all or part of the funds referred to in the first paragraph of that section;

"(22.1) for the purposes of section 70.1, determine the conditions and time limit for applying for payment of a variable payment life pension and to what extent the conditions set out in the plan may impede access to at least one variable payment life pension fund for any member referred to in that section;

"(22.2) for the purposes of section 70.4, determine the rules for the valuation of variable payment life pension funds;

"(22.3) for the purposes of section 70.5, prescribe the cases in which the transfer of sums between variable payment life pension funds is permitted as well as the conditions and procedure for such transfers;

"(22.4) determine the conditions on which the options referred to in the second paragraph of section 70.6 may be offered regarding the variable payment life pension and any other option that may be offered;

"(22.5) for the purposes of section 70.7, establish the rules applicable for the purpose of establishing the amount of the pension that may be purchased with the sums transferred to the variable payment life pension fund and for the purpose of paying, increasing or decreasing that amount;

"(22.6) prescribe the cases that may give rise to a winding-up order in respect of any variable payment life pension fund under the second paragraph of section 70.8;

"(22.7) for the purposes of section 70.10, establish the rules for determining the value of the benefits of the beneficiaries of a variable payment life pension fund for the purposes of their payment as well as their conditions and methods of payment;

"(22.8) prescribe the modifications referred to in section 70.11 that apply for the purposes of the winding-up of a variable payment life pension fund and determine the documents required for such purposes, as well as their content and the conditions and procedure for producing them;

"(23) prescribe the rules applicable to any redetermination of the variable payment life pension made under section 73.5;";

(8) by replacing "the benefits accumulated by the member" in subparagraph *b* of paragraph 24 by "the member's benefits under the plan";

(9) by inserting the following subparagraph after subparagraph *a* of paragraph 26:

"(*a*.1) the rules governing the partition of the member's benefits under a variable payment life pension fund;";

(10) by inserting "and, in respect of information and documents intended for the beneficiaries of a variable payment life pension fund, the conditions under which they must be provided" at the end of paragraph 30;

(11) by replacing paragraph 33 by the following paragraphs:

"(33) prescribe the fees payable for the financing of expenses incurred by Retraite Québec for the administration of this Act and the regulations and for any formality prescribed by this Act or the regulations, including fees which may be imposed as a penalty for a delay in carrying out such a formality or failure to provide within the time allotted any information or document prescribed by this Act or the regulations or required by Retraite Québec;

"(34) prescribe the documents required for any formality prescribed by this Act or the regulations and determine the form, content and conditions and procedure for producing any document required under this Act or the regulations; and

"(35) prescribe any other measure required for the application of this Act."

56. Section 114 of the Act is amended by adding the following paragraph at the end:

"(3) for the purposes of section 31.2, determine

(*a*) the information that must be included in an application for the withdrawal of a condition or restriction attached to the plan administrator's authorization, and

(*b*) the fees and costs that must accompany the application."

57. Section 115 of the Act is amended

(1) by replacing "or paragraph 2" in the first paragraph by ", paragraph 2 or subparagraph *a* of paragraph 3";

(2) by inserting "or subparagraph *b* of paragraph 3" after "paragraph 1" in the second paragraph.

58. Section 116 of the Act is amended, in the first paragraph,

(1) by inserting "15.1," after "contravenes section" in subparagraph 1;

(2) by inserting "or a regulation" after "this Act" in subparagraphs 2 and 3.

59. Section 120 of the Act is amended by inserting ", variable benefits or a variable payment life pension" after "locked-in account" in the first paragraph.

60. The Act is amended by inserting the following section after section 125:

"**125.1.** A plan administrator may, in relation to a variable payment life pension fund and in the course of the general administration of the fund, offset a debt of a beneficiary toward the fund against a benefit or refund payable to the beneficiary up to the greater of

(1) 25% of the benefit or refund; and

(2) 1/12 of the amount to be recovered, without exceeding 50% of the benefit or refund.

However, the offset may be applied against up to 100% of the benefit or refund if the debtor consents to it in writing.

In addition, a debt of a deceased beneficiary may be offset by the administrator against the total amount of the death benefit payable to the beneficiary's spouse or successors."

DIVISION II

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

61. A reference to variable payments referred to in section 70 of the Voluntary Retirement Savings Plans Act (chapter R-17.0.1) in the text of a voluntary retirement savings plan is equivalent to a reference to variable benefits until the text of the plan is amended to bring it into compliance with that section of the Voluntary Retirement Savings Plans Act, as amended by section 37 of this Act.

62. Any authorization granted by the Autorité des marchés financiers under the Voluntary Retirement Savings Plans Act (chapter R-17.0.1) before the date of coming into force of section 30 of this Act is deemed to be accompanied by a restriction preventing the administrator from administering a plan that includes a variable payment life pension fund.

CHAPTER III

CARRYING OUT OF THE MANDATES OF THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

ACT RESPECTING THE INSTITUT DE LA STATISTIQUE DU QUÉBEC

63. Section 30.1 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011) is amended

(1) by inserting the following subparagraph before subparagraph 1 of the first paragraph:

"(0.1) sections 3 to 4.1;";

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

"Before using information for any of the purposes to which subparagraph 0.1 of the first paragraph applies, the Institut must send the public body from which the information will originate a notice informing it of that use.";

(3) by adding "In addition," at the beginning of the second paragraph.

64. Section 30.2 of the Act is amended by replacing "of the agreement or mandate for which" by "for which".

CHAPTER IV

TRANSFER OF A PORTION OF TERRITORIAL INFORMATION FUND SURPLUSES

65. Out of the surpluses accumulated in the Territorial Information Fund, established under section 17.2 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the Minister of Finance transfers a sum of $400,000,000 to the Generations Fund, established under section 2 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1).

The sum is credited to the Generations Fund as if it were referred to in section 4 of the Act to reduce the debt and establish the Generations Fund.

CHAPTER V

NON-APPLICATION OF PAY PARITY CLAUSES TO MEMBERS FOR THE 2023–2024 FISCAL YEAR

DIVISION I

AMENDING PROVISION

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL ASSEMBLY

66. Section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1) is amended

(1) by inserting "after 31 March 2024" after "senior position that is applicable" in the second paragraph;

(2) by inserting "after 31 March 2024" after "salary increase granted" in the third paragraph.

DIVISION II

TRANSITIONAL PROVISION

67. The annual indemnity of the Members of the National Assembly established under section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1), as it read on 6 June 2023, is not increased from 1 April 2023 to 6 June 2023.

CHAPTER VI

DISSOLUTION OF FINANCEMENT-QUÉBEC

DIVISION I

REPEAL OF THE ACT RESPECTING FINANCEMENT-QUÉBEC

68. The Act respecting Financement-Québec (chapter F-2.01) is repealed.

DIVISION II

AMENDING PROVISIONS

ACT RESPECTING THE RÉSEAU STRUCTURANT DE TRANSPORT EN COMMUN DE LA VILLE DE QUÉBEC

69. Section 13 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) is amended by replacing "may not be designated a public body under section 4 of the Act respecting Financement-Québec (chapter F-2.01)" in the third paragraph by "may not apply to the Financing Fund established under section 24 of the Act respecting the Ministère des Finances (chapter M-24.01)".

REGULATION RESPECTING BORROWINGS MADE BY A BODY

70. Section 2 of the Regulation respecting borrowings made by a body (chapter A-6.001, r. 3) is amended by striking out ", or with Financement-Québec" in paragraph 2.

DIVISION III

OTHER AMENDING PROVISIONS

71. Any reference to Financement-Québec is struck out in

(1) Schedule 2 to the Financial Administration Act (chapter A-6.001);

(2) Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

(3) Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

(4) Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1).

DIVISION IV

TRANSITIONAL PROVISIONS

72. The financing authority known as "Financement-Québec" is dissolved on 31 March 2025 without any formalities other than those provided for in this chapter.

73. The responsibilities arising from financial transactions, advances and loans made under section 3 of the Act respecting Financement-Québec (chapter F-2.01) are transferred to the Minister of Finance, as the person responsible for the Financing Fund established under the Act respecting the Ministère des Finances (chapter M-24.01), on the same terms and conditions as those provided at the time those transactions, advances and loans were made.

The Minister of Finance is substituted for Financement-Québec as regards the responsibilities transferred under the first paragraph; the Minister of Finance acquires Financement-Québec's rights and assumes its obligations.

74. The rights and obligations related to Financement-Québec's R series CUSIP31739ZAG06 bond loan, whose maturity date is 1 June 2034 and that enabled Financement-Québec to grant loans, become rights and obligations of the Government.

The bond loan is a loan referred to in section 10 of the Financial Administration Act (chapter A-6.001).

As the person responsible for the Financing Fund, the Minister of Finance is deemed to have received, for the loans referred to in the first paragraph, an advance from the general fund that is equivalent to the bond loan and that includes the same terms and conditions.

75. Financement-Québec's information assets and the data they contain are transferred to the Minister of Finance, as the person responsible for the Financing Fund, with all the related rights and obligations.

76. Civil proceedings to which Financement-Québec is a party are continued, without continuance of suit, by the Attorney General of Québec.

77. The files, records and other documents of Financement-Québec become those of the Minister of Finance. However, the files, records and other documents relating to the financial transactions, advances and loans referred to in section 73 become those of the Minister of Finance, as the person responsible for the Financing Fund.

78. The documents of the governance committee established under section 31.1 of the Act respecting Financement-Québec (chapter F-2.01) become those of the Minister of Finance.

79. The term of Financement-Québec's chief executive officer and those of the members of the governance committee established under section 31.1 of the Act respecting Financement-Québec (chapter F-2.01) end on 31 March 2025, without compensation.

80. The Financement-Québec employees in office on 31 March 2025 become without further formality employees of the Ministère des Finances, except those who belong to the class of positions of advocate and notary who become employees of the Ministère de la Justice.

The above employees are deemed to have been appointed in accordance with the Public Service Act (chapter F-3.1.1).

The Conseil du trésor determines their remuneration, their classification and any other condition of employment applicable to them.

81. A body, other than a municipal body, designated by the Government as a public body for the purposes of the Act respecting Financement-Québec (chapter F-2.01) is deemed to be designated by the Government as a body under subparagraph 8 of the first paragraph of section 24 of the Act respecting the Ministère des Finances (chapter M-24.01) to the extent that it is not otherwise referred to in any of subparagraphs 1 to 7 of that paragraph.

82. The Minister of Finance files Financement-Québec's last report of operations and financial statements provided for in section 42 of the Act respecting Financement-Québec (chapter F-2.01).

The Minister tables the report of operations and the financial statements in the National Assembly not later than 30 September 2025 or, if the Assembly is not sitting, within 15 days of resumption.

This section applies despite any inconsistent provision.

83. Despite any inconsistent provision, the provisions of section 45 of the Act respecting Financement-Québec (chapter F-2.01) remain applicable with regard to the audit of Financement-Québec's books and accounts for the fiscal year 2024–2025.

The Auditor General's report must accompany the report of operations and the financial statements filed under section 82 of this Act.

CHAPTER VII

CROSS-DELEGATION OF POWERS

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE MINISTÈRE DE L'ÉCONOMIE ET DE L'INNOVATION

84. Section 20 of the Act respecting the Ministère de l'Économie et de l'Innovation (chapter M-14.1) is amended, in the second paragraph,

(1) by inserting "or of another departement" after "member of the personnel of the department";

(2) by replacing "two" by "three".

ACT RESPECTING THE MINISTÈRE DES FINANCES

85. Section 11 of the Act respecting the Ministère des Finances (chapter M-24.01) is amended, in the second paragraph,

(1) by inserting "or of another departement" after "member of the personnel of the department";

(2) by replacing "two" by "three".

ACT RESPECTING THE MINISTÈRE DU TOURISME

86. Section 14 of the Act respecting the Ministère du Tourisme (chapter M-31.2) is amended, in the second paragraph,

(1) by inserting "or of another departement" after "member of the personnel of the department";

(2) by replacing "two" by "three".

DIVISION II

TRANSITIONAL PROVISION

87. Any deed, document or writing signed by a member of the personnel of a department other than the Ministère de l'Économie et de l'Innovation, the Ministère des Finances or the Ministère du Tourisme before 4 December 2024 and that is binding on or attributed to the Minister of Economy and Innovation,

the Minister of Finance or the Minister of Tourism, respectively, is deemed to be signed by the minister concerned, unless it has been declared invalid before that date by that minister or any person acting on that minister's behalf.

CHAPTER VIII

SUSPENSION OF DRIVER'S LICENCE FOR DEBTORS OF SUPPORT

DIVISION I

AMENDING PROVISIONS

HIGHWAY SAFETY CODE

88. The Highway Safety Code (chapter C-24.2) is amended by inserting the following section after section 191.2:

"**192.** Where the Société receives the notice provided for in the first paragraph of section 54.1 of the Act to facilitate the payment of support (chapter P-2.2) in respect of a person, it must suspend the person's learner's licence, probationary licence or driver's licence or, if the person does not hold any such licence, the person's right to obtain one.

The Société lifts the suspension of the licence or of the right to obtain a licence on the working day following receipt of the notice provided for in the third paragraph of section 54.1 of the Act to facilitate the payment of support.

The minister responsible for the administration of the Act to facilitate the payment of support and the Société enter into an agreement with respect to the reimbursement of expenses incurred for the purposes of this section."

89. Section 209.2 of the Code, amended by section 16 of chapter 29 of the statutes of 2001, by section 32 of chapter 7 of the statutes of 2018 and by section 57 of chapter 10 of the statutes of 2024, is again amended by replacing "and 191.2" by ", 191.2 and 192".

ACT TO FACILITATE THE PAYMENT OF SUPPORT

90. The Act to facilitate the payment of support (chapter P-2.2) is amended by inserting the following section after section 54:

"**54.1.** Where arrears in support payments corresponding to at least six months of payment are owing, the Minister may, from the 31st day after a prior notice notified to the debtor of support by registered mail or personal service is received, inform the Société de l'assurance automobile du Québec in order for the Société to suspend, in accordance with the first paragraph of section 192 of the Highway Safety Code (chapter C-24.2), the debtor's learner's licence,

probationary licence or driver's licence or, if the debtor does not hold any such licence, the debtor's right to obtain one.

If it was not possible to notify the prior notice in accordance with the first paragraph, notification may be made by a bailiff who leaves the notice intended for the debtor on the premises. The debtor is then deemed to have received the prior notice on the date indicated on the bailiff's certificate.

If, after the Société de l'assurance automobile du Québec has been informed in accordance with the first paragraph, the debtor pays the arrears owing or pays a part of them that is considered reasonable by the Minister in the circumstances, enters into an agreement referred to in the second paragraph of section 46 or is released from the obligation to pay support without any arrears owing, the Minister informs the Société without delay to have the suspension of the debtor's licence or of the debtor's right to obtain a licence lifted in accordance with the second paragraph of section 192 of the Highway Safety Code.

The Minister may enter into an agreement with the Société de l'assurance automobile du Québec with respect to the reimbursement of expenses incurred for the purposes of section 192 of the Highway Safety Code."

DIVISION II

OTHER PROVISION

91. For the purposes of section 90 of this Act, arrears owing by a debtor include those accrued on the date of coming into force of that section.

CHAPTER IX

YEARLY DELIVERY OF UNCLAIMED FINANCIAL PRODUCTS

DIVISION I

AMENDING PROVISIONS

UNCLAIMED PROPERTY ACT

92. Section 6 of the Unclaimed Property Act (chapter B-5.1) is replaced by the following section:

"**6.** Subject to the third paragraph, the debtor or holder must, in the first quarter following the end of the calendar year in which property became unclaimed, deliver the property to the Minister if it remained unclaimed after notice was given to the right-holder under section 5. The same applies to property for which no notice was required in accordance with that section.

On delivery of the property, the debtor or holder must file with the Minister a statement containing a description of the property and all information necessary to determine the identity and place of domicile of the right-holder as well as the nature and source of the right-holder's rights. The statement must include a declaration by the debtor or holder that the required notice was given to the right-holder or specify, where applicable, the reasons why no notice was required.

The Minister may agree with a debtor or holder on a yearly delivery period other than the one provided for in the first paragraph.

The Government may, by regulation, determine the form and manner in which the statement provided for in the second paragraph is to be sent."

REGULATION RESPECTING THE APPLICATION OF THE UNCLAIMED PROPERTY ACT

93. Section 5 of the Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1) is replaced by the following section:

"**5.** For the purposes of section 6 of the Act, the statement relating to the property is filed by means of the electronic process provided for that purpose on Revenu Québec's website.

Despite the first paragraph, the following terms and conditions apply:

(1) where, in a same year, the debtor or holder delivers only 10 properties or less to the Minister, the statement may be filed using the form prescribed by the Minister; and

(2) where the debtor or holder delivers a property referred to in subparagraph 7 of the first paragraph of section 3 of the Act to the Minister, the statement must be filed using the form prescribed by the Minister."

DIVISION II

TRANSITIONAL PROVISION

94. In the case of a debtor or holder referred to in subparagraph 1 of the first paragraph of section 5 of the Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1), as it read on 3 June 2025, the first delivery following 4 June 2025 may take place, as the debtor or holder chooses, in the first quarter following the end of the debtor's or holder's fiscal year or, at the latest, in the first quarter following the 31 December that follows the end of such a fiscal year.

No interest is owed under section 8 of the Unclaimed Property Act (chapter B-5.1) in respect of a delivery referred to in the first paragraph between the end of the first quarter following the end of the debtor's or holder's fiscal

year and the end of the first quarter following the 31 December that follows the end of that fiscal year.

CHAPTER X

TRANSITION FRAMEWORK FOR MONEY-SERVICES BUSINESSES OPERATING CRYPTOASSET AUTOMATED TELLER MACHINES AND COMING INTO FORCE OF CERTAIN PROVISIONS RELATING TO SUCH MACHINES

95. A person or entity who operates cryptoasset automated teller machines is, for the purposes of the Money-Services Businesses Act (chapter E-12.000001) and the regulations, subject to the rules provided for in this chapter, where

(1) the person or entity is licensed to operate automated teller machines; and

(2) the person or entity has paid, for the period beginning on 1 April 2025, the fees prescribed by the Regulation respecting fees and tariffs payable under the Money-Services Businesses Act (chapter E-12.000001, r. 2) in respect of each machine the person or entity operates.

96. From 1 April 2025, the business's licence to operate automated teller machines is deemed to be a licence to operate cryptoasset automated teller machines.

However, if the business also operates automated teller machines, the presumption applies only in respect of the cryptoasset automated teller machines.

97. The business is required to file an application for a licence to operate cryptoasset automated teller machines before 1 June 2025. The fees paid for the period beginning on 1 April 2025, in respect of each cryptoasset automated teller machine it operates, are credited to the application.

98. The presumption provided for in section 96 ceases to apply

(1) where the Minister issues the business a licence to operate cryptoasset automated teller machines;

(2) where the Minister refuses to issue the licence provided for in paragraph 1 to the business; or

(3) on 1 June 2025, if the business has not filed the application referred to in section 97 before that date.

ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 21 MARCH 2023 AND AMENDING OTHER PROVISIONS

99. Section 90 of the Act respecting the implementation of certain provisions of the Budget Speech of 21 March 2023 and amending other provisions (2023, chapter 30), amended by section 201 of chapter 11 of the statutes of 2024, is again amended by replacing "on the date to be set by the Government" in paragraph 3 by "on 1 April 2025".

CHAPTER XI

FINANCIAL COMPENSATION RELATING TO MANDATORY BILLING IN THE RESTAURANT SERVICE AND BAR SECTORS

ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 22 MARCH 2022 AND AMENDING OTHER LEGISLATIVE PROVISIONS

100. Section 10 of the Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions (2023, chapter 10) is amended by replacing "after 31 October 2021 and before the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax, enacted by section 9 of this Act" by "after 31 October 2019 and before 1 October 2024".

CHAPTER XII

VARIOUS MEASURES CONCERNING THE MISSION AND GOVERNANCE OF REVENU QUÉBEC

DIVISION I

UNENFORCEABILITY OF A TRANSFER OF PROPERTY AND SUPPORT PAYMENTS

§1. — *Amending provision*

ACT TO FACILITATE THE PAYMENT OF SUPPORT

101. Section 51.1 of the Act to facilitate the payment of support (chapter P-2.2) is amended by adding the following paragraph at the end:

"The Minister may, within four years after the day on which the Minister becomes aware of the transfer of property, send the transferee a demand for payment under section 46 in relation to the amount payable under the first paragraph."

§2. — *Other provision*

102. Section 101 of this Act applies in respect of a transfer made on or after 5 December 2024.

DIVISION II

SECURITY EXIGIBLE IN RESPECT OF SUPPORT

§1. — *Amending provisions*

ACT TO FACILITATE THE PAYMENT OF SUPPORT

103. Section 3 of the Act to facilitate the payment of support (chapter P-2.2) is amended by replacing "sufficient security" in subparagraph 2 of the first paragraph by "security, consisting of a sum of money,".

104. Section 4 of the Act is amended by striking out the second paragraph.

105. Section 5 of the Act is amended by striking out "and maintain" in subparagraph 1 of the first paragraph.

106. Section 8 of the Act is amended by striking out "or maintain" in the second paragraph.

107. Section 26 of the Act is amended by replacing "security must be furnished to the Minister and maintained" in the second paragraph by "security consisting of a sum of money must be furnished to the Minister".

108. Section 32 of the Act is amended by striking out "or maintain".

109. Section 34 of the Act is amended

(1) by striking out "not realized on" in the first paragraph;

(2) by striking out "if the security is a sum of money" in the fourth paragraph.

110. Section 37 of the Act is amended by replacing "realize on the security and shall pay the support to the creditor of support out of the proceeds" by "pay the support to the creditor of support out of the value of the security".

111. Section 38 of the Act is amended, in the first paragraph,

(1) by striking out subparagraph 3;

(2) by replacing "to 3" in subparagraph 7 by "and 2".

112. Section 39 of the Act is amended by striking out "that is a sum of money" in paragraph 2.

113. Section 71 of the Act is amended by striking out paragraph 2.

REGULATION RESPECTING THE COLLECTION OF SUPPORT

114. Division II of the Regulation respecting the collection of support (chapter P-2.2, r. 1), comprising sections 2 and 3, is repealed.

§2. — *Transitional provision*

115. Sections 3, 4, 5, 8, 26, 32, 34, 37 to 39 and 71 of the Act to facilitate the payment of support (chapter P-2.2) and Division II of the Regulation respecting the collection of support (chapter P-2.2, r. 1), as amended by sections 103 to 114 of this Act, apply in respect of a security held by the Minister on 4 December 2024 only from 4 December 2025. Any security exigible so held in a form other than that of a sum of money must be replaced by the debtor, on or before 3 December 2025, by a security consisting of a sum of money.

DIVISION III

RESEARCH SCHOLARSHIPS

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

116. The Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended by inserting the following section after section 51.1:

"**51.2.** The Agency may, on the conditions and in the manner it determines, grant a scholarship to a student enrolled in a university studies program who carries out research work related to the Agency's mission. It may also enter into an agreement with an educational institution referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) to grant such a scholarship."

DIVISION IV

AUTHORIZATION TO TAKE RECOVERY MEASURES IN THE ABSENCE OF THE DEBTOR

§1. — *Amending provision*

TAX ADMINISTRATION ACT

117. Section 17.0.1 of the Tax Administration Act (chapter A-6.002) is amended by replacing "authorization may be granted *ex parte* in urgent circumstances" in the second paragraph by "application for authorization is made *ex parte*".

§2. — *Other provision*

118. Section 117 of this Act applies in respect of an application made after 5 December 2024.

DIVISION V

PROTECTION OF CONFIDENTIAL INFORMATION

TAX ADMINISTRATION ACT

119. Section 69.0.0.17 of the Tax Administration Act (chapter A-6.002) is amended by inserting the following subparagraph after subparagraph *b* of the third paragraph:

"(*b*.1) to consult the information only if the information is necessary for the performance of the contract;".

120. Section 71.3.1 of the Act is amended by replacing "section 69.0.0.6" by "section 69.0.0.6 or 69.0.0.17".

DIVISION VI

MEDIATION IN TAX MATTERS

TAX ADMINISTRATION ACT

121. Section 93.21.1 of the Tax Administration Act (chapter A-6.002) is amended

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

"The mediation session is presided over by an advocate or a notary, certified in accordance with the Regulation respecting the mediation and arbitration of small claims (chapter C-25.01, r. 0.6.1). The session may also be presided over by a chartered professional accountant, certified in accordance with that Regulation.";

(2) by inserting "and arbitration" after "Regulation respecting the mediation" in the third paragraph.

DIVISION VII

TERMINOLOGICAL AMENDMENTS

TAX ADMINISTRATION ACT

122. Section 94.9 of the Tax Administration Act (chapter A-6.002) is amended by replacing "an appeal before the Court of Québec" and "of that Act" in the second paragraph by "a contestation filed in accordance with Chapter III.2 or IV of this Act" and "of the Act respecting the Director of Criminal and Penal Prosecutions", respectively.

ACT RESPECTING THE DIRECTOR OF CRIMINAL AND PENAL PROSECUTIONS

123. Section 24.1 of the Act respecting the Director of Criminal and Penal Prosecutions (chapter D-9.1.1) is amended by replacing "bringing an appeal" in subparagraph 3 of the first paragraph by "filing a contestation".

124. Section 24.2 of the Act is amended by replacing "brought an appeal before the Court of Québec" in the third paragraph by "filed a contestation in accordance with Chapter III.2 or IV of the Tax Administration Act (chapter A-6.002)".

CHAPTER XIII

COLLECTION OF TAXES AND MARKUP ON ALCOHOLIC BEVERAGES WHEN BRINGING PROPERTY INTO QUÉBEC

TOBACCO TAX ACT

125. The Tobacco Tax Act (chapter I-2) is amended by inserting the following section after section 9.0.1:

"**9.0.2.** For the purposes of sections 9 and 9.0.1, tobacco bound for Québec that is present in a preclearance perimeter or preclearance area, within the meaning of section 46 of the Preclearance Act, 2016 (S.C. 2017, c. 27), is deemed to be brought into Québec."

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

126. Section 19.1 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended

(1) by inserting "or in a preclearance perimeter or preclearance area, within the meaning of section 46 of the Preclearance Act, 2016 (S.C. 2017, c. 27)," after "situated in Québec" in the introductory clause of the first paragraph;

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

"For the purposes of this section, alcoholic beverages bound for Québec that are present in a preclearance perimeter or preclearance area are deemed to be brought into Québec."

ACT RESPECTING THE QUÉBEC SALES TAX

127. Section 17 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by adding the following paragraph at the end:

"For the purposes of this section, corporeal property bound for Québec that is present in a preclearance perimeter or preclearance area, within the meaning of section 46 of the Preclearance Act, 2016 (S.C. 2017, c. 27), is deemed to be brought into Québec."

128. Section 488 of the Act is amended by adding the following paragraph at the end:

"For the purposes of this section, an alcoholic beverage bound for Québec that is present in a preclearance perimeter or preclearance area, within the meaning of section 46 of the Preclearance Act, 2016 (S.C. 2017, c. 27), is deemed to be brought into Québec."

CHAPTER XIV

NON-INCLUSION OF ROBOTIC DEVICES ON THE ASSESSMENT ROLL

ACT RESPECTING MUNICIPAL TAXATION

129. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 64.2, enacted by section 155 of chapter 24 of the statutes of 2024:

"**64.3.** Robotic devices used, or intended to be used, for commercial warehousing purposes are not to be entered on the roll."

130. Section 263 of the Act is amended by inserting the following subparagraph after subparagraph 9.1 of the first paragraph:

"(9.1.1) define, for the purposes of section 64.3, the terms "commercial warehousing" and "robotic device";".

CHAPTER XV

ABOLITION OF THE HEALTH AND SOCIAL SERVICES INFORMATION RESOURCES FUND

DIVISION I

AMENDING PROVISION

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES SERVICES SOCIAUX

131. Sections 11.7.1 to 11.7.3 of the Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) are repealed.

DIVISION II

TRANSITIONAL PROVISIONS

132. Santé Québec is substituted for the Minister of Health and Social Services as regards the activities related to the Health and Social Services Information Resources Fund determined by the Government; Santé Québec acquires the Minister's rights and assumes the Minister's obligations.

The files and other documents of the Minister, in respect of the Minister's activities that become those of Santé Québec under the first paragraph, become those of Santé Québec.

133. The Government determines which assets and liabilities of the Health and Social Services Information Resources Fund relate to the activities that become those of Santé Québec under the first paragraph of section 132 and which assets and liabilities relate to the activities that remain the Minister's. The assets and the liabilities are transferred, respectively, to Santé Québec and the Minister at the value and on the conditions determined by the Government.

134. Santé Québec becomes, without continuance of suit, a party to all proceedings to which the Attorney General of Québec was a party in respect of the Minister's activities that become those of Santé Québec under the first paragraph of section 132.

CHAPTER XVI

SANTÉ QUÉBEC CONTRACTS

ACT RESPECTING THE GOVERNANCE OF THE HEALTH AND SOCIAL SERVICES SYSTEM

135. The Act respecting the governance of the health and social services system (chapter G-1.021) is amended by inserting the following section after section 108:

"**108.1.** Despite section 12 of the Act respecting contracting by public bodies (chapter C-65.1), Santé Québec may split or segment its procurement requirements in proportion to those relating to each of its institutions."

CHAPTER XVII

FINAL PROVISIONS

136. The provisions of sections 2, 5 and 8 have effect from 1 January 2024. The provisions of Chapter XIII, comprising sections 125 to 128, have effect from 21 June 2024.

137. The provisions of this Act come into force on 4 December 2024, except

(1) the provisions of sections 3, 4, 6, 7 and 9 to 13, which come into force on 1 January 2025;

(2) the provisions of Chapter VI, comprising sections 68 to 83, which come into force on 1 April 2025;

(3) the provisions of sections 92 and 93, which come into force on 4 June 2025;

(4) the provisions of Chapter XIV, comprising sections 129 and 130, which come into force on 1 January 2026; and

(5) the provisions of Chapter II, comprising sections 14 to 62, the provisions of Chapter VIII, comprising sections 88 to 91, and the provisions of Chapter XV, comprising sections 131 to 134, which come into force on the date or dates determined by the Government.

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