No. 4

GAZETTE OFFICIELLE
DU QUÉBEC

Part 2
LAWS AND REGULATIONS

22 January 2025 / Volume 157

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

NOTICE TO USERS

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

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

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

Part 2 – LAWS AND REGULATIONS

Internet

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

www.publicationsduquebec.gouv.qc.ca

Contents

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

Part 2 shall contain:

(1) Acts assented to;

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

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

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

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

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

Rates*

1. Publication of a document in Partie 1:
   $2.06 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.

*** Taxes not included.**

General conditions

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

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

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

For information, please contact us:

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

Table of Contents

Page

Acts 2024

Regulations and other Acts

Draft Regulations

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 5 DECEMBER 2024

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 5 December 2024

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

61 An Act enacting the Act respecting Mobilité Infra Québec and amending certain provisions relating to shared transportation

75 An Act to give effect to fiscal measures announced in the Budget Speech delivered on 12 March 2024 and to certain other measures

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, 6 December 2024

Office of the Lieutenant-Governor

Québec, 6 December 2024

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

74 An Act mainly to improve the regulatory scheme governing international students

209 An Act respecting Ville de Terrebonne

210 An Act respecting Ville de Blainville

211 An Act respecting the École Polytechnique de Montréal

212 An Act to amend the Act to incorporate Foyer Wales – The Wales Home

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

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 61
(2024, chapter 40)

An Act enacting the Act respecting Mobilité Infra Québec and amending certain provisions relating to shared transportation

Introduced 9 May 2024
Passed in principle 26 September 2024
Passed 4 December 2024
Assented to 5 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act establishes Mobilité Infra Québec, whose mission is, when entrusted with that responsibility by the Government, to conduct opportunity analyses for complex transportation projects and to plan and carry out such projects. Mobilité Infra Québec may also conduct analyses in matters of transportation at the request of the minister responsible for transport and sustainable mobility and carry out any other mandate entrusted to it by the Government.

The Act determines the rules for the organization and operation of Mobilité Infra Québec and specifies that it is governed by the Act respecting the governance of state-owned enterprises.

Among other things, the Act allows Mobilité Infra Québec to acquire, by expropriation, the immovable it considers necessary to pursue its mission on its behalf or on behalf of the Government, a local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain. Under the Act and unless the Government decides otherwise, only Mobilité Infra Québec has jurisdiction over a complex transportation project the planning or carrying out of which was entrusted to it by the Government.

The Act provides that the employees of Mobilité Infra Québec are appointed according to the staffing plan established by Mobilité Infra Québec and determines the bargaining units applicable under the union representation system. The Act establishes the financial provisions applicable to Mobilité Infra Québec and prescribes the accounts and reports it must produce.

The Act respecting the Ministère des Transports is amended to provide that an agreement is to be entered into with the Minister, a municipality or another body concerning the amount of financial contribution for a complex transportation project. Furthermore, complex transportation projects or mandates under the responsibility of Mobilité Infra Québec may be financed by the Land Transportation Network Fund.

The Municipal Code of Québec and the Cities and Towns Act are amended to provide for the simplification of a municipality's loan by-law process with respect to the financing of a complex transportation project.

The Public Infrastructure Act is also amended so that transport infrastructure projects come under the management and control of the minister responsible for transport and sustainable mobility. That minister and a public body are required to work with the Société québécoise des infrastructures when a transport infrastructure project mainly concerns a building. For projects under Mobilité Infra Québec's responsibility, the Minister and the public body are required to work with the Société québécoise des infrastructures only when the Government so determines.

The Act makes various amendments to the Act respecting the Autorité régionale de transport métropolitain, the Act respecting the Réseau de transport métropolitain and the Act respecting public transit authorities, in particular to provide that the bodies may, with the Government's authorization and on the conditions determined by the latter, take part in the carrying out of a project to build an immovable property and to prescribe various rules governing their participation. Under the Act, Mobilité Infra Québec may act in the place and stead of a public body determined by the Government for the carrying out of a project to build an immovable property as part of a complex transportation project.

The Act amends the Act respecting the Réseau structurant de transport en commun de la Ville de Québec, in particular to specify the scope of the Réseau structurant de transport en commun de la Ville de Québec and to entrust the carrying out of that project to Ville de Québec, CDPQ Infra inc. and the minister responsible for transport and sustainable mobility. The Act also provides that the rules governing the tendering processes and the performance of CDPQ Infra inc.'s contracts are those that are applicable in relation to the responsibilities entrusted to CDPQ Infra inc., despite any inconsistent provision.

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

LEGISLATION ENACTED BY THIS ACT:

– Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).

LEGISLATION AMENDED BY THIS ACT:

– Financial Administration Act (chapter A-6.001);

– Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);

– Railway Act (chapter C-14.1);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

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

– Act respecting expropriation (chapter E-25);

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

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

– Public Infrastructure Act (chapter I-8.3);

– Act respecting the Ministère des Transports (chapter M-28);

– Public Protector Act (chapter P-32);

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

– Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

– Act respecting the Pension Plan of Management Personnel (chapter R-12.1);

– Act respecting the Réseau de transport métropolitain (chapter R-25.01);

– Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);

– Act to ensure safety in guided land transport (chapter S-3.3);

– Act respecting public transit authorities (chapter S-30.01).

Bill 61

AN ACT ENACTING THE ACT RESPECTING MOBILITÉ INFRA QUÉBEC AND AMENDING CERTAIN PROVISIONS RELATING TO SHARED TRANSPORTATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ENACTMENT OF THE ACT RESPECTING MOBILITÉ INFRA QUÉBEC

1. The Act respecting Mobilité Infra Québec, the text of which appears in this chapter, is enacted.

"ACT RESPECTING MOBILITÉ INFRA QUÉBEC

"**CHAPTER I**

"ESTABLISHMENT

"**1.** "Mobilité Infra Québec" is established.

Mobilité Infra Québec may, with the Minister's approval, choose to refer to itself by another name or by an acronym by sending a copy of the decision to that effect to the enterprise registrar.

"**2.** Mobilité Infra Québec is a legal person and a mandatary of the State.

The property of Mobilité Infra Québec forms part of the domain of the State, but the performance of its obligations may be levied against its property.

Mobilité Infra Québec binds none but itself when it acts in its own name.

"**3.** The head office of Mobilité Infra Québec is in the city of Québec, at the place Mobilité Infra Québec determines.

Mobilité Infra Québec publishes a notice of the location or of any change in location of its head office in the *Gazette officielle du Québec*.

"**CHAPTER II**

"MISSION, FUNCTIONS AND GENERAL POWERS

"**4.** The main mission of Mobilité Infra Québec is to conduct opportunity analyses for complex transportation projects and to plan or carry out such projects, with a view to strengthening the State's know-how and achieving quality, universal accessibility and sustainable mobility, when such responsibility is entrusted to it by the Government.

When entrusting a responsibility to Mobilité Infra Québec under the first paragraph, and in order to promote the development of the spaces near the buildings or civil engineering structures of a complex transportation project, the Government may allow Mobilité Infra Québec to

(1) sell an immovable or part of an immovable that Mobilité Infra Québec no longer intends to use and that was acquired for the project; or

(2) lay out an immovable or a civil engineering structure to support or accommodate a building or an underground structure that a third person could build, within the limits provided for by law;

(3) become a special partner within a limited partnership or a shareholder of a business corporation with a third person to carry out, in the place and stead of a public body it determines and within the limits set out in section 47, a project to build an immovable property adjacent to an immovable, or a part of an immovable, that is not necessary for a shared transportation infrastructure built, rebuilt or under repair as part of the complex transportation project.

The Government may determine the conditions governing the application of the first or second paragraph.

For the purposes of this Act, the objects of a complex transportation project entrusted to Mobilité Infra Québec under the first paragraph may include

(1) building, rebuilding or repairing immovables or civil engineering structures intended for transportation or useful for a transportation system; or

(2) developing or improving an intelligent transportation system.

A project referred to in subparagraph 1 of the fourth paragraph includes the acquisition of all the property required to operate a transportation system, such as rolling stock.

For the purposes of this Act, a complex transportation project is a project whose components, or combined and interdependent components, in particular the scope, calendar, integration of new technologies, stakeholders concerned, location, financing strategies, associated risks, or necessity to resort to leading-edge expertise, present a high level of intensity or variability.

"**5.** Mobilité Infra Québec also exercises the following functions:

(1) conducting analyses, entrusted to it by the Minister for remuneration, in matters of transportation, including mobility planning; and

(2) carrying out any other mandate entrusted to it by the Government.

"**6.** Unless the Government decides otherwise, only Mobilité Infra Québec has jurisdiction over a complex transportation project the planning or carrying out of which is entrusted to it under section 4.

"**7.** In carrying out its mission and functions, Mobilité Infra Québec may enter into an agreement with a department or body of the Government and with any person, association or partnership, any Indigenous nation represented by all the band councils of the communities forming the nation or any Indigenous community represented by, as applicable, its band council, its Cree village council, its northern village council or its Naskapi village council.

Likewise, Mobilité Infra Québec may, in accordance with the law, enter into an agreement with a government other than that of Québec, a department of such a government, an international organization or a body of such a government or organization.

"**8.** Mobilité Infra Québec may acquire, by mutual agreement or by expropriation, on its own behalf, on behalf of one of its subsidiaries or on behalf of the Government, a local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain, any immovable it considers necessary in connection with the planning or carrying out of a complex transportation project that is entrusted to it under section 4.

However, no immovable or part of an immovable may be acquired if the immovable or part of an immovable is considered necessary solely for the purposes of the second paragraph of section 4.

"**9.** Any road under the Minister's or a municipality's management that is crossed or bordered by a shared transportation system on rails developed by Mobilité Infra Québec and any immovable under the Minister's or a municipality's authority that is deemed necessary by the Minister or municipality, as applicable, for the purposes of that shared transportation system, are subject, without indemnity, to a servitude affecting the site required for the construction, operation, alteration or extension of the system, from the making of an agreement specifying the terms and conditions of the servitude between Mobilité Infra Québec and, as applicable, the Minister or municipality.

Once the agreement has been entered into, the municipality, the Minister or Mobilité Infra Québec may publish the servitude in the land register. Mobilité Infra Québec is required to publish the servitude if

(1) the management of the road devolves to the Minister or a municipality under the Act respecting roads (chapter V-9);

(2) the road is permanently closed; or

(3) the servient land is disposed of without having been included in a road's right of way.

The Minister or municipality, as applicable, must inform Mobilité Infra Québec without delay of a devolution, closure or disposition referred to in the second paragraph.

Registration of the servitude is obtained by filing a notice that describes the site of the servitude, states its terms and conditions and refers to this section.

In all cases, the servitude is extinguished with the dismantling of the shared transportation system on rails.

"**10.** Mobilité Infra Québec may, with the Government's authorization, acquire or establish any subsidiary whose object is limited to carrying on activities Mobilité Infra Québec can carry on.

A subsidiary has the same powers and obligations as Mobilité Infra Québec in carrying on its activities unless those powers and obligations are restricted by its constituting act. The subsidiary carries on its activities in accordance with the provisions of this Act that apply to it.

"**11.** For the purposes of this Act, a legal person or partnership controlled by Mobilité Infra Québec is a subsidiary of the latter.

A legal person is controlled by Mobilité Infra Québec when the latter holds, directly or through legal persons it controls, more than 50% of the voting rights attached to the equity securities of the legal person or is in a position to elect a majority of the legal person's directors.

A partnership is controlled by Mobilité Infra Québec when the latter holds, directly or through legal persons it controls, more than 50% of the shares. However, a limited partnership is controlled by Mobilité Infra Québec when the latter or a legal person it controls is the general partner of the partnership.

"**12.** Sections 2 and 49 apply, with the necessary modifications, to the subsidiaries of Mobilité Infra Québec.

The Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) applies to any subsidiary of Mobilité Infra Québec.

"**CHAPTER III**

"ORGANIZATION AND OPERATION

"**13.** Mobilité Infra Québec is administered by a board of directors composed of a minimum of 9 and a maximum of 11 members, including the chair of the board and the president and chief executive officer, as well as the Deputy Minister of Transport, or the Deputy Minister's representative, who is a member by virtue of office.

Among the board members, one is a member of the Ordre des ingénieurs du Québec.

"**14.** The following persons cannot be appointed to the board of directors:

(1) persons not domiciled in Québec;

(2) persons who have been found guilty of an offence listed in Schedule I to the Act respecting contracting by public bodies (chapter C-65.1), unless they obtained a pardon; and

(3) persons against whom proceedings are brought for an offence listed in Schedule I to the Act respecting contracting by government bodies.

"**15.** The Government may appoint the number of vice-presidents it determines to assist the president and chief executive officer.

Vice-presidents are appointed for a term of up to five years that is renewable.

"**16.** The president and chief executive officer and the vice-presidents exercise the functions of office exclusively and on a full-time basis.

"**17.** If the president and chief executive officer is absent or unable to act, the board of directors may designate a vice-president to act in the place and stead of the president and chief executive officer for a period not exceeding 24 months.

"**18.** The Government determines the remuneration, employee benefits and other conditions of employment of the vice-presidents.

"**19.** In addition to the committees it must establish under the Act respecting the governance of state-owned enterprises (chapter G-1.02), the board of directors must establish a committee for the management of portfolios of complex transportation projects whose functions include

(1) following up on the activities of the various project management offices; and

(2) managing the portfolio of the projects to optimize their management.

"**20.** Mobilité Infra Québec adopts by-laws for the conduct of its affairs.

Mobilité Infra Québec's by-laws are posted on its website not later than 30 days after they are adopted by the board of directors.

"**21.** The quorum at meetings of the board of directors is the majority of its members, including the chair of the board or the president and chief executive officer.

Decisions of the board are made by a majority vote of the members present.

"**22.** Any vacancy among board members is filled in accordance with the rules of appointment to the board.

A member's absence from a number of board meetings determined by Mobilité Infra Québec's by-laws, in the cases and circumstances set out in those by-laws, constitutes a vacancy.

"**23.** The minutes of board meetings are authentic when approved by the board and certified by the chair of the board, the president and chief executive officer or any other person authorized to do so under Mobilité Infra Québec's by-laws.

The same applies to the documents and copies of documents emanating from Mobilité Infra Québec or forming part of its records, provided they are so certified.

"**24.** No document binds Mobilité Infra Québec or may be attributed to it unless the document is signed by the chair of the board, the president and chief executive officer or by a member of Mobilité Infra Québec's personnel but, in the latter case, only to the extent determined in Mobilité Infra Québec's by-laws.

"**CHAPTER IV**

"COMPLEX TRANSPORTATION PROJECTS AND MOBILITY PLANNING

"**DIVISION I**

"PLANNING AND CARRYING OUT COMPLEX TRANSPORTATION PROJECTS

"**25.** Mobilité Infra Québec performs all the acts and exercises all the rights of an owner with respect to property concerned by the planning or carrying out of a complex transportation project entrusted to it under section 4, even if it is not the owner. For those purposes, it is vested with the necessary powers and assumes the resulting obligations.

The property referred to in the first paragraph means any property forming part of the domain of the State or belonging to a local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain.

"**26.** Despite section 25, Mobilité Infra Québec is not responsible for the maintenance of property concerned by the planning or carrying out of a complex transportation project entrusted to it under section 4, such as roadways, sidewalks, railings, roads or multi-purpose paths, for as long as such property may be used by users. That responsibility remains with the persons determined by law.

The operator of a shared transportation system concerned by the planning or carrying out of a project is responsible for the system's maintenance and operation for as long as the service provided by that system is offered to users.

Mobilité Infra Québec may reach an agreement with the persons in charge or with the operator to otherwise provide for the maintenance of property or for the operation of a shared transportation system.

"**27.** Property built or rebuilt by Mobilité Infra Québec is owned,

(1) in the case of a road, by the local municipality in whose territory the road is situated; or

(2) in the case of property useful for a shared transportation system, by the public transit authority having jurisdiction in the territory of the municipality in which the property is situated, by the Réseau de transport métropolitain or by the Autorité régionale de transport métropolitain.

Despite the first paragraph, the Government may determine that built or rebuilt property is owned by the Government or by any other person it determines.

"**28.** Mobilité Infra Québec ceases to perform the acts and exercise the rights of an owner with respect to property referred to in section 25 as of the publication of a notice on its website. The notice must be sent to the owner of the property at least 15 days before it is published.

"**29.** Mobilité Infra Québec must, with respect to the planning or carrying out of a complex transportation project entrusted to it under section 4, take into account the costs arising from the operation and maintenance of the transportation system, the infrastructure or a property useful for the operation of the transportation system.

"**DIVISION II**

"MOBILITY PLANNING

"**30.** When carrying out mobility planning under paragraph 1 of section 5 in keeping with the principles of sustainable mobility and carbon footprint reduction, and taking into account the instructions provided by the Minister, Mobilité Infra Québec may plan the coordination of the various transportation services and the maintenance, improvement and replacement of transportation equipment and infrastructures.

In particular, Mobilité Infra Québec must consult with the Minister of Municipal Affairs, Regions and Land Occupancy, the metropolitan communities, regional county municipalities, local municipalities, public transit authorities, the Réseau de transport métropolitain and the Autorité régionale de transport métropolitain, to the extent that mobility planning concerns them, to determine land use planning and development needs.

"**DIVISION III**

"WORK ON MUNICIPAL PUBLIC ROADS

"**31.** For the purposes of this chapter, a local municipality or regional county municipality that has jurisdiction over a public road within the meaning of the Municipal Powers Act (chapter C-47.1) and that is affected by the planning or carrying out of a complex transportation project entrusted to Mobilité Infra Québec under section 4 is a municipality concerned.

"**32.** For the purpose of planning or carrying out a complex transportation project, Mobilité Infra Québec and a municipality concerned may provide for the following elements in an agreement:

(1) the temporary occupation of public roads during construction, reconstruction or repair work for the project;

(2) the modification of public roads;

(3) the reconfiguration of public roads in the vicinity of the work for the project due to a modification referred to in subparagraph 2; and

(4) the documents they must give each other.

Mobilité Infra Québec must send to the Minister, without delay, a copy of the agreement. The Minister may identify the measures Mobilité Infra Québec or the municipality concerned is required to implement to foster traffic mobility on the road network under the Minister's management.

"**33.** In the case of local municipalities concerned whose territory is included in the territory of an urban agglomeration, the making of an agreement under section 32 is a matter that concerns all the related municipalities within the meaning of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).

Such an agreement applies with respect to public roads under the jurisdiction of the council of a related municipality of the urban agglomeration and of a borough council.

The central municipality sends, without delay, a copy of the agreement to the councils of the related municipalities and borough councils concerned.

"**34.** If no agreement is entered into in accordance with section 32, Mobilité Infra Québec must, before intervening on a public road, send the municipality concerned a notice specifying the public roads that will be occupied temporarily, the expected duration of the occupation and any projected modifications to and reconfigurations of such roads. If dangerous substances are likely to be transported or stored on the occupied roads, the notice must list those substances.

Within 30 days after the date of receipt of the notice by the municipality concerned, Mobilité Infra Québec must also send the municipality the following documents:

(1) a description of the projected intervention;

(2) the survey plans, without a technical description, describing the public roads that will be occupied;

(3) the plan for managing traffic during the work;

(4) the work calendar;

(5) a list of safety measures to be implemented during the work;

(6) a list of measures to mitigate the inconvenience resulting from the occupation of the public roads and from the work that will be carried out on those roads; and

(7) a document describing the condition of the public roads before their occupation.

"**35.** Mobilité Infra Québec sends the Minister, without delay, a copy of the notice sent under the first paragraph of section 34. The Minister may identify the measures Mobilité Infra Québec or the municipality concerned is required to implement to foster traffic mobility on the road network under the Minister's management.

"**36.** Mobilité Infra Québec publishes on its website any information that is relevant for the public, in particular information concerning the occupation of public roads that must be modified or reconfigured and traffic management, as a result of an agreement entered into under section 32 and a notice sent under section 34, within 30 days after the agreement is entered into or the notice is sent.

"**37.** Within 30 days after receiving the notice provided for in the first paragraph of section 34, the municipality concerned must send Mobilité Infra Québec a copy of the plans it has in its possession of the public roads that will be occupied and of the other documents it holds concerning those roads, in particular with respect to their condition.

"**38.** In the absence of an agreement between Mobilité Infra Québec and the municipality concerned within 60 days after the municipality receives the notice provided for in the first paragraph of section 34, Mobilité Infra Québec may start occupying the public roads and, if applicable, commence the work specified in that notice, in accordance with the documents sent to the municipality concerned, without having to pay the municipality an amount of money or any other consideration.

Mobilité Infra Québec and a municipality concerned may agree on a time limit that differs from the one set out in the first paragraph.

"**39.** When Mobilité Infra Québec modifies or reconfigures public roads, it must maintain the overall functionality of the network to which those public roads are connected, including the network of any bordering local municipality.

In addition, the modifications and reconfigurations must be designed and made so as to enable the integration of those roads into the various networks.

"**40.** As work is carried out by Mobilité Infra Québec on a public road or portion of a public road, Mobilité Infra Québec is required to inform the municipality concerned of the projected dates for completion of the work and for acceptance of the works. Before accepting the works, it must allow the municipality to inspect them and grant the municipality a reasonable time limit to do so, which may not be less than 15 days from the completion date of the work unless they agree on a different time limit.

Inspection by the municipality concerned does not entail, for the municipality, any liability with respect to acceptance of the works and does not diminish the related warranties.

"**41.** Mobilité Infra Québec must, not later than 15 days before the completion date of the work, submit to the municipality concerned a final plan for managing traffic on the public road or portion of public road.

"**42.** Within 30 days after acceptance of the works, Mobilité Infra Québec must

(1) cease the temporary occupation of the public road or portion of public road;

(2) restore any public road or portion of public road that was not modified or reconfigured to a condition equivalent to the condition in which it was before being occupied;

(3) transfer to the municipality concerned the legal and conventional warranties relating to work carried out on immovables whose ownership was transferred to the municipality or that are under the municipality's management, and provide a guarantee that the quality of the soils of the new public road or portion of public road is suitable for the use that will be made of it; and

(4) transfer to the municipality the intellectual property rights for the plans and specifications to allow it to maintain and repair the immovables whose ownership was transferred to it, including the right to modify those plans and specifications as it sees fit.

"**43.** Within six months following the date of completion of the work on a public road, Mobilité Infra Québec must send the municipality concerned a certified copy of

(1) the final plans for the works Mobilité Infra Québec has built;

(2) a certificate issued by an engineer attesting the conformity of the public road and other works which, after completion of the work, are owned by the municipality or under its management; and

(3) the documents relating to the condition of the immovables and to the design and construction of works, such as worksite logs.

"**44.** Sections 39 to 43 apply, with the necessary modifications, to waterworks, sewer systems or networks of underground conduits and to overhead networks, where those waterworks, systems and networks are owned by a municipality.

For the purpose of planning or carrying out a project, Mobilité Infra Québec may exercise all the servitudes established in favour of the municipality concerned which allow it to maintain or have access to those waterworks, systems and networks when they are located under the surface of immovables neighbouring the municipality's immovables.

"**45.** The provisions of this division do not allow Mobilité Infra Québec to alter equipment belonging to a public utility, other than a municipal utility, without obtaining the utility's consent.

"**DIVISION IV**

"POWERS RELATING TO THE CONSTRUCTION OF AN IMMOVABLE PROPERTY AS PART OF A COMPLEX TRANSPORTATION PROJECT

"**46.** The costs and risks related to the sale of an immovable or the laying out of an immovable or civil engineering structure under subparagraphs 1 and 2 of the second paragraph of section 4 must not be borne by Mobilité Infra Québec.

Any financial consideration related to the sale of an immovable referred to in the first paragraph or of a part of it must be used to finance the complex transportation project for which the immovable was acquired.

"**47.** For the purposes of subparagraph 3 of the second paragraph of section 4, Mobilité Infra Québec may act in the place and stead of a public body empowered to become a special partner within a limited partnership or a shareholder of a business corporation with a third person for the carrying out of a project to build an immovable property. Mobilité Infra Québec is subject to the provisions applicable to that project and provided for by the public body's constituting Act.

Where Mobilité Infra Québec acts in the place and stead of a public body under the first paragraph, it is deemed to be a mandatary of that body.

"**48.** Division I of this chapter does not apply to the construction of an immovable property under subparagraph 3 of the second paragraph of section 4.

"**CHAPTER V**

"HUMAN RESOURCES

"**DIVISION I**

"GENERAL PROVISIONS

"**49.** The employees of Mobilité Infra Québec are appointed in accordance with the staffing plan it establishes.

Subject to the provisions of a collective agreement, Mobilité Infra Québec determines the standards and scales of remuneration, employee benefits and other conditions of employment of its employees in accordance with the conditions determined by the Government.

"**50.** If an employee of Mobilité Infra Québec is sued by a third person for an act or omission in the exercise of the employee's functions, Mobilité Infra Québec will take up the employee's defence unless the employee has committed a gross fault.

"**51.** In no case may an employee of Mobilité Infra Québec, on pain of forfeiture of office, have a direct or indirect interest in any undertaking that causes the employee's personal interest to conflict with the employee's duties of office.

Where such an interest devolves to an employee by succession or gift, it must be renounced or disposed of with all possible dispatch.

"**52.** No employee of Mobilité Infra Québec may, without the express and written permission of the president and chief executive officer, engage in gainful work or hold employment or a remunerated office that is not part of the employee's functions within Mobilité Infra Québec.

Permission may be given if it is established that such work, employment or office is not likely to entail a conflict of interest between the employee's personal interest and the employee's functions within Mobilité Infra Québec.

"**DIVISION II**

"UNION REPRESENTATION SYSTEM

"**53.** The only bargaining units that may be constituted for the Mobilité Infra Québec employees within the meaning of the Labour Code (chapter C-27) must be constituted according to the following classes of personnel:

(1) class of engineers comprising the employees who are members of the Ordre des ingénieurs du Québec and the persons admitted to the study of that profession;

(2) class of architects comprising the employees who are members of the Ordre des architectes du Québec and the persons admitted to the study of that profession;

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

(4) class of chartered appraisers comprising the employees who are members of the Ordre des évaluateurs agréés du Québec and the persons admitted to the study of that profession;

(5) class of professionals comprising the employees who are not included in the classes described in paragraphs 1 to 4, who carry out work of a professional nature and whose job requires a university-level diploma; and

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

"**54.** No bargaining unit may include more than one class of personnel provided for in section 53.

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

Subject to section 53 and the first and second paragraphs of this section, the Labour Code (chapter C-27) applies to Mobilité Infra Québec and to the associations of employees representing its personnel.

"**55.** The Administrative Labour Tribunal decides all disputes respecting the exclusion or inclusion of a Mobilité Infra Québec employee or of a group of such employees from or in any of the classes of personnel provided for in section 53 and has the power to revoke the certification and grant another on the conditions provided for in the Labour Code (chapter C-27).

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

"**CHAPTER VI**

"FINANCIAL PROVISIONS

"**56.** Mobilité Infra Québec may not, without the authorization of the Government,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or contrary to the terms determined by the Government;

(3) acquire or hold equity securities of a legal person or shares of a partnership in excess of the limits or contrary to the terms determined by the Government;

(4) dispose of equity securities of a legal person or of shares of a partnership in excess of the limits or contrary to the terms determined by the Government;

(5) acquire or dispose of other assets in excess of the limits or contrary to the terms determined by the Government; or

(6) accept a gift or legacy to which a charge or condition is attached.

Subparagraph 5 of the first paragraph does not apply to assets acquired under section 8.

This section applies to subsidiaries of Mobilité Infra Québec. However, it does not apply to transactions between Mobilité Infra Québec and its subsidiaries or between the subsidiaries.

"**57.** The Government may, on the conditions and according to the terms it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by Mobilité Infra Québec or one of its subsidiaries and the performance of its obligations; and

(2) authorize the Minister of Finance to advance to Mobilité Infra Québec or one of its subsidiaries any amount the Minister considers necessary for the pursuit of its mission.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

"**CHAPTER VII**

"ACCOUNTS AND REPORTS

"**58.** The fiscal year of Mobilité Infra Québec ends on 31 March each year.

"**59.** Not later than 30 September each year, Mobilité Infra Québec must file its financial statements and an annual management report for the preceding fiscal year with the Minister.

The financial statements and the annual management report must include all the information required by the Minister regarding Mobilité Infra Québec and its subsidiaries.

"**60.** The Minister tables the financial statements and the annual management report of Mobilité Infra Québec in the National Assembly within 30 days of their receipt or, if the Assembly is not sitting, within 30 days of resumption.

"**61.** The Auditor General audits the books and accounts of Mobilité Infra Québec each year and whenever so ordered by the Government.

The Auditor General's report must accompany the annual management report and financial statements of Mobilité Infra Québec.

"**62.** Mobilité Infra Québec must also communicate to the Minister any information the Minister requires on it or its subsidiaries.

"**CHAPTER VIII**

"MISCELLANEOUS PROVISIONS

"**63.** With respect to the planning or carrying out of a complex transportation project entrusted to Mobilité Infra Québec under section 4, the Government may determine time limits other than those prescribed in sections 152 to 154 of the Act respecting land use planning and development (chapter A-19.1).

"**64.** When a responsibility is entrusted to Mobilité Infra Québec in relation to a complex transportation project under section 4 or when a function is entrusted to it under section 5, the body that was responsible for the project or that was exercising the function must provide Mobilité Infra Québec with all the information it holds in relation to the project or function.

"**65.** Despite any inconsistent provision, when a responsibility is entrusted to Mobilité Infra Québec in relation to a complex transportation project under section 4 or when a function is entrusted to it under section 5, the expropriation procedures and proceedings begun by the body that was responsible for the project or on behalf of that body are continued by that body.

Despite the first paragraph, the Government may determine that Mobilité Infra Québec becomes responsible for the expropriation procedures and proceedings, in which case the procedures are continued by Mobilité Infra Québec, subject to the following terms and conditions:

(1) where a notice of expropriation was served by the body, Mobilité Infra Québec replaces the body and so informs the divested party by sending a new information text established by the Minister in accordance with section 9 of the Act respecting expropriation (chapter E-25); the divested party may not object to that replacement;

(2) where procedures must be completed so that the notice of transfer of right is published within the time limits set out in section 26 of the Act respecting expropriation, the body that began the expropriation procedures must carry out those procedures, unless that body and Mobilité Infra Québec agree otherwise;

(3) where no indemnity has yet been paid in the course of the expropriation procedures and proceedings, the indemnity must be paid by the body, unless the latter and Mobilité Infra Québec agree otherwise;

(4) where a notice of transfer of right has been registered in the land register, the Government may determine that a body acquires the right concerned by the notice of transfer of right; Mobilité Infra Québec informs the divested party and publishes a document in the land register to that effect;

(5) the service contracts entered into by the body in connection with the expropriation procedures and proceedings are transferred to Mobilité Infra Québec as regards the expropriations for which it becomes responsible, unless the parties agree otherwise;

(6) the body that began the procedures must, as soon as possible, transmit to Mobilité Infra Québec the documents and information relating to the expropriation procedures and proceedings that it holds; and

(7) Mobilité Infra Québec becomes the expropriating party in any proceedings in progress.

The Government may provide for the transfer of the benefit of a reserve registered in favour of a body referred to in section 8 for which Mobilité Infra Québec may acquire an immovable.

"**66.** A call for tenders for a transportation project in progress at the time the responsibility for the project is entrusted to Mobilité Infra Québec under section 4 remains under the responsibility of the body that initiated the call for tenders until the contract is entered into.

If a request for qualifications is in progress, Mobilité Infra Québec is responsible for the tender process following the qualification process.

However, Mobilité Infra Québec may cancel or suspend any tender or qualification process in progress.

"**67.** As soon as a responsibility is entrusted to Mobilité Infra Québec in relation to a complex transportation project under section 4 or a function is entrusted to it under section 5, Mobilité Infra Québec replaces the client in the contracts that concern the project, except as determined by the Government. In such a case, the initial client is discharged of its obligations for the future.

Mobilité Infra Québec retains a remedy against the initial client for any failure to fulfil its obligations.

Similarly, Mobilité Infra Québec becomes a party to the existing contracts that do not qualify as service, construction or partnership contracts within the meaning of the Act respecting contracting by public bodies (chapter C-65.1) and that concern a complex transportation project, unless the Government decides otherwise when entrusting a responsibility or function to Mobilité Infra Québec. The parties to those contracts and Mobilité Infra Québec must agree on the terms governing the application of those contracts arising from the responsibility or function entrusted to Mobilité Infra Québec.

"**68.** Where the planning or carrying out of a complex transportation project is entrusted to Mobilité Infra Québec under section 4, the authorizations issued under the Environment Quality Act (chapter Q-2) for that project are transferred by operation of law to Mobilité Infra Québec.

The application of the first paragraph is equivalent to a transfer of authorization completed under section 31.0.2 of the Environment Quality Act and, as applicable, section 31.7.5 of that Act, and produces the same effects.

All the processes related to obtaining an authorization referred to in the first paragraph are maintained and Mobilité Infra Québec replaces the initial applicant by operation of law.

The initial applicant may not take part in judicial proceedings for any claims relating to expenses incurred in order to obtain the authorizations transferred under this section.

"**69.** A local municipality, a public transit authority, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain may not alienate property acquired or built by Mobilité Infra Québec without the Minister's authorization if the property has a value of more than $25,000.

The Minister's authorization referred to in the first paragraph must specify who, between the body referred to in the first paragraph and the Minister, owns the proceeds from the sale. Where the proceeds belong to the Minister, they are paid into the Consolidated Revenue Fund and credited to the Land Transportation Network Fund established under paragraph 1 of section 12.30 of the Act respecting the Ministère des Transports (chapter M-28).

"**CHAPTER IX**

"AMENDING PROVISIONS

"FINANCIAL ADMINISTRATION ACT

"**70.** Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting "Mobilité Infra Québec" in alphabetical order.

"RAILWAY ACT

"**71.** Section 1 of the Railway Act (chapter C-14.1) is amended by inserting ", or to Mobilité Infra Québec where the planning or carrying out of a complex transportation project involving a shared transportation system on rails is entrusted to it under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1)" at the end of the second paragraph.

"CITIES AND TOWNS ACT

"**72.** Section 556.1 of the Cities and Towns Act (chapter C-19) is amended by adding the following paragraph at the end:

"(3) the payment of a financial contribution for a complex shared transportation project established in accordance with section 12.21.11 of the Act respecting the Ministère des Transports (chapter M-28)."

"MUNICIPAL CODE OF QUÉBEC

"**73.** Article 1061.0.1 of the Municipal Code of Québec (chapter C-27.1) is amended by adding the following paragraph at the end:

"(3) the payment of a financial contribution for a complex shared transportation project established in accordance with section 12.21.11 of the Act respecting the Ministère des Transports (chapter M-28)."

"ACT RESPECTING CONTRACTING BY PUBLIC BODIES

"**74.** Section 18 of the Act respecting contracting by public bodies (chapter C-65.1), amended by section 4 of chapter 28 of the statutes of 2024, is again amended by inserting "Mobilité Infra Québec," after "by the Minister of Transport," in the first paragraph.

"ACT RESPECTING EXPROPRIATION

"**75.** Section 4 of the Act respecting expropriation (chapter E-25) is amended by replacing "or a school board" in subparagraph 3 of the second paragraph by ", a school board or Mobilité Infra Québec".

"ACT RESPECTING MUNICIPAL TAXATION

"**76.** Section 204 of the Act respecting municipal taxation (chapter F-2.1), amended by section 1028 of chapter 34 of the statutes of 2023, is again amended by inserting the following paragraph after paragraph 1.1:

"(1.2) an immovable included in a unit of assessment entered on the roll in the name of Mobilité Infra Québec;".

"**77.** Section 236 of the Act, amended by section 1030 of chapter 34 of the statutes of 2023, is again amended by inserting "Mobilité Infra Québec," after "Réseau de transport métropolitain," in subparagraph *a* of paragraph 1.

"ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

"**78.** Section 15 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by inserting "Mobilité Infra Québec," after "Investissement Québec," in paragraph 15.

"**79.** Schedule I to the Act is amended by inserting "Mobilité Infra Québec" in alphabetical order.

"PUBLIC INFRASTRUCTURE ACT

"**80.** Section 31 of the Public Infrastructure Act (chapter I-8.3) is replaced by the following section:

"**31.** The Société manages and exercises control over any public infrastructure project considered major under section 16 of a public body other than a health and social service provider. However, in the case of a transport infrastructure, the Minister of Transport manages and exercises control over the project, whether it is the Minister's project or the project of another public body. In that capacity, the Société or the Minister, as applicable, may carry out any call for tenders or enter into any contract arising from such a project.

Despite the first paragraph, the Conseil du trésor may authorize a public body to retain responsibility for and control over its project. In such a case, the public body must work with the Société or the Minister of Transport, as applicable, to comply with Divisions II and III of Chapter II and the resulting measures.

When the Minister of Transport manages and exercises control over a transport infrastructure project that mainly concerns a building, the Minister must work with the Société to comply with Divisions II and III of Chapter II and the resulting measures, unless exempted from this obligation by the Conseil du trésor. The same applies, despite the provisions of the second paragraph, to a public body that is authorized to retain responsibility for or the management of such a project.

A public body that is required to work with the Société or the Minister of Transport under this section may also work with the Société or the Minister to monitor and manage contracts arising from the public infrastructure project and for any other operation related to the project on which the public body and the Société or the Minister have agreed.

For the purposes of this Act, a transport infrastructure is a civil engineering structure or an immovable used for transportation by land, air or water."

"**81.** The Act is amended by inserting the following section after section 31:

"**31.1.** Despite section 31, when the planning or carrying out of a transport infrastructure project is entrusted to Mobilité Infra Québec under the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1), Mobilité Infra Québec manages and exercises control over the infrastructure project.

When the Government so determines and on the conditions it determines, Mobilité Infra Québec must work with the Société to comply with Divisions II and III of Chapter II and the resulting measures when the project mainly concerns a building."

"ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

"**82.** Section 11.6 of the Act respecting the Ministère des Transports (chapter M-28) is amended by inserting the following paragraph after the first paragraph:

"The Minister may require Mobilité Infra Québec to include a similar stipulation for the benefit of such small enterprises in any contracts it awards in connection with the planning or carrying out of a complex transportation project entrusted to it under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1)."

"**83.** Section 12.21.10 of the Act is replaced by the following section:

"**12.21.10.** This chapter does not apply to

(1) a shared transportation infrastructure project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12);

(2) a shared transportation infrastructure project subject to the Public Infrastructure Act (chapter I-8.3); or

(3) a project entrusted to Mobilité Infra Québec under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1)."

"**84.** The Act is amended by inserting the following chapter after section 12.21.10:

"**CHAPTER I.3**

"FINANCIAL CONTRIBUTION FOR COMPLEX TRANSPORTATION PROJECTS UNDER THE RESPONSIBILITY OF MOBILITÉ INFRA QUÉBEC

"**12.21.11.** Where a responsibility is entrusted to Mobilité Infra Québec in relation to a complex shared transportation project under section 4 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1), the Minister must come to an agreement with the local municipalities, the public transit authorities, the Réseau de transport métropolitain or the Autorité régionale de transport métropolitain, when they are concerned by the project, on the amount of their financial contribution.

"**12.21.12.** The responsibility relating to the operation of a shared transportation system in connection with a complex shared transportation project entrusted to Mobilité Infra Québec must be the subject of an agreement between the Minister and, as applicable, a local municipality, a public transit authority, the Réseau de transport métropolitain, the Autorité régionale de transport métropolitain or any other body.

Failing agreement, the Government determines the operator from among the bodies referred to in the first paragraph.

The financial responsibility for the operation of a shared transportation system is under the responsibility of the operator agreed to under the first paragraph or determined under the second paragraph."

"**85.** Section 12.30 of the Act is amended by inserting the following subparagraph after subparagraph *e* of paragraph 1:

"(*e.*1) responsibilities or functions entrusted to Mobilité Infra Québec under the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1);".

"**86.** Section 12.32.1 of the Act is amended by replacing ", *c*, *d*, *e*" in the sixth paragraph by "to *e.*1".

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

"**87.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2), amended by section 1213 of chapter 34 of the statutes of 2023, is again amended by inserting "— Mobilité Infra Québec" in alphabetical order.

"ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

"**88.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), amended by section 1220 of chapter 34 of the statutes of 2023, is again amended by inserting "Mobilité Infra Québec" in alphabetical order in paragraph 1.

"ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

"**89.** Section 1 of Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), amended by section 1226 of chapter 34 of the statutes of 2023, is again amended by inserting "Mobilité Infra Québec" in alphabetical order in paragraph 1.

"ACT TO ENSURE SAFETY IN GUIDED LAND TRANSPORT

"**90.** Section 4 of the Act to ensure safety in guided land transport (chapter S-3.3) is replaced by the following section:

"**4.** This division does not apply to construction work concerning

(1) the metro operated under the Act respecting public transit authorities (chapter S-30.01);

(2) the Network project carried out under the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) or construction work carried out during the operation of that Network; or

(3) a complex shared transportation project on rails, in particular a metro, tramway, train or high-speed train, carried out by Mobilité Infra Québec under the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1).

Neither does it apply to the construction of any guided land transport works comprising no level crossing or junction and extending over less than two kilometres.

Despite subparagraph 2 of the first paragraph, on completion of all construction work and before permitting the operation of the works, the body responsible for carrying out the Network or the operator, as applicable, shall transmit to the Minister a declaration by the engineer in charge of the work to the effect that he is satisfied that the construction work has been carried out in accordance with recognized engineering standards.

Despite the first paragraph, the inspection and inquiry powers provided for in Chapter V apply in matters of rail safety during the construction work and the testing phases prior to the official putting into operation of the works."

"**CHAPTER X**

"TRANSITIONAL AND FINAL PROVISIONS

"**91.** The provisions of sections 3.1 and 3.3 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) relating to the expertise and experience profiles of the members of the board of directors, to the board's recommendation and to the expertise and experience profile of the president and chief executive officer to be appointed do not apply when the first president and chief executive officer and the first members of the board of directors of Mobilité Infra Québec are appointed. However, when appointing them, the Government must ensure that they collectively have suitable expertise and experience in the following fields:

(1) governance of projects and management of project portfolios;

(2) project management;

(3) financial management;

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

(5) ethics and governance;

(6) sustainable mobility and the fight against climate change;

(7) land use planning; and

(8) universal accessibility.

"**92.** The standards of ethics and discipline prescribed by the Public Service Act (chapter F-3.1.1) and the Regulation respecting ethics and discipline in the public service (chapter F-3.1.1, r. 3) apply to the employees of Mobilité Infra Québec until its board of directors approves a code of ethics applicable to them.

"**93.** The Ministère des Transports' policies, directives, standards and rules applicable to Mobilité Infra Québec become, with the necessary modifications, those of Mobilité Infra Québec until they are replaced, amended or repealed by Mobilité Infra Québec.

The records and other documents of the Ministère des Transports related to the mission and functions entrusted to Mobilité Infra Québec become those of Mobilité Infra Québec.

"**94.** The Deputy Minister of Transport may, until the date preceding the date Mobilité Infra Québec's first president and chief executive officer takes office and on behalf of Mobilité Infra Québec, enter into any contract the Deputy Minister considers necessary to ensure the establishment of Mobilité Infra Québec and promote the smooth conduct of its activities and operations. For those purposes, the Deputy Minister may make any necessary financial commitment in the amount and for the duration the Deputy Minister considers appropriate.

However, as regards human resources, the Deputy Minister may not recruit Mobilité Infra Québec employees.

"**95.** The Minister may form a transition committee composed of five members to facilitate the implementation of this Act. The committee gives, in particular, opinions on any matter the Minister submits to it.

The Deputy Minister of Transport is a member of the committee by virtue of office.

"**96.** Subject to the conditions of employment applicable to them, the employees of the Ministère des Transports who are identified by the Deputy Minister, with the approval of the president and chief executive officer of Mobilité Infra Québec and not later than one year following the date of coming into force of section 1, become employees of Mobilité Infra Québec from the date or dates agreed on by the Deputy Minister and the president and chief executive officer.

"**97.** Any employee transferred to Mobilité Infra Québec under section 96 who, on the date of the transfer, was a public servant with permanent tenure may apply for a position in the public service offered as a transfer or take part in a promotion selection process for such a position in accordance with the Public Service Act (chapter F-3.1.1).

The same applies in the case of an employee transferred to Mobilité Infra Québec who, on the date of the transfer, was a public servant who had not acquired permanent tenure, other than a casual employee.

"**98.** An employee referred to in section 97 who files an application for a position in the public service offered as a transfer or for a promotion selection process may apply to the Chair of the Conseil du trésor for an assessment of the classification that would be assigned to the employee in the public service. The assessment must take into account the classification the employee had in the public service on the date of the employee's transfer as well as the years of experience and level of schooling attained while in the employ of Mobilité Infra Québec.

However, before being entitled to file an application for a position in the public service offered as a transfer, the employee referred to in the second paragraph of section 97 who had not completed the probationary period required under section 13 of the Public Service Act (chapter F-3.1.1) before being transferred to Mobilité Infra Québec must have successfully completed the remainder of the probationary period within Mobilité Infra Québec.

If an employee is selected to hold the position in the public service offered as a transfer following the application of section 97, the deputy minister or the chief executive officer of the body establishes the employee's classification in keeping with the assessment provided for in the first paragraph.

However, an employee referred to in the second paragraph of section 97 who, at the time of the employee's transfer to Mobilité Infra Québec, had not completed the period of continuous employment required for the purposes of section 14 of the Public Service Act to acquire permanent tenure and who, at the time of the transfer to a position in the public service, still has not completed the equivalent of that period when adding the time served in the public service before transferring to Mobilité Infra Québec and the time served as a Mobilité Infra Québec employee must, before acquiring permanent tenure, complete the remainder of that period from the day a classification is established for the employee.

If an employee obtains a position in the public service after taking part in a promotion selection process under section 97, the employee's classification must take into account the criteria set out in the first paragraph.

"**99.** If some or all of Mobilité Infra Québec's activities are discontinued, an employee referred to in section 97 who had permanent tenure at the time of the employee's transfer is entitled to be placed on reserve in the public service with the same classification the employee had on the date of the transfer.

An employee referred to in the second paragraph of section 97 is entitled to be placed on reserve in the public service only if, at the time some or all of Mobilité Infra Québec's activities are discontinued, the time accumulated in the public service before the employee's transfer to Mobilité Infra Québec and the time accumulated as a Mobilité Infra Québec employee is at least equivalent to the continuous period of employment required under section 14 of the Public Service Act (chapter F-3.1.1).

If some of Mobilité Infra Québec's activities are discontinued, the employee continues to exercise the employee's functions within Mobilité Infra Québec until the Chair of the Conseil du trésor is able to assign the employee a position in accordance with section 100 of the Public Service Act.

When assigning a position to an employee referred to in this section, the Chair of the Conseil du trésor determines the employee's classification taking into account the criteria set out in the first paragraph of section 98.

"**100.** Subject to remedies available under a collective agreement or provisions standing in lieu of a collective agreement, an employee referred to in section 98 who is dismissed may bring an appeal under section 33 of the Public Service Act (chapter F-3.1.1) if the employee was a public servant with permanent tenure on the date of the employee's transfer to Mobilité Infra Québec.

The same applies in the case of an employee referred to in the second paragraph of section 97. However, an employee referred to in that paragraph who had not completed the probationary period required under section 13 of the Public Service Act before being transferred to Mobilité Infra Québec must successfully complete the remainder of the probationary period within Mobilité Infra Québec before being entitled to bring such an appeal.

"**101.** An association of employees wishing to represent a bargaining unit of Mobilité Infra Québec provided for in section 53 must file a petition for certification with the Administrative Labour Tribunal within 30 days after the first transfer of an employee under section 96 or after the first hire, for each class of employment.

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

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

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

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

At the end of the process, the certifications that do not comply with sections 53 and 54 are revoked.

"**102.** Despite section 31 of the Public Infrastructure Act (chapter I-8.3), amended by section 80 of this Act, a public transport infrastructure project considered major that is managed by the Société québécoise des infrastructures under the Public Infrastructure Act on the date of coming into force of that section remains under the Société's management during the carrying out stage of the project.

In the case of a public transport infrastructure project considered major for which the Société québécoise des infrastructures works with a public body under the Public Infrastructure Act on the date of coming into force of section 80 of this Act, the Société continues to work with the public body during the carrying out stage of the project.

Despite the first and second paragraphs, the Conseil du trésor may decide that the Société québécoise des infrastructures will no longer manage a project or work with a body.

"**103.** Not later than five years after the coming into force of section 1, the Minister must report to the Government on the implementation of this Act. The report must, in particular, include recommendations concerning a review of the mission and functions of Mobilité Infra Québec.

The report contains an assessment of the effectiveness and performance of Mobilité Infra Québec.

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

"**104.** The Minister of Transport is responsible for the administration of this Act."

CHAPTER II

AMENDING PROVISIONS RELATING TO SHARED TRANSPORTATION

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT MÉTROPOLITAIN

2. The Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by inserting the following section after section 42:

"**42.1.** Division I.1 of Chapter II of Title I of the Act respecting public transit authorities (chapter S-30.01) applies, with the necessary modifications, to the Authority with regard to property designated as being of metropolitan scope under sections 38 and 39."

3. Section 97.5 of the Act is replaced by the following section:

"**97.5.** A by-law made by the Authority under sections 97.2 and 97.3 concerning the transportation dues in respect of the Réseau express métropolitain may not be amended or repealed without the Minister's approval."

4. Section 97.12 of the Act is amended by adding the following paragraph at the end:

"Except for dues established by a by-law made by the Authority under sections 97.2 and 97.3 concerning the transportation dues in respect of the Réseau express métropolitain, the Authority may, by by-law, determine that a social or community body, other than a business corporation, is exempted from paying the dues."

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

5. The heading of Chapter I.2 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing "SUPPORT FOR" by "RESPONSIBILITIES RELATING TO".

6. Sections 12.21.8 and 12.21.9 of the Act are replaced by the following sections:

"**12.21.8.** A shared transportation infrastructure project of the Autorité régionale de transport métropolitain, the Réseau de transport métropolitain, a public transit authority or a municipality that meets the criteria determined by the Conseil du trésor under the second paragraph of section 16 of the Public Infrastructure Act (chapter I-8.3) is under the Minister's responsibility as regards compliance with Divisions II and III of Chapter II of the Public Infrastructure Act and the resulting measures.

"**12.21.9.** A body referred to in section 12.21.8 remains responsible for the project and must carry it out. However, the body must work and deal with the Minister of Transport in carrying out all operations related to such a project in order to ensure rigorous management of the project at each stage.

Despite the first paragraph, the Conseil du trésor may decide to entrust the responsibility for and the carrying out of the project to the Minister. The body and the Minister may also agree to entrust the responsibility for and the carrying out of the project to the Minister.

When the shared transportation infrastructure project mainly concerns a building, the Minister of Transport must work with the Société québécoise des infrastructures to comply with Divisions II and III of Chapter II of the Public Infrastructure Act (chapter I-8.3) and the resulting measures."

PUBLIC PROTECTOR ACT

7. Section 15 of the Public Protector Act (chapter P-32) is amended by adding the following paragraph at the end:

"(11) Mobilité Infra Québec, only when it exercises the power of expropriation provided for in section 8 of the Act respecting Mobilité Infra Québec (2024, chapter 40, section 1)."

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

8. Section 6 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by inserting the following paragraph after the first paragraph:

"For the purposes of subparagraph 3 of the first paragraph, incidentally to a shared transportation infrastructure project and in order to promote the development of the spaces near the buildings or civil engineering structures, the Network may, with the authorization of the Government and on the conditions the Government may determine,

(1) sell an immovable or part of an immovable that the Network no longer intends to use and that was acquired for the project; or

(2) lay out an immovable or a civil engineering structure to support or accommodate a building or an underground structure that a third person could build, within the limits provided for by law."

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

"**8.1.** The Network may, with the Government's authorization and on the conditions determined by the latter, become a special partner within a limited partnership or a shareholder of a business corporation with a third person for the carrying out of a project to build an immovable property.

When acting as a special partner in a limited partnership constituted under the first paragraph, the Network must not give opinions other than advisory opinions regarding the management of the partnership. It may not negotiate any business on behalf of the partnership or act as mandatary or agent for the partnership or allow its name to be used in any act of the partnership.

The Network may acquire or establish a subsidiary to act as substitute special partner or shareholder for the Network with regard to the carrying out of a construction project referred to in the first paragraph. The Network may, with the Government's authorization, gratuitously transfer to that subsidiary the rights on the immovable that are necessary for carrying out the project.

A legal person or a partnership that is controlled by the Network is a subsidiary of the latter.

For the purposes of the fourth paragraph,

(1) a legal person is controlled by the Network when the latter holds, directly or through legal persons it controls, all the voting rights attached to the equity securities of the legal person or is in a position to elect all of the legal person's directors;

(2) a partnership is controlled by the Network when the latter holds, directly and through legal persons it controls, all the shares. However, a limited partnership is controlled by the Network when the latter or a partnership or legal person it controls is, directly or indirectly, the general partner of the partnership.

"**8.2.** In order for the Network to obtain the authorization referred to in the first paragraph of section 8.1, the construction project must, in particular, meet the following conditions:

(1) the immovable property to be built must be adjacent to an immovable, or part of an immovable, that is not necessary for a shared transportation infrastructure, already existing or to be built, and that is owned by the Network or one of its subsidiaries;

(2) the project is carried out independently of any project to build, rebuild or repair a shared transportation infrastructure other than a layout made in accordance with section 8.5;

(3) the Network or its subsidiary provides no financing or suretyship for the carrying out of the project; its contribution to the limited partnership or business corporation in charge of carrying out the project is limited to the transfer of rights on the immovable, or part of an immovable, referred to in paragraph 1.

"**8.3.** For the purpose of carrying out a construction project referred to in the first paragraph of section 8.1, a subsidiary of the Network may, on the conditions determined by the Government, constitute any other business corporation with the third person referred to in that paragraph in order to take part in the project's management.

The subsidiary may not provide any financing or suretyship to a business corporation constituted under the first paragraph, its contribution being restricted to the payment of the subscription price, which may not exceed $100, for shares in the business corporation.

No officer or director of the Network may be an officer or a director of the business corporation constituted under the first paragraph.

"**8.4.** Despite section 9, the third person with which the Network or its subsidiary may become a partner within a limited partnership or a shareholder of a business corporation for the carrying out of a construction project under the first paragraph of section 8.1 is selected by means of a public call for projects in accordance with the terms and on the basis of the criteria determined by the Government.

The criteria determined by the Government under the first paragraph must include high standards of integrity.

Where the owner of an immovable contiguous to the immovable on which the shared transportation infrastructure is situated wishes to carry out a construction project under the first paragraph of section 8.1, the Government may forego the call for projects, provided that the following conditions are met:

(1) the owner has sufficient expertise for that type of project;

(2) the owner meets high standards of integrity; and

(3) a call for projects would not serve the public interest.

"**8.5.** Where a shared transportation infrastructure must be laid out so that it can support or receive a building or an underground structure as part of the carrying out of a construction project authorized under the first paragraph of section 8.1, the Network may accept a mandate from the limited partnership or business corporation in charge of carrying out the project in order for the latter to obtain supplies or services or have construction work performed in connection with that layout.

The costs and risks related to a layout made under the first paragraph must not be borne by the Network.

"**8.6.** For the purposes of the first paragraph of section 8.1, the Network or its subsidiary and the third person must enter into a contract of limited partnership or a unanimous shareholder agreement, as applicable, specifying, in particular,

(1) the method of distributing the revenues generated by the immovable property built as part of the project;

(2) the scope, budget and calendar of the construction project;

(3) the rules of internal management; and

(4) a dispute settlement mechanism.

"**8.7.** Despite any contrary provision of this Act,

(1) an immovable or part of an immovable may not be acquired by expropriation if it is deemed necessary solely for the purposes of a project to build an immovable property referred to in the first paragraph of section 8.1; and

(2) the revenues that the Network or its subsidiary may derive from the immovable property built under the first paragraph of section 8.1 must be invested to build and maintain shared transportation infrastructure assets or to acquire and maintain shared transportation equipment under its responsibility, on the conditions determined by the Government."

10. Section 9 of the Act is amended by adding the following paragraph at the end:

"The Network has all the powers of a legal person to carry on any other commercial activity related to its enterprise that provides shared transportation services."

11. Section 36 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "the following committees" in the introductory clause by "a committee responsible for";

(*b*) by replacing "a user services quality committee with regard to shared transportation services, whose functions include formulating, submitting to the board and following" in subparagraph 1 by "the quality of the services provided to users of shared transportation services to, in particular, formulate, submit to the board and follow";

(*c*) by replacing "two committees on public bus transportation services and paratransit services for mobility impaired persons, one for the local municipalities of the North Shore and the other for those of the South Shore, whose functions include formulating" in subparagraph 2 by "public bus transportation services and paratransit services for mobility impaired persons to, in particular, formulate";

(2) by striking out the second paragraph.

12. Section 68 of the Act is amended by replacing subparagraph *d* of subparagraph 1 of the second paragraph by the following subparagraph:

"(*d*) the report of the committee responsible for the quality of the services provided to users of shared transportation services, public bus transportation services and paratransit services for mobility impaired persons on the discharge of the part of its mandate that concerns public bus transportation services and paratransit services for mobility impaired persons;".

ACT RESPECTING THE RÉSEAU STRUCTURANT DE TRANSPORT EN COMMUN DE LA VILLE DE QUÉBEC

13. Section 1 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) is amended by replacing the first paragraph by the following paragraph:

"The purpose of this Act is to allow the carrying out of the Réseau structurant de transport en commun de la Ville de Québec (Network), that is, a tramway project between the Le Gendre and Charlesbourg sectors, linking the Sainte-Foy, Université Laval, Parliament Hill and Saint-Roch hubs and including a connection to the D'Estimauville sector, and a rapid bus or minibus service."

14. Section 2 of the Act is replaced by the following section:

"**2.** Despite section 3 of the Act respecting public transit authorities (chapter S-30.01), the Network project is carried out by Ville de Québec, CDPQ Infra inc. as the wholly-owned subsidiary of the Caisse de dépôt et placement du Québec and the Minister.

The Minister must enter into implementation agreements concerning the Network project with those bodies, which must, in particular, specify

(1) the responsibilities relating to the Network project and the replacement of a body where that body is unable to fulfil its responsibilities;

(2) the financial responsibilities relating to the project; and

(3) the ownership of the infrastructures built as part of the project and the transfer of ownership, subject to the provisions of chapters III and IV.

In the course of carrying out the Network project and in keeping with the agreements entered into under the second paragraph, the responsible body may acquire any property required for the construction and operation of the Network and build any accessory works. It may also dig a tunnel under any immovable, regardless of its owner, provided that the body may acquire property by expropriation for the carrying out of the Network project.

For the purposes of this Act, a reference to CDPQ Infra inc. is also a reference to a wholly-owned subsidiary or a limited partnership constituted by a single general partner and a single special partner each of which is a wholly-owned subsidiary. Such a limited partnership is considered to be a mandatary of the State if the purpose of its activity is to carry out the Network project.

"Wholly-owned subsidiary" means a legal person all of whose voting shares are held directly or indirectly by CDPQ Infra inc. or the Caisse de dépôt et placement du Québec."

15. Section 3 of the Act is amended

(1) by striking out "made by Ville de Québec" and "by Ville de Québec";

(2) by inserting "by the body responsible for the decision under section 2" at the end.

16. Section 4 of the Act is replaced by the following section:

"**4.** The rules governing the tendering processes and the performance of contracts for contracts that derive, under section 2, from the responsibilities of CDPQ Infra inc. are those that are applicable to that body, despite any contrary provision.

This section applies despite the Act respecting contracting by public bodies (chapter C-65.1)."

17. Section 5 of the Act is amended, in the first paragraph,

(1) by striking out "Ville de Québec must, in";

(2) by replacing "vehicles," by "vehicles must";

(3) by replacing "Ville de Québec may" by "The contract may".

18. Section 6 of the Act is amended by replacing "Ville de Québec" and "in connection with the Network" by "the bodies responsible for carrying out the Network project under section 2" and "necessary for the Network project", respectively.

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

"POWER OF EXPROPRIATION AND TRANSFERS OF OWNERSHIP OF IMMOVABLES".

20. Section 7 of the Act is amended by striking out the second and third paragraphs.

21. Sections 8 and 9 of the Act are repealed.

22. Section 12 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting ", CDPQ Infra inc." after "Ville de Québec";

(*b*) by striking out "of Ville de Québec";

(2) by inserting "or CDPQ Infra inc." after "Ville de Québec" in the third paragraph.

23. Section 14 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "or CDPQ Infra inc., if applicable," after "of Ville de Québec";

(*b*) by inserting "or CDPQ Infra inc." after "to which Ville de Québec";

(2) by inserting "or CDPQ Infra inc." after "Ville de Québec" in the second paragraph;

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

"The first and second paragraphs apply, with the necessary modifications, to assets transferred to Ville de Québec by CDPQ Infra inc."

24. Section 15 of the Act is amended

(1) by replacing "Ville de Québec," in the second paragraph by "Ville de Québec or CDPQ Infra inc. as well as";

(2) by inserting "or CDPQ Infra inc., as applicable," after both occurrences of "Ville de Québec" in the third paragraph;

(3) by inserting "or CDPQ Infra inc., as applicable," after "Ville de Québec" in the fourth paragraph.

25. Section 22 of the Act is replaced by the following section:

"**22.** The Railway Act (chapter C-14.1) does not apply to the Network."

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

"**22.1.** Despite section 31.1 of the Environment Quality Act (chapter Q-2) and section 2 of the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), the following activities for the Network construction project referred to in section 1 are not subject to the environmental impact assessment and review procedure and need not be subject to an authorization from the Government under section 31.5 of that Act:

(1) any extension toward the Charlesbourg sector of the route connecting the Chaudière sector to the D'Estimauville sector, authorized by Order in Council 655 2022 dated 6 April 2022; and

(2) the construction of a route connecting the Saint-Roch sector to the Charlesbourg sector.

Obtaining a prior authorization from the minister responsible for the environment under section 22 of the Environment Quality Act remains required insofar as the Network project includes one or more activities referred to in that section.

"**22.2.** The authorizations related to the construction of the Network, including those issued under the Environment Quality Act (chapter Q-2), are transferred by operation of law to the body responsible under section 2.

The application of the first paragraph is equivalent to a transfer of authorization completed under section 31.0.2 and, if applicable, section 31.7.5 of the Environment Quality Act and produces the same effects.

All the processes related to obtaining an authorization under that Act are maintained and the body responsible under section 2 replaces the initial applicant by operation of law.

The initial applicant may not take part in judicial proceedings for any claims relating to the expenses incurred to obtain the authorizations transferred under this section."

27. The Act is amended by inserting the following section after section 23:

"**23.1.** Ville de Québec succeeds to the rights and obligations of the Société de transport de Québec for any decision made by the Société regarding the Network project since 1 January 2018."

28. Section 24 of the Act is amended by replacing "Ville de Québec" by "the bodies responsible under section 2".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

29. Section 2 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing "in a newspaper distributed in its area of jurisdiction" in the second paragraph by "by any other means accessible to the public in its area of jurisdiction".

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

"**4.1.** Incidentally to a shared transportation infrastructure project and in order to promote the development of the spaces near the buildings or civil engineering structures, a public transit authority may, with the authorization of the Government and on the conditions the Government may determine,

(1) sell an immovable or part of an immovable that the transit authority no longer intends to use and that was acquired for the project; or

(2) lay out an immovable or a civil engineering structure to support or accommodate a building or an underground structure that a third person could build, within the limits provided for by law."

31. Section 11 of the Act is amended by adding the following sentence at the end of the second paragraph: "One of the two users must also be under 35 years of age at the time of appointment."

32. Section 19 of the Act is amended

(1) by replacing "S'il n'est pas excusé" in the second paragraph in the French text by "Si l'absence de ce membre n'est pas excusée";

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

"Despite the second paragraph, the board of directors may decide that a member remains a member if the member is absent for reasons that are serious or beyond the member's control and the member's absence causes no serious prejudice to users of transportation services.

A member's failure to attend meetings due to pregnancy, birth or adoption does not entail the end of the member's term, provided the failure does not exceed a period of 18 consecutive weeks."

33. Section 26 of the Act is amended by replacing ", within 15 days after the first meeting of the year, cause a notice to be published in a newspaper distributed in the transit authority's area of jurisdiction" in the third paragraph by "publish, in accordance with section 60.1 and within 15 days after the first meeting of the year, a notice".

34. Section 33 of the Act is amended

(1) by replacing "a prior notice of the holding of each regular meeting of the board of directors in a newspaper distributed in the transit authority's area of jurisdiction" by "a public notice concerning the holding of each regular meeting of the board of directors";

(2) by inserting "is held" at the end.

35. Section 48 of the Act is amended

(1) by replacing "published in a newspaper distributed in its area of jurisdiction" in the first paragraph by ". The transit authority must publish the by-law in accordance with section 60.1";

(2) by striking out "published in a newspaper distributed in its area of jurisdiction" in the second paragraph.

36. Section 53 of the Act is amended

(1) by replacing "in a newspaper distributed in its area of jurisdiction" in the first paragraph by "in accordance with section 60.1";

(2) by striking out "in a newspaper" in the second paragraph.

37. Section 58 of the Act is amended by replacing "a notice of the holding of every meeting of a committee in a newspaper distributed in its area of jurisdiction" in the first paragraph by ", in accordance with section 60.1, a notice concerning the holding of a committee meeting".

38. The Act is amended by inserting the following subdivision after section 60:

"§8. — *Publication of a document*

"**60.1.** A notice or any other document may be published on the transit authority's website or in a newspaper distributed in the transit authority's area of jurisdiction."

39. Section 79 of the Act is amended by replacing "of its publication in a newspaper distributed in the transit authority's area of jurisdiction" in the first paragraph by "it is published in accordance with section 60.1".

40. Section 90 of the Act is amended by replacing "in a newspaper distributed in the transit authority's area of jurisdiction" in the second paragraph by "in accordance with section 60.1".

41. Section 91 of the Act is amended by replacing "in a newspaper distributed in its area of jurisdiction" in the second paragraph by "in accordance with section 60.1".

42. The Act is amended by inserting the following division after section 92.0.7:

"**DIVISION I.1**

"POWERS RELATING TO THE CONSTRUCTION OF AN IMMOVABLE PROPERTY ADJACENT TO A SHARED TRANSPORTATION INFRASTRUCTURE

"**92.0.8.** A transit authority may, with the Government's authorization and on the conditions determined by the latter, become a special partner within a limited partnership or a shareholder of a business corporation with a third person for the carrying out of a project to build an immovable property.

When acting as a special partner in a limited partnership constituted under the first paragraph, the transit authority must not give opinions other than advisory opinions regarding the management of the partnership. It may not negotiate any business on behalf of the partnership or act as mandatary or agent for the partnership, or allow its name to be used in any act of the partnership.

The transit authority may acquire or establish a subsidiary to act as substitute special partner or shareholder for the transit authority with regard to the carrying out of a construction project referred to in the first paragraph. The transit authority may, with the Government's authorization, gratuitously transfer to that subsidiary the rights on the immovable that are necessary for carrying out the project.

A legal person or a partnership that is controlled by a transit authority is a subsidiary of the latter.

For the purposes of the fourth paragraph,

(1) a legal person is controlled by a transit authority when the latter holds, directly or through legal persons it controls, all the voting rights attached to the equity securities of the legal person or is in a position to elect all of the legal person's directors; and

(2) a partnership is controlled by a transit authority when the latter holds, directly and through legal persons it controls, all the shares. However, a limited partnership is controlled by a transit authority when the latter or a partnership or legal person it controls is, directly or indirectly, the general partner of the partnership.

"**92.0.9.** In order for a transit authority to obtain the authorization referred to in the first paragraph of section 92.0.8, the construction project must, in particular, meet the following conditions:

(1) the immovable property to be built must be adjacent to an immovable or part of an immovable that is not necessary for a shared transportation infrastructure, already existing or to be built, and that is owned by the transit authority or one of its subsidiaries;

(2) the project is carried out independently of any project to build, rebuild or repair a shared transportation infrastructure other than a layout made in accordance with section 92.0.12; and

(3) the transit authority or its subsidiary provides no financing or suretyship for the carrying out of the project; its contribution to the limited partnership or business corporation in charge of carrying out the project is limited to the transfer of rights on the immovable, or part of an immovable, referred to in paragraph 1.

"**92.0.10.** For the purpose of carrying out a construction project referred to in the first paragraph of section 92.0.8, a subsidiary of the transit authority may, on the conditions determined by the Government, constitute any other business corporation with the third person referred to in that paragraph in order to take part in the project's management.

The subsidiary may not provide any financing or suretyship to a business corporation constituted under the first paragraph, its contribution being restricted to the payment of the subscription price, which may not exceed $100, for shares in the business corporation.

No officer or director of the transit authority may be an officer or a director of the business corporation constituted under the first paragraph.

"**92.0.11.** Despite sections 92.1 to 108.1, the third person with which a transit authority or its subsidiary may become a partner within a limited partnership or a shareholder of a business corporation for the carrying out of a construction project under the first paragraph of section 92.0.8 is selected by means of a public call for projects in accordance with the terms and on the basis of the criteria determined by the Government.

The criteria determined by the Government under the first paragraph must include high standards of integrity.

Where the owner of an immovable contiguous to the immovable on which the shared transportation infrastructure is situated wishes to carry out a construction project under the first paragraph of section 92.0.8, the Government may forego the call for projects, provided that the following conditions are met:

(1) the owner has sufficient expertise for that type of project;

(2) the owner meets high standards of integrity; and

(3) a call for projects would not serve the public interest.

"**92.0.12.** Where a shared transportation infrastructure must be laid out so that it can support or receive a building or an underground structure as part of the carrying out of a construction project authorized under the first paragraph of section 92.0.8, the transit authority may accept a mandate from the limited partnership or business corporation in charge of carrying out the project in order for the latter to obtain supplies or services or have construction work performed in connection with that layout.

The costs and risks related to a layout made under the first paragraph must not be borne by the transit authority.

"**92.0.13.** For the purposes of the first paragraph of section 92.0.8, the transit authority or its subsidiary and the third person must enter into a contract of limited partnership or a unanimous shareholder agreement, as applicable, specifying, in particular,

(1) the method of distributing the revenues generated by the immovable property built as part of the project;

(2) the scope, budget and calendar of the construction project;

(3) the rules of internal management; and

(4) a dispute settlement mechanism.

"**92.0.14.** Despite any contrary provision of this Act,

(1) an immovable or part of an immovable may not be acquired by expropriation if it is deemed necessary solely for the purposes of a project to build an immovable property referred to in the first paragraph of section 92.0.8; and

(2) the revenues that the transit authority or its subsidiary may derive from the immovable property built under the first paragraph of section 92.0.8 must be invested to build and maintain shared transportation infrastructure assets or to acquire and maintain shared transportation equipment under its responsibility, on the conditions determined by the Government."

43. Section 95 of the Act is amended

(1) by replacing "in a newspaper circulated in the transit authority's area of jurisdiction" in the first paragraph by "in accordance with section 60.1";

(2) by replacing "in a newspaper circulated in the transit authority's area of jurisdiction or, if there is no such newspaper," in subparagraph 1 of the second paragraph by "be published in accordance with section 60.1 or, failing that,".

44. Section 111 of the Act is amended by replacing "twice a year in a newspaper distributed in its area of jurisdiction" by ", twice a year and in accordance with section 60.1,".

45. Section 144 of the Act is amended by replacing "in a newspaper distributed in its area of jurisdiction" in the second paragraph by "in accordance with section 60.1".

46. Section 162.1 of the Act is amended by adding the following paragraph at the end:

"The Société de transport de Québec may enter into a contract with a third person to have the latter supply, in whole or in part, the services the Société de transport de Québec provides in accordance with the first paragraph."

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

47. Every expropriation procedure under the first paragraph of section 7 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03), for which a notice of expropriation has been served in accordance with section 9 of the Act respecting expropriation (chapter E-25) and that is in progress on 4 December 2024, remains governed by the provisions of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec that were applicable to it on that date.

48. The Minister must, not later than 5 December 2029, report to the Government on the implementation of sections 2, 9 and 42.

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

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

107224

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 74
(2024, chapter 43)

An Act mainly to improve the regulatory scheme governing international students

Introduced 10 October 2024
Passed in principle 20 November 2024
Passed 5 December 2024
Assented to 6 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends mainly the Québec Immigration Act with regard to decisions relating to the management of international student applications filed in accordance with that Act.

The Act gives the Government the power to make such decisions. It sets out the cases where those decisions are made on the recommendation of the Minister after consultation with, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education, and those where the decisions must be made on the joint recommendation of the Minister and, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education.

The Act also specifies that all decisions relating to the management of applications made under the Québec Immigration Act may vary on the basis of any distinction considered useful, whether they are decisions of the Government concerning international student applications or of the Minister concerning other applications relating to temporary or permanent immigration filed in accordance with that Act.

The Act amends the Québec Immigration Act to make admission to a designated educational institution to pursue recognized studies a condition of any immigration program intended for international students, unless the Government provides otherwise regarding certain foreign nationals. It directly designates certain educational institutions and certain studies and gives the Government the power to designate other educational institutions and studies on the joint recommendation of the Minister and, according to their respective jurisdictions, the Minister of Education and the Minister of Higher Education.

Moreover, the Act amends the Québec Immigration Act to provide that immigration planning pertains to both temporary and permanent immigration.

In addition, the Act confers on the Minister of Education and the Minister of Higher Education functions allowing them to support decision-making relating to the management of international student applications. It empowers them to determine by regulation the information that must be collected and communicated to them for

that purpose, in particular by educational institutions. It also allows them to determine, for private educational institutions, the minimum threshold of students resident in Québec whom the institutions must admit to educational services or categories of educational services that they dispense.

The Act also amends the Québec Immigration Regulation, among other things to provide that certain international students must receive their education at the educational institution for which the Minister's consent to their stay was given.

Lastly, the Act contains transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting private education (chapter E-9.1);

– Québec Immigration Act (chapter I-0.2.1);

– Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15);

– Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1).

REGULATION AMENDED BY THIS ACT:

– Québec Immigration Regulation (chapter I-0.2.1, r. 3).

Bill 74

AN ACT MAINLY TO IMPROVE THE REGULATORY SCHEME GOVERNING INTERNATIONAL STUDENTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

QUÉBEC IMMIGRATION ACT

1. Section 3 of the Québec Immigration Act (chapter I-0.2.1) is amended by inserting "temporary and permanent" after "develop a multi-year".

2. Section 4 of the Act is amended by inserting "temporary and permanent" after "composition of".

3. Section 5 of the Act is amended

(1) by inserting "temporary and permanent" after "projected" in the first paragraph;

(2) by replacing "the number of selection decisions concerning immigrants wishing to settle permanently in Québec that may be made" in the second paragraph by "the projected number of selection decisions for temporary and for permanent immigration of foreign nationals".

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

"**15.1.** Unless the Government, by regulation, provides otherwise regarding certain foreign nationals, admission to a designated educational institution to pursue recognized studies is a condition of any international student class immigration program.

The following are recognized studies:

(1) preschool education services and elementary school instructional services, as well as studies certified by a diploma, certificate or other official attestation awarded by the Minister of Education, Recreation and Sports or by an attestation of qualification issued by a school service centre under section 223 or 246.1 of the Education Act (chapter I-13.3);

(2) studies certified by a diploma or other attestation awarded under the College Education Regulations (chapter C-29, r. 4);

(3) studies certified by a degree, diploma, certificate or other attestation of university studies awarded by an educational institution at the university level, a legal person or a body referred to in section 2 of the Act respecting educational institutions at the university level (chapter E-14.1); and

(4) studies designated by the Government.

The following are designated educational institutions:

(1) educational institutions referred to in section 36 of the Education Act (chapter I-13.3); and

(2) educational institutions designated by the Government.

A designation order is made on the joint recommendation of the Minister and, according to their respective jurisdictions, of the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology. It comes into force on the date of its publication in the *Gazette officielle du Québec*.

The Minister publishes the list of designated educational institutions and the list of designated studies in any medium the Minister considers appropriate."

5. The heading of Division III of Chapter V of the Act is amended by striking out "MINISTER'S".

6. Section 50 of the Act is amended

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

"The Minister may make a decision relating to the receipt and processing of applications filed in accordance with Chapter III, unless such a decision concerns international student applications, in which case it may be made only by the Government.

A decision is made taking into account, in particular, the guidelines and objectives set out in the annual immigration plan, economic and labour needs, the need to promote diversity in the origin of applications for selection, humanitarian considerations, any situation that could compromise the health, safety or well-being of immigrants, Québec's capacity to receive and integrate immigrants, the objective of ensuring the preservation and vitality of French, the only common language of the Québec nation, or the public interest.";

(2) by replacing "maximum number of applications the Minister intends to receive" in the second paragraph by "maximum number of applications the Minister will receive";

(3) by replacing "The Minister's decision" in the third paragraph by "A decision".

7. Section 52 of the Act is replaced by the following section:

"**52.** A decision made under section 50 or 51 may apply to an immigration class, an immigration program or a component of such a program. It may vary on the basis of any distinction considered useful and provide for exceptions. It must specify the reasons justifying it.

The decision is made for a maximum period of 48 months and may be modified at any time during that period. It is published in the *Gazette officielle du Québec* and takes effect on the date of its publication or on any later date specified in it.

The Minister also publishes every decision in the medium the Minister considers appropriate."

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

"**52.1.** A decision made by the Government concerning international student applications is made on the recommendation of the Minister after consultation with the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions.

Despite the first paragraph, such a decision must be made on the joint recommendation of the Minister and, according to their respective jurisdictions, of the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology where

(1) it pertains to the suspension of the receipt or processing of applications; or

(2) it pertains to the maximum number of applications the Minister will receive, if that maximum number is set on the basis of a distinction, in particular on the basis of a region of Québec, level of instruction, language of instruction, cycle of studies, educational services, category of educational institution, school service centre, educational institution or program of studies, or if exceptions are provided for."

9. Section 53 of the Act is amended by replacing "made by the Minister under section 50 or 51" by "made under section 50 or 51".

10. Section 73 of the Act is amended by adding the following paragraph at the end:

"The Minister returns to a foreign national who filed an application as an international student the sums paid as fees if the Minister refuses the application on the grounds that the educational institution to which the student has been admitted ceased to be designated or that the studies for which the student has been admitted to the institution ceased to be recognized in accordance with section 15.1 on or after the date the application was filed."

11. Section 104 of the Act is amended

(1) by inserting "9, 10," after "of sections" in the first paragraph;

(2) by striking out "9, 10 and" in the second paragraph.

ACT RESPECTING PRIVATE EDUCATION

12. Section 15 of the Act respecting private education (chapter E-9.1) is amended by adding the following paragraph at the end:

"In addition, the Minister may determine the minimum threshold of students resident in Québec, within the meaning of government regulations, who must be admitted to educational services or categories of educational services dispensed by the institution."

13. Section 17 of the Act is amended by replacing "under section 15" in the first paragraph by "as well as the minimum threshold of students resident in Québec determined under section 15".

ACT RESPECTING THE MINISTÈRE DE L'ÉDUCATION, DU LOISIR ET DU SPORT

14. Section 2 of the Act respecting the Ministère de l'Éducation, du Loisir et du Sport (chapter M-15) is amended by adding the following paragraph at the end:

"(8) proposing measures to support decision-making relating to the management of international student selection applications under the Québec Immigration Act (chapter I-0.2.1), taking into account the reality specific to the education network and the guidelines and objectives defined under that Act, and collecting the information necessary to that end, in particular information enabling the admission and registration of international students to be documented."

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

"**2.1.** The Minister may, by regulation, determine the information that the bodies referred to in section 6 must collect and communicate to the Minister for the exercise of the Minister's duties provided for in paragraph 8 of section 2.

The regulation may determine the manner in which such information is to be communicated."

ACT RESPECTING THE MINISTÈRE DE L'ENSEIGNEMENT SUPÉRIEUR, DE LA RECHERCHE, DE LA SCIENCE ET DE LA TECHNOLOGIE

16. Section 4 of the Act respecting the Ministère de l'Enseignement supérieur, de la Recherche, de la Science et de la Technologie (chapter M-15.1.0.1) is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

"(8.1) propose measures to support decision-making relating to the management of international student selection applications under the Québec Immigration Act (chapter I-0.2.1), taking into account the reality specific to the field of higher education and the guidelines and objectives defined under that Act, and collect the information necessary to that end, in particular information enabling the admission and registration of international students to be documented; and".

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

"**4.1.** The Minister may, by regulation, determine the information that an educational institution must collect and communicate to the Minister for the exercise of the Minister's functions provided for in subparagraph 8.1 of the first paragraph of section 4.

The regulation may determine the manner in which such information is to be communicated."

QUÉBEC IMMIGRATION REGULATION

18. Section 1 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3) is amended by striking out the definition of "Québec educational institution".

19. Section 11 of the Regulation is amended

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

"(1) has been admitted to a designated educational institution to pursue recognized studies, in accordance with section 15.1 of the Act;";

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

"The condition provided for in subparagraph 1 of the first paragraph does not apply to a foreign national who applies to the Minister for consent to complete studies already underway in the educational institution to which the foreign national has been admitted."

20. Section 13 of the Regulation is amended

(1) by inserting "and, where the consent was obtained under the first paragraph of section 11, in the context of recognized studies and at the educational institution for which it was given" at the end of the first paragraph;

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

"However, where an international student obtains the Minister's consent for another educational institution, the requirement under the first paragraph applies as if the Minister's previously given consent remained valid until the date on which the student is authorized to study at the other institution. If the student is not authorized to do so, the requirement applies as if the previously given consent remained valid for its remaining period of validity.";

(3) by replacing "elementary and secondary school instructional services or educational services in vocational training within the meaning of the Education Act (chapter I-13.3)" in the second paragraph by "elementary or secondary school instructional services within the meaning of the Education Act (chapter I-13.3), vocational training within the meaning of that Act".

TRANSITIONAL AND FINAL PROVISIONS

21. A decision made under section 50 or 51 of the Québec Immigration Act (chapter I-0.2.1) that is in effect before 6 December 2024 continues to apply until the date the decision provides it is to cease to have effect. It may be modified in accordance with section 52 of that Act.

22. Section 13 of the Québec Immigration Regulation (chapter I-0.2.1, r. 3), amended by section 20 of this Act, applies as it read on 5 December 2024 to a foreign national who is the subject of a valid international student selection decision rendered before 6 December 2024.

In addition, until the date of coming into force of section 4 of this Act, it is to be read as if "in the context of recognized studies and" in the first paragraph was struck out.

23. Not later than 6 December 2027, the Minister must, in collaboration with the Minister of Education, Recreation and Sports and the Minister of Higher Education, Research, Science and Technology, according to their respective jurisdictions, report to the Government on the implementation of the decisions relating to the management of international student applications made since 6 December 2024 under the Québec Immigration Act (chapter I-0.2.1).

The Minister tables the report in the National Assembly within the following 30 days or, if the Assembly is not sitting, within 30 days of resumption.

24. This Act comes into force on 6 December 2024, except sections 4,10,18 and 19, which come into force on the date of publication in the *Gazette officielle du Québec* of the first order made under subparagraph 2 of the third paragraph of section 15.1 of the Québec Immigration Act (chapter I-0.2.1), enacted by section 4.

107209

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 75
(2024, chapter 41)

An Act to give effect to fiscal measures announced in the Budget Speech delivered on 12 March 2024 and to certain other measures

Introduced 7 November 2024
Passed in principle 19 November 2024
Passed 4 December 2024
Assented to 5 December 2024

Québec Official Publisher
2024

EXPLANATORY NOTES

This Act amends various Acts mainly to give effect to measures announced in the Update on Québec's Economic and Financial Situation presented on 7 November 2023 and in the Budget Speech delivered on 12 March 2024. It also gives effect to measures announced in various Information Bulletins published by the Ministère des Finances in 2022, 2023 and 2024.

The Act amends the Taxation Act, the Act respecting the sectoral parameters of certain fiscal measures and the Regulation respecting the Taxation Act to, in particular,

(1) extend the tax credit relating to investment and innovation, enhance its rates and make it fully refundable;

(2) abolish the additional 30% depreciation deduction in respect of certain investments;

(3) enhance the refundable tax credit for Québec film productions;

(4) enhance and refocus the refundable film production services tax credit;

(5) abolish the refundable tax credit to foster the retention of experienced workers;

(6) adjust the parameters for computing the incentive deduction for the commercialization of innovations in Québec; and

(7) restructure tax assistance for the production of multimedia titles and the development of e-business.

The Act constituting Capital régional et coopératif Desjardins, the Act to establish Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi and the Act to establish the Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ) are amended to, among other things, increase the issuance ceiling of Capital régional et coopératif Desjardins for the period ending on 28 February 2025, relax the rule providing for a 10% ceiling applicable to certain investments made in the real estate sector and modernize the

administrative and operational frameworks of labour-sponsored funds.

The Tobacco Tax Act is amended to increase the specific tax rates on tobacco products.

The Act respecting the Québec sales tax is amended so that, in particular, the estimated value rule does not apply when a used road vehicle is brought into Québec as a result of a transfer between related individuals.

In addition, the Tax Administration Act, the Taxation Act and the Act respecting the Québec sales tax, among others, are amended to make amendments similar to those made to the Income Tax Act and the Excise Tax Act by federal bills assented to in 2022 and 2023. More specifically, the amendments deal with

(1) the obligation for certain trusts to file a fiscal return;

(2) the avoidance of tax liabilities;

(3) the payment and transmission of documents by way of a technological means; and

(4) the application of the Québec sales tax in respect of cryptoasset mining activities.

Lastly, the Act makes various technical amendments as well as consequential and terminology-related amendments.

LEGISLATION AMENDED BY THIS ACT:

– Tax Administration Act (chapter A-6.002);

– Act constituting Capital régional et coopératif Desjardins (chapter C-6.1);

– Act to establish Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2);

– Act to establish the Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ) (chapter F-3.2.1);

– Tobacco Tax Act (chapter I-2);

– Taxation Act (chapter I-3);

– Act respecting the application of the Taxation Act (chapter I-4);

– Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1);

– Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);

– Act respecting the Québec sales tax (chapter T-0.1).

REGULATION AMENDED BY THIS ACT:

– Regulation respecting the Taxation Act (chapter I-3, r. 1).

Bill 75

AN ACT TO GIVE EFFECT TO FISCAL MEASURES ANNOUNCED IN THE BUDGET SPEECH DELIVERED ON 12 MARCH 2024 AND TO CERTAIN OTHER MEASURES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

TAX ADMINISTRATION ACT

1. Section 14.5 of the Tax Administration Act (chapter A-6.002) is amended

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

"The Minister may, within four years after the day on which the Minister becomes aware of the transfer of property, make an assessment or a reassessment in respect of a transferee in relation to an amount payable under section 14.4 or in respect of a person referred to in the first paragraph of section 59.5.15 in relation to a penalty the person is required to pay under that paragraph.";

(2) by inserting "or the person, as the case may be," after "transferee" in subparagraphs *a* and *b* of the second paragraph.

2. (1) The Act is amended by inserting the following section after section 14.7:

"**14.7.1.** For the purposes of sections 14.4 to 14.7, where a person transfers property, directly or indirectly, by means of a trust or by any other means whatever to another person as part of a transaction or a series of transactions, the following rules apply:

(*a*) the transferor is deemed to not be dealing at arm's length, within the meaning of the Taxation Act (chapter I-3), with the transferee at the time the property is transferred if

i. at any time during the period beginning immediately prior to the beginning of the transaction or series of transactions and ending immediately after the end of the transaction or series of transactions, the transferor and the transferee do not deal at arm's length, and

ii. it is reasonable to conclude that one of the purposes of undertaking or arranging the transaction or series of transactions is to avoid solidary liability of the transferee and the transferor under section 14.4 for an amount payable or remittable under any fiscal law;

(*b*) an amount that the transferor is liable to pay under any fiscal law, including an amount that the transferor is liable to pay under section 14.4, whether or not an assessment has been made under section 14.5 in respect of that amount, is deemed to be, if it is reasonable to conclude that one of the purposes for the transfer of property is to avoid the payment of a future amount by the transferor or the transferee under any fiscal law, an amount that the transferor is liable to pay during the taxation year, within the meaning of Part I of the Taxation Act, in which the property is transferred; and

(*c*) the excess amount determined under subparagraph *a* of the first paragraph of section 14.4, in respect of the property, is deemed to be equal to the greater of

i. that excess amount determined without reference to this subparagraph *c*, and

ii. the amount determined by the formula

A – B.

In the formula in subparagraph ii of subparagraph *c* of the first paragraph,

(*a*) A is an amount equal to the fair market value of the transferred property at the time of the transfer; and

(*b*) B is

i. the lowest fair market value of the consideration, held by the transferor, that is determined in respect of the property at any time in the period beginning immediately prior to the beginning of the transaction or series of transactions and ending immediately after the end of the transaction or series of transactions, or

ii. where the consideration is in a form that is cancelled or extinguished during the period referred to in subparagraph i,

(1) the lesser of the amount determined in subparagraph i and the fair market value, during that period, of any property, other than property that is cancelled or extinguished during that period, that is substituted for the consideration referred to in subparagraph i, or

(2) if no property is substituted for the consideration referred to in subparagraph i, other than property cancelled or extinguished during that period, zero.

For the purposes of this section,

(*a*) "property" includes money; and

(*b*) "transaction" includes an arrangement or event."

(2) Subsection 1 has effect from 19 April 2021.

3. (1) The Act is amended by inserting the following sections after section 27.2:

"**27.2.1.** Every person who is required to pay or remit an amount to the Minister under a provision listed in the second paragraph shall, if the amount exceeds $10,000, make the payment or remittance by way of electronic payment, unless the person cannot reasonably pay or remit the amount in that manner.

The provisions to which the first paragraph refers are the following:

(*a*) the provisions of Chapter IV of the Act respecting parental insurance (chapter A-29.011);

(*b*) the provisions of Division II of Chapter II of the Act to promote workforce skills development and recognition (chapter D-8.3);

(*c*) the provisions of the Taxation Act (chapter I-3);

(*d*) the provisions of Chapter III.1 of the Act respecting labour standards (chapter N-1.1);

(*e*) the provisions of Divisions I to I.2 of Chapter IV of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5); and

(*f*) the provisions of Title III of the Act respecting the Québec Pension Plan (chapter R-9).

"**27.2.2.** For the purposes of section 27.2.1, "electronic payment" means any payment or remittance to the Minister that is made through an electronic service offered by a financial institution or by way of any other technological means specified by the Minister."

(2) Subsection 1 applies in respect of an amount paid or remitted after 31 December 2023.

4. (1) Section 37.1.1 of the Act is replaced by the following section:

"**37.1.1.** Every person who, for a calendar year, is required under a fiscal law or a regulation made under a fiscal law to file a number of information returns of a prescribed type that exceeds the prescribed threshold determined in their respect shall file the returns with the Minister by way of a technological means, according to the terms and conditions specified by the Minister."

(2) Subsection 1 applies in respect of an information return filed after 31 December 2023.

5. (1) Section 37.1.4 of the Act is amended

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

"A tax preparer shall send to the Minister by way of a technological means, according to the terms and conditions specified by the Minister, the fiscal returns prepared by the tax preparer, for consideration, for one or more persons in accordance with section 1000 of the Taxation Act (chapter I-3), except that five of the returns filed by the tax preparer for one or more corporations and five of the returns filed by the tax preparer for one or more natural persons may be sent otherwise than by way of a technological means.";

(2) by replacing subparagraph *a* of the second paragraph by the following subparagraph:

"(*a*) of a type for which the tax preparer has applied for authorization to file by way of a technological means for the year and for which that authorization has not been granted because the tax preparer did not meet the criteria referred to in section 37.1;";

(3) by replacing subparagraph *c* of the second paragraph by the following subparagraph:

"(*c*) of a type in respect of which the Minister does not accept transmission by way of a technological means.";

(4) by replacing the third paragraph by the following paragraph:

"For the purposes of this section and section 59.0.0.2, "tax preparer", for a calendar year, means a person who, in the year and in accordance with section 1000 of the Taxation Act, prepares, for consideration, more than five fiscal returns for one or more corporations or more than five fiscal returns for one or more natural persons, but does not include an employee who prepares fiscal returns in the course of performing the duties of an employment."

(2) Subsection 1 has effect from 1 January 2024.

6. (1) Section 59.0.0.2 of the Act is amended by replacing "of an individual" in paragraph *a* by "of a natural person".

(2) Subsection 1 has effect from 1 January 2024.

7. (1) Section 59.0.0.3 of the Act is amended

(1) by replacing paragraphs *a* to *d* by the following paragraphs:

"(*a*) $125, where the number of information returns of the same type is greater than 5 but less than 51, unless the type of information return to be filed with the Minister is referred to in paragraph *q* of section 37.1.1R1 of the Regulation respecting fiscal administration (chapter A-6.002, r. 1);

"(*b*) $250, where the number of information returns of the same type is greater than 50 but less than 251;

"(*c*) $500, where the number of information returns of the same type is greater than 250 but less than 501;

"(*d*) $1,500, where the number of information returns of the same type is greater than 500 but less than 2,501; and";

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

"(*e*) $2,500, where the number of information returns of the same type is greater than 2,500."

(2) Subsection 1 applies in respect of an information return filed after 31 December 2023.

8. (1) The Act is amended by inserting the following section after section 59.0.0.5:

"**59.0.0.6.** Every person who fails to comply with section 27.2.1 incurs a penalty equal to $100 for each such failure."

(2) Subsection 1 applies in respect of an amount paid or remitted after 31 December 2023.

9. (1) The Act is amended by inserting the following sections after section 59.5.13:

"**59.5.14.** In this section and section 59.5.15,

"gross entitlements" of a person at any time, in respect of a planning activity of the person, means the aggregate of the amounts to which the person, or another person not dealing at arm's length with the person, within the meaning of the Taxation Act (chapter I-3), is entitled, before or after that time and absolutely or contingently, to receive or obtain in respect of the planning activity;

"planning activity" includes

(*a*) organizing or creating, or assisting in the organization or creation of, an arrangement, an entity, a plan or a scheme; and

(*b*) participating, directly or indirectly, in the selling of an interest in, or the promotion of, an arrangement, an entity, a plan, a property or a scheme;

"section 14.4 avoidance planning" by a person means a planning activity in respect of a transaction or series of transactions

(*a*) that is, or is part of, a section 14.4 avoidance transaction; and

(*b*) one of the purposes of which is to

i. reduce a transferee's solidary liability provided for in section 14.4 in respect of an amount payable or remittable by the transferor under any fiscal law, or that would be payable or remittable by the transferor under such a fiscal law if not for a transaction or series of transactions as part of which

(1) a tax attribute, where the amount is payable or remittable under the Taxation Act, of a person dealing at arm's length, within the meaning of that Act, with the transferor or the transferee immediately prior to the beginning of the transaction or series of transactions, is used, directly or indirectly, to provide a tax benefit for the transferor or the transferee, or for a new corporation, within the meaning of subsection 1 of section 544 of that Act, resulting from the amalgamation of the transferor or the transferee with another corporation, or

(2) an amount, where the amount is payable or remittable under a fiscal law other than the Taxation Act, that is or could be relevant in determining the rights or obligations, under that fiscal law, of a person dealing at arm's length, within the meaning of the Taxation Act, with the transferor or the transferee immediately prior to the beginning of the transaction or series of transactions, is used, directly or indirectly, to provide a tax benefit for the transferor or the transferee, or

ii. reduce the person's or another person's ability to pay an amount the person or other person is or may become liable to pay or remit under any fiscal law;

"section 14.4 avoidance transaction" means a transaction or series of transactions in respect of which

(*a*) the conditions set out in subparagraph *a* or *b* of the first paragraph of section 14.7.1 are met; or

(*b*) if section 14.7.1 applied in respect of the transaction or series of transactions, the amount determined in accordance with subparagraph ii of subparagraph *c* of the first paragraph of section 14.7.1 exceeds the amount determined in accordance with subparagraph i of that subparagraph *c*;

"tax attribute" means a balance, pool or other amount determined under the Taxation Act that is or may be relevant in computing income or in determining an amount of tax payable under that Act in a taxation year, within the meaning of that Act, and includes the following attributes determined under that Act:

(*a*) a capital loss, non-capital loss, restricted farm loss, farm loss and limited partnership loss;

(*b*) an amount that is deductible in computing a person's income;

(*c*) a balance of undeducted outlays, expenses or other amounts;

(*d*) the paid-up capital in respect of a share of a class of a corporation's capital stock;

(*e*) the cost or capital cost of a property;

(*f*) an amount that is deductible from an amount otherwise payable; and

(*g*) an amount that is deemed to have been remitted as an amount payable;

"tax benefit" means a reduction, avoidance or deferral of an amount payable under any fiscal law or an increase in a refund of an amount granted under any fiscal law;

"transaction" includes an arrangement or event;

"transferee" means the transferee referred to in section 14.4;

"transferor" means the transferor referred to in section 14.4.

"**59.5.15.** Every person who engages in, participates in, assents to or acquiesces in a planning activity that the person knows is section 14.4 avoidance planning, or would reasonably be expected to know is section 14.4 avoidance planning, but for circumstances amounting to gross negligence, incurs a penalty equal to the lesser of

(*a*) 50% of the aggregate of the amounts that the transferor is otherwise required to pay or remit under any fiscal law in respect of which the solidary liability was sought to be avoided through the planning activity; and

(*b*) the aggregate of $100,000 and the person's gross entitlements, in respect of the planning activity, at the time the notice of assessment of the penalty is sent to the person.

A person does not incur the penalty provided for in the first paragraph solely because the person provided clerical services or secretarial services with respect to the planning activity."

(2) Subsection 1, where it enacts section 59.5.14 of the Act, has effect from 5 December 2024 and, where it enacts section 59.5.15 of the Act, applies in respect of a transaction or series of transactions that occurs, in whole or in part, after 5 December 2024.

10. (1) Section 93.1.6 of the Act is amended by replacing the second paragraph by the following paragraph:

"Despite the first paragraph, the notice of suspension provided for in section 999.3 or 999.3.1 of the Taxation Act (chapter I-3) that is reconsidered may be confirmed or vacated, but not varied."

(2) Subsection 1 has effect from 9 August 2022. In addition, where section 93.1.6 of the Act applies after 31 December 2011 and before 9 August 2022, the second paragraph of that section is to be read as if "section 999.3 or 999.3.1" were replaced by "section 999.3".

11. (1) Sections 93.1.7, 93.1.9 and 93.1.11 of the Act are amended by replacing "*a*.2" by "*a*.3".

(2) Subsection 1 has effect from 1 January 2023.

ACT CONSTITUTING CAPITAL RÉGIONAL ET COOPÉRATIF DESJARDINS

12. (1) Section 10 of the Act constituting Capital régional et coopératif Desjardins (chapter C-6.1) is amended, in the second paragraph,

(1) by replacing "3 to 5" in the portion of subparagraph 2 before subparagraph *a* by "3 to 6";

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

"(6) $125,000,000, if the capitalization period is the period that ends on 28 February 2025."

(2) Subsection 1 has effect from 1 March 2024.

13. (1) Section 15 of the Act is amended by replacing the second paragraph by the following paragraph:

"The board of directors may also fix the price of redemption referred to in the first paragraph at any other time in the year, on the basis of

(1) an internal valuation which, in each case, is the subject of a special report of independent chartered accountants confirming continued adherence to the principles and methods used to value the Société and referred to in the first paragraph; or

(2) a summary internal update of the value of the Société made in accordance with an internal policy approved by the board of directors which, in each case, is the subject of a report of independent auditors confirming adherence to the policy."

(2) Subsection 1 has effect from 2 March 2024.

14. (1) Section 19.0.0.7 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

"(3) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 3 of the first paragraph of section 19.0.0.2

(other than an investment consisting of dwellings and carried out as part of an agreement entered into with the Government or a mandatary of the State) may not exceed 10% of the Société's average net assets for the preceding fiscal year; and".

(2) Subsection 1 has effect from 1 January 2024.

ACT TO ESTABLISH FONDACTION, LE FONDS DE DÉVELOPPEMENT DE LA CONFÉDÉRATION DES SYNDICATS NATIONAUX POUR LA COOPÉRATION ET L'EMPLOI

15. (1) The Act to establish Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi (chapter F-3.1.2) is amended by replacing the heading "CONSTITUTION AND HEAD OFFICE" before section 1 by the following:

"§1. — *Constitution and head office*".

(2) Subsection 1 has effect from 1 June 2024.

16. (1) The Act is amended by replacing the heading "ADMINISTRATION" before section 4 by the following:

"§2. — *Administration*".

(2) Subsection 1 has effect from 1 June 2024.

17. (1) Section 4 of the Act is amended

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

"(1) six persons appointed by the executive committee of the Confédération des syndicats nationaux, including four who qualify as independent persons;";

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

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

"(3) eight persons elected by the general meeting of holders of class "A" and class "B" shares, including four who qualify as independent persons and whose candidacy is recommended to the board by the governance and ethics committee; and";

(4) by striking out subparagraph 4 of the first paragraph;

(5) by striking out the second paragraph.

(2) Subsection 1 has effect from 12 April 2024.

(3) Despite subsection 2, Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi has the period that begins on 12 April 2024 and ends on 1 June 2026 to reorganize its board of directors to bring it into conformity with section 4 of the Act, as amended by subsection 1.

18. (1) The Act is amended by inserting the following section after section 4.3:

"**4.3.1.** Unless otherwise provided in this Act, the board of directors may delegate its powers to one of its members, to an officer of the Fund or to one or more committees; the latter may be composed of persons who are not members of the board."

(2) Subsection 1 has effect from 1 June 2024.

19. (1) Section 4.5 of the Act is amended

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

"(2) giving the board its assessment as to whether a person, in light of the committee's examination, qualifies as an independent person, except in the case of board members whose candidacy the committee has recommended; and";

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

"(3) recommending to the board, for the purposes of paragraph 3 of section 4, the candidacy of a person who, in light of the committee's examination, qualifies as an independent person."

(2) Subsection 1 has effect from 12 April 2024.

20. (1) Section 5 of the Act is amended by replacing the first paragraph by the following paragraph:

"The chief executive officer of the Fund is appointed by the members of the board of directors referred to in paragraphs 1 and 3 of section 4."

(2) Subsection 1 has effect from 12 April 2024.

(3) However, for the purpose of applying section 5 of the Act in the period that begins on 12 April 2024 and ends on 1 June 2026, a member of the board of directors of Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi referred to in subparagraph 2 or 4 of the first paragraph of section 4 of the Act, as it read on 11 April 2024, is deemed to be referred to in paragraph 1 or 3 of section 4 of the Act.

21. (1) Section 6 of the Act is amended by striking out the second paragraph.

(2) Subsection 1 has effect from 12 April 2024.

(3) However, the second paragraph of section 6 of the Act continues to apply until there are no more members of the board of directors of Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi who are, at any time in the period that begins on 12 April 2024 and ends on 1 June 2026, referred to in subparagraph 2 of the first paragraph of section 4 of the Act, as it read on 11 April 2024.

22. (1) The Act is amended by inserting the following before section 8:

"§3. — *Share capital*".

(2) Subsection 1 has effect from 1 June 2024.

23. (1) Section 8 of the Act is amended by replacing "four" in the first paragraph by "eight".

(2) Subsection 1 has effect from 12 April 2024.

(3) However, the number of directors that the holders of class "A" or class "B" shares issued by Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi may, under the first paragraph of section 8 of the Act, elect at a general meeting held during the period that begins on 12 April 2024 and ends on 1 June 2026 is the number, which may not be less than four nor more than eight, that the Fund considers appropriate to bring its board of directors into conformity with the provisions of section 4 of the Act, as amended by section 17 of this Act.

24. (1) Section 9 of the Act is replaced by the following section:

"**9.** Only a person of full age may acquire or hold a class "A" or class "B" share or fractional share. The holder of a class "A" or class "B" share or fractional share may not alienate it.

Subject to section 123.56 of the Companies Act (chapter C-38), a class "A" share or fractional share may be purchased by agreement by the Fund. However, the Fund may purchase such a share or fractional share by agreement only in the cases and in the manner provided by a policy adopted by the board of directors and approved by the Minister of Finance and only at a price not exceeding the redemption price determined in accordance with section 14.

In addition, subject to section 123.53 of the Companies Act, a class "A" share or fractional share may be unilaterally redeemed by the Fund. However, the Fund may unilaterally redeem such a share or fractional share only in compliance with the provisions of a policy adopted by the board of directors

and approved by the Minister of Finance and only at a price corresponding to the redemption price determined in accordance with section 14.

The first paragraph does not prevent the transfer of a class "A" or class "B" share or fractional share held in a non-registered savings account of the shareholder to another non-registered savings account of the shareholder."

(2) Subsection 1 has effect from 1 June 2024.

25. (1) Section 10 of the Act is amended

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

"Despite section 9, a class "A" or class "B" share or fractional share may

(1) in the case of a newly acquired share or fractional share, be transferred, immediately after its acquisition, to a trustee within the scope of a registered retirement savings plan under which the shareholder or the shareholder's spouse is the beneficiary; or

(2) in the case of a share or fractional share held in a non-registered savings account of the shareholder, be transferred to a trustee within the scope of a registered retirement savings plan under which the shareholder or the shareholder's spouse or former spouse is the beneficiary.";

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

"However, the beneficiary of the plan is deemed to keep the voting rights attached to the share thus transferred. In addition, for the purposes of the second and third paragraphs of section 9 and section 11, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund."

(2) Subsection 1 has effect from 1 June 2024.

26. (1) Sections 10.1 and 10.2 of the Act are replaced by the following sections:

"**10.1.** Despite section 9, a class "A" or class "B" share or fractional share, held within the scope of a registered retirement savings plan under which the shareholder or the shareholder's spouse is the beneficiary, may be transferred

(1) to a trustee within the scope of another registered retirement savings plan or a registered retirement income fund, as the case may be, under which the shareholder or the shareholder's spouse or former spouse is the beneficiary; or

(2) to a non-registered savings account of the shareholder or of the shareholder's spouse or former spouse.

For the purposes of the second and third paragraphs of section 9 and section 11, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund.

Where a share or fractional share is transferred under subparagraph 1 of the first paragraph to a trustee within the scope of a plan or a fund, the following rules apply:

(1) the beneficiary of the plan or fund is deemed to keep the voting rights attached to the share thus transferred; and

(2) subject to the first paragraph and section 10.2, the trustee is subject to section 9 in respect of any transfer to a person other than the beneficiary of the plan or fund.

"**10.2.** Despite section 9, a class "A" or class "B" share or fractional share, held within the scope of a registered retirement income fund under which the shareholder or the shareholder's spouse is the beneficiary, may be transferred

(1) to a trustee within the scope of another registered retirement income fund or a registered retirement savings plan, as the case may be, under which the shareholder or the shareholder's spouse or former spouse is the beneficiary; or

(2) to a non-registered savings account of the shareholder or of the shareholder's spouse or former spouse.

For the purposes of the second and third paragraphs of section 9 and section 11, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund.

Where a share or fractional share is transferred under subparagraph 1 of the first paragraph to a trustee within the scope of a fund or a plan, the following rules apply:

(1) the beneficiary of the fund or plan is deemed to keep the voting rights attached to the share thus transferred; and

(2) subject to the first paragraph and section 10.1, the trustee is subject to section 9 in respect of any transfer to a person other than the beneficiary of the fund or plan."

(2) Subsection 1 has effect from 1 June 2024.

27. (1) The Act is amended by inserting the following section after section 10.2:

"**10.3.** Despite section 9, a class "A" or class "B" share or fractional share held in a non-registered savings account of the shareholder may be transferred to a non-registered savings account of the shareholder's spouse or former

spouse. For the purposes of the second and third paragraphs of section 9 and section 11, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund."

(2) Subsection 1 has effect from 1 June 2024.

28. (1) Section 11 of the Act is amended

(1) by replacing subparagraphs *a* to *d* of paragraph 1 by the following subparagraphs:

"(*a*) two years prior to the request, where the request is made before 1 June 2027,

"(*b*) three years prior to the request, where the request is made after 31 May 2027 and before 1 June 2029,

"(*c*) four years prior to the request, where the request is made after 31 May 2029 and before 1 June 2031, or

"(*d*) five years prior to the request, where the request is made after 31 May 2031;";

(2) by replacing subparagraphs *a* to *d* of paragraph 2 by the following subparagraphs:

"(*a*) two years prior to the date of redemption, where the request is made before 1 June 2027,

"(*b*) three years prior to the date of redemption, where the request is made after 31 May 2027 and before 1 June 2029,

"(*c*) four years prior to the date of redemption, where the request is made after 31 May 2029 and before 1 June 2031, or

"(*d*) five years prior to the date of redemption, where the request is made after 31 May 2031;";

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

"(6) at the request of a person who is the trustee to whom the share or fractional share has been transferred within the scope of a registered retirement savings plan or registered retirement income fund under which an individual (in this paragraph referred to as the "annuitant") is the beneficiary, if the individual is deceased and

(*a*) the plan or fund is an annuity contract,

(*b*) a person has been designated by the annuitant as the beneficiary under the plan or fund and the person is entitled to receive as such an amount under the plan or fund following the annuitant's death, and

(*c*) the request is made with a view to paying an amount under the plan or fund to the person referred to in subparagraph *b*; or

"(7) at the request of a person who is the beneficiary under a registered retirement savings plan within the scope of which the share or fractional share has been transferred, if the person reaches 71 years of age in the year of the request and the request is made with a view to transferring, on maturity of the plan, the proceeds from the redemption of the share or fractional share to a registered retirement income fund under which the person is the beneficiary."

(2) Paragraphs 1 and 2 of subsection 1 and paragraph 3 of that subsection, where it enacts paragraph 7 of section 11 of the Act, have effect from 1 June 2024.

(3) Paragraph 3 of subsection 1, where it enacts paragraph 6 of section 11 of the Act, is declaratory.

29. (1) Section 11.1 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) the person has reached 55 years of age and receives or will, within three months after the day of the request, receive a life annuity under a pension plan, an annuity under a registered retirement savings plan, a deferred profit sharing plan or a life income fund or a payment under a registered retirement income fund, unless the annuity or payment is received because of the death of his spouse;".

(2) Subsection 1 has effect from 1 June 2024.

30. (1) The Act is amended by inserting the following section after section 13:

"**13.1.** Where a share or fractional share held within the scope of a registered retirement savings plan, a registered retirement income fund or a non-registered savings account (each of which is in this section referred to as an "account") has been the subject of a purchase by agreement under the second paragraph of section 9 or of a redemption under section 11 and where, following that purchase or redemption, there remains in the account but shares or fractional shares issued by the Fund the total value of which is $1,500 or less, the Fund may, subject to section 123.53 of the Companies Act (chapter C-38), unilaterally redeem all of those shares or fractional shares at a price corresponding to the redemption price determined in accordance with section 14 and the account may be closed.

However, the Fund may not proceed with such a unilateral redemption until the class "B" shares held in the account, where applicable, have been exchanged for class "A" shares in accordance with the fourth paragraph of section 8.

The first paragraph does not apply where a share or fractional share has been the subject of a purchase by agreement in accordance with the criteria of the policy referred to in the second paragraph of section 9 that concern the Home Buyers' Plan or the Lifelong Learning Incentive Plan whose provisions are provided for, respectively, in Titles IV.1 and IV.2 of Book VII of Part I of the Taxation Act (chapter I-3)."

(2) Subsection 1 has effect from 1 June 2024.

31. (1) Section 14 of the Act is amended

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

"The price of redemption of the class "A" shares or fractional shares shall be fixed by the board of directors twice a year, on dates six months apart, on the basis of the value of the Fund as established by experts under the responsibility of independent chartered accountants according to generally accepted accounting principles and adjusted, if necessary, to reflect the fair value of investments in enterprises the Fund controls, in joint ventures and in enterprises on which it has significant influence or in which it holds variable interests.";

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

"The board of directors may also fix the price of redemption referred to in the first paragraph at any other time in the year, on the basis of

(1) an internal valuation which, in each case, is the subject of a special report of independent chartered accountants confirming continued adherence to the principles and methods used to value the Fund and referred to in the first paragraph; or

(2) a summary internal update of the value of the Fund made in accordance with an internal policy approved by the board of directors which, in each case, is the subject of a report of independent auditors confirming adherence to the policy."

(2) Subsection 1 has effect from 2 March 2024.

32. (1) Section 14.1 of the Act is replaced by the following section:

"**14.1.** A request for purchase by agreement made under section 9, a request for transfer made under subparagraph 2 of the first paragraph of section 10 or any of sections 10.1 to 10.3 and a request for redemption made under section 11

must be filed with the Fund in the form prescribed by the Fund and accompanied by the information and documents prescribed by the Fund."

(2) Subsection 1 has effect from 1 June 2024.

33. (1) Section 15 of the Act is amended by replacing the first paragraph by the following paragraph:

"Each shareholder is entitled to receive written confirmation of the number of shares or fractional shares the shareholder holds and of the amount paid for all of them."

(2) Subsection 1 has effect from 1 June 2024.

34. (1) The heading of subdivision 2 of Division II of the Act is replaced by the following heading:

"§2. — *Prior approval of investments*".

(2) Subsection 1 has effect from 1 June 2024.

35. (1) Section 18.2 of the Act is replaced by the following section:

"**18.2.** Each investment must be approved in advance by the board of directors after being favourably recommended by an investment committee charged with examining it.

However, to the extent it determines, the board may delegate the power to approve an investment to such a committee or, if the power is delegated in accordance with a policy adopted by the board and approved by the Minister of Finance, to a committee composed of officers of the Fund or to the chief executive officer of the Fund."

(2) Subsection 1 has effect from 1 June 2024. In addition, where section 18.2 of the Act applies after 7 July 2020 and before 1 June 2024, it is to be read as follows:

"**18.2.** A committee of the board of directors may authorize an investment if the committee is composed of a majority of independent persons. Such a committee may be composed of persons who are not members of the board."

36. (1) The Act is amended by inserting the following sections after section 18.2:

"**18.3.** The board of directors must set up at least one investment committee.

If it sets up more than one investment committee, the board must specify the economic sector in which the investments each committee is responsible for are to be made, and one committee must have jurisdiction over investments not covered by the other committees.

"**18.4.** An investment committee may be composed of persons who are not members of the board of directors. It must be chaired by one of its members who qualifies as an independent person, and may only deliberate and make decisions in the presence of a majority of independent persons."

(2) Subsection 1 has effect from 1 June 2024.

37. (1) Section 19.8 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 3 of the first paragraph of section 19.3 (other than an investment consisting of dwellings and carried out as part of an agreement entered into with the Government or a mandatary of the State) may not exceed 10% of the Fund's average net assets for the preceding fiscal year; and".

(2) Subsection 1 has effect from 1 June 2024.

38. (1) Section 21 of the Act is amended by replacing "referred to in" in the first paragraph by "referred to in the first paragraph of".

(2) Subsection 1 has effect from 2 March 2024.

39. (1) Section 27 of the Act is amended by replacing "in subparagraph 1, 2, 3 or 5 of the first paragraph" by "in any of paragraphs 1, 3 and 5".

(2) Subsection 1 has effect from 12 April 2024.

(3) However, for the purpose of applying section 27 of the Act in the period that begins on 12 April 2024 and ends on 1 June 2026, a member of the board of directors of Fondaction, le Fonds de développement de la Confédération des syndicats nationaux pour la coopération et l'emploi referred to in subparagraph 2 of the first paragraph of section 4 of the Act, as it read on 11 April 2024, is deemed to be referred to in paragraph 1 or 3 of section 4 of the Act.

40. (1) The heading of Division V of the Act is replaced by the following heading:

"ACQUISITION OF SHARES OR FRACTIONAL SHARES BY PAYROLL DEDUCTION, BY AGREEMENT WITH A SAVINGS UNION OR BY EMPLOYER CONTRIBUTION".

(2) Subsection 1 has effect from 1 June 2024.

41. (1) The Act is amended by inserting the following section after section 35:

"**35.1.** The first and second paragraphs of section 35 apply, with the necessary modifications, to an employer in relation to an amount the employer is required, under a collective agreement, group agreement or any other contract concerning conditions of employment, to pay for the benefit of an individual for the acquisition of class "A" or class "B" shares or fractional shares."

(2) Subsection 1 has effect from 1 June 2024.

42. (1) Section 36 of the Act is replaced by the following section:

"**36.** An individual for the benefit of whom sums have been remitted in accordance with section 35 is deemed to have subscribed for as many of the Fund's class "A" or class "B" shares or fractional shares as the sums remitted permit the individual to acquire provided the membership criteria established by the Fund are met."

(2) Subsection 1 has effect from 1 June 2024.

43. (1) The heading of Division VI of the Act is replaced by the following heading:

"INSPECTION AND SELF-ASSESSMENT".

(2) Subsection 1 has effect from 1 June 2024.

44. (1) Section 37 of the Act is amended by replacing the first paragraph by the following paragraph:

"In addition to the other statutory functions it may exercise regarding the operations of the Fund, the Autorité des marchés financiers conducts, once every three years and whenever it considers it necessary to do so according to a risk-based assessment, an inspection of the Fund's internal affairs and activities to ascertain compliance with this Act in relation to a fiscal year."

(2) Subsection 1 has effect from 1 June 2024.

45. (1) The Act is amended by inserting the following section after section 37:

"**37.1.** For each fiscal year for which no inspection has been conducted under section 37, the Fund must, in the form and within the time prescribed by the Autorité des marchés financiers, assess and document its own compliance with this Act.

The Fund must present the conclusions of that self-assessment in a report prepared in the form prescribed by the Authority.

The report must be sent to the Fund's board of directors, the Minister of Finance and the Authority within the time prescribed by the latter."

(2) Subsection 1 has effect from 1 June 2024.

46. (1) The Act is amended by inserting the following before section 39:

"**DIVISION VII**

"MISCELLANEOUS AND FINAL PROVISIONS".

(2) Subsection 1 has effect from 1 June 2024.

ACT TO ESTABLISH THE FONDS DE SOLIDARITÉ DES TRAVAILLEURS ET DES TRAVAILLEUSES DU QUÉBEC (FTQ)

47. (1) The Act to establish the Fonds de solidarité des travailleurs et des travailleuses du Québec (FTQ) (chapter F-3.2.1) is amended by inserting the following section before section 6.1:

"**6.0.1.** Unless otherwise provided in this Act, the board of directors may delegate its powers to one of its members, to an officer of the Fund or to one or more committees; the latter may be composed of persons who are not members of the board."

(2) Subsection 1 has effect from 1 June 2024.

48. (1) Section 8 of the Act is replaced by the following section:

"**8.** Only a person of full age may acquire or hold a class "A" share or fractional share. The holder of a class "A" share or fractional share may not alienate it.

Subject to section 123.56 of the Companies Act (chapter C-38), a class "A" share or fractional share may be purchased by agreement by the Fund. However, the Fund may purchase such a share or fractional share by agreement only in the cases and to the extent provided by a policy adopted by the board of directors and approved by the Minister of Finance and only at a price not exceeding the redemption price determined in accordance with the second or third paragraph of section 11.

In addition, subject to section 123.53 of the Companies Act, a class "A" share or fractional share may be unilaterally redeemed by the Fund. However, the Fund may unilaterally redeem such a share or fractional share only in compliance with the provisions of a policy adopted by the board of directors and approved by the Minister of Finance and only at a price corresponding to

the redemption price determined in accordance with the second or third paragraph of section 11.

The first paragraph does not prevent the transfer of a class "A" share or fractional share held in a non-registered savings account of the shareholder to another non-registered savings account of the shareholder."

(2) Subsection 1 has effect from 1 June 2024.

49. (1) Section 9 of the Act is amended

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

"Despite section 8, a class "A" share or fractional share may

(1) in the case of a newly acquired share or fractional share, be transferred, immediately after its acquisition, to a trustee within the scope of a registered retirement savings plan under which the shareholder or the shareholder's spouse is the beneficiary; or

(2) in the case of a share or fractional share held in a non-registered savings account of the shareholder, be transferred to a trustee within the scope of a registered retirement savings plan under which the shareholder or the shareholder's spouse or former spouse is the beneficiary.";

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

"However, the beneficiary of the plan is deemed to keep the voting rights attached to the share thus transferred. In addition, for the purposes of the second and third paragraphs of section 8 and section 10, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund."

(2) Subsection 1 has effect from 1 June 2024.

50. (1) Sections 9.1 and 9.2 of the Act are replaced by the following sections:

"**9.1.** Despite section 8, a class "A" share or fractional share, held within the scope of a registered retirement savings plan under which the shareholder or the shareholder's spouse is the beneficiary, may be transferred

(1) to a trustee within the scope of another registered retirement savings plan or a registered retirement income fund described in section 9.4, as the case may be, under which the shareholder or the shareholder's spouse or former spouse is the beneficiary; or

(2) to a non-registered savings account of the shareholder or of the shareholder's spouse or former spouse.

For the purposes of the second and third paragraphs of section 8 and section 10, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund.

Where a share or fractional share is transferred under subparagraph 1 of the first paragraph to a trustee within the scope of a plan or a fund, the following rules apply:

(1) the beneficiary of the plan or fund is deemed to keep the voting rights attached to the share thus transferred; and

(2) subject to the first paragraph and section 9.2, the trustee is subject to section 8 in respect of any transfer to a person other than the beneficiary of the plan or fund.

"**9.2.** Despite section 8, a class "A" share or fractional share, held within the scope of a registered retirement income fund under which the shareholder or the shareholder's spouse is the beneficiary, may be transferred

(1) to a trustee within the scope of a registered retirement income fund described in section 9.4 or a registered retirement savings plan, as the case may be, under which the shareholder or the shareholder's spouse or former spouse is the beneficiary; or

(2) to a non-registered savings account of the shareholder or of the shareholder's spouse or former spouse.

For the purposes of the second and third paragraphs of section 8 and section 10, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund.

Where a share or fractional share is transferred under subparagraph 1 of the first paragraph to a trustee within the scope of a fund or a plan, the following rules apply:

(1) the beneficiary of the fund or plan is deemed to keep the voting rights attached to the share thus transferred; and

(2) subject to the first paragraph and section 9.1, the trustee is subject to section 8 in respect of any transfer to a person other than the beneficiary of the fund or plan."

(2) Subsection 1 has effect from 1 June 2024.

51. (1) The Act is amended by inserting the following sections after section 9.2:

"**9.3.** Despite section 8, a class "A" share or fractional share held in a non-registered savings account of the shareholder may be transferred to a non-registered savings account of the shareholder's spouse or former spouse.

For the purposes of the second and third paragraphs of section 8 and section 10, the spouse or former spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund.

"**9.4.** The registered retirement income fund to which subparagraph 1 of the first paragraph of sections 9.1 and 9.2 refers is the Fund's registered retirement income fund or the fund within the scope of which savings products offered by the Fund may be held."

(2) Subsection 1 has effect from 1 June 2024.

52. (1) Section 10 of the Act is amended

(1) by replacing subparagraphs *a* to *d* of paragraph 1 by the following subparagraphs:

"(*a*) two years prior to the request, where the request is made before 1 June 2027,

"(*b*) three years prior to the request, where the request is made after 31 May 2027 and before 1 June 2029,

"(*c*) four years prior to the request, where the request is made after 31 May 2029 and before 1 June 2031, or

"(*d*) five years prior to the request, where the request is made after 31 May 2031;";

(2) by replacing subparagraphs *a* to *d* of paragraph 2 by the following subparagraphs:

"(*a*) two years prior to the date of redemption, where the request is made before 1 June 2027,

"(*b*) three years prior to the date of redemption, where the request is made after 31 May 2027 and before 1 June 2029,

"(*c*) four years prior to the date of redemption, where the request is made after 31 May 2029 and before 1 June 2031, or

"(*d*) five years prior to the date of redemption, where the request is made after 31 May 2031;";

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

"(6) at the request of a person who is the trustee to whom the share or fractional share has been transferred within the scope of a registered retirement savings plan or registered retirement income fund under which an individual (in this paragraph referred to as the "annuitant") is the beneficiary, if the individual is deceased and

(*a*) the plan or fund is an annuity contract,

(*b*) a person has been designated by the annuitant as the beneficiary under the plan or fund and the person is entitled to receive as such an amount under the plan or fund following the annuitant's death, and

(*c*) the request is made with a view to paying an amount under the plan or fund to the person referred to in subparagraph *b*; or

"(7) at the request of a person who is the beneficiary under a registered retirement savings plan within the scope of which the share or fractional share has been transferred, if the person reaches 71 years of age in the year of the request and the request is made with a view to transferring, on maturity of the plan, the proceeds from the redemption of the share or fractional share to a registered retirement income fund under which the person is the beneficiary."

(2) Subsection 1 has effect from 1 June 2024.

53. (1) Section 10.0.1 of the Act is amended by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) the person has reached 55 years of age and receives or will, within three months after the day of the request, receive a life annuity under a pension plan, an annuity under a registered retirement savings plan, a deferred profit sharing plan or a life income fund or a payment under a registered retirement income fund, unless the annuity or payment is received because of the death of his spouse;".

(2) Subsection 1 has effect from 1 June 2024.

54. (1) The Act is amended by inserting the following section after section 10.1:

"**10.2.** Where a share or fractional share held within the scope of a registered retirement savings plan, a registered retirement income fund or a non-registered savings account (each of which is in this section referred to as an "account") has been the subject of a purchase by agreement under the second paragraph of section 8 or of a redemption under section 10 and where, following that purchase or redemption, there remains in the account but shares or fractional shares issued by the Fund the total value of which is $1,500 or less, the Fund may, subject to section 123.53 of the Companies Act (chapter C-38), unilaterally redeem all of those shares or fractional shares at a price corresponding to the redemption price determined in accordance with the second or third paragraph of section 11 and the account may be closed.

However, the first paragraph does not apply where a share or fractional share has been the subject of a purchase by agreement in accordance with the criteria of the policy referred to in the second paragraph of section 8 that concern the Home Buyers' Plan or the Lifelong Learning Incentive Plan whose provisions

are provided for, respectively, in Titles IV.1 and IV.2 of Book VII of Part I of the Taxation Act (chapter I-3).”

(2) Subsection 1 has effect from 1 June 2024.

55. (1) Section 11 of the Act is amended

(1) by replacing “contemplated in paragraph 1, 2, 3 or 5” in the first paragraph by “referred to in any of paragraphs 1 to 3.1 and 5 to 7”;

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

“The board of directors may also fix the price of redemption referred to in the second paragraph at any other time in the year, on the basis of

(1) an internal valuation which, in each case, is the subject of a special report of chartered accountants confirming continued adherence to the principles and methods used to value the Fund and referred to in the second paragraph; or

(2) a summary internal update of the value of the Fund made in accordance with an internal policy approved by the board of directors which, in each case, is the subject of a report of independent auditors confirming adherence to the policy.”

(2) Paragraph 1 of subsection 1, where it inserts a reference to paragraph 3.1 of section 10 of the Act in the first paragraph of section 11 of the Act, has effect from 24 June 2009 and, where it inserts a reference to paragraphs 6 and 7 of that section 10 in that first paragraph, has effect from 1 June 2024.

(3) Paragraph 2 of subsection 1 has effect from 2 March 2024.

56. (1) Section 11.1 of the Act is replaced by the following section:

“**11.1.** A request for purchase by agreement made under section 8, a request for transfer made under subparagraph 2 of the first paragraph of section 9 or any of sections 9.1 to 9.3 and a request for redemption made under section 10 must be filed with the Fund in the form prescribed by the Fund and accompanied by the information and documents prescribed by the Fund.”

(2) Subsection 1 has effect from 1 June 2024.

57. (1) Section 12 of the Act is amended by replacing the first paragraph by the following paragraph:

“Each shareholder is entitled to receive written confirmation of the number of shares or fractional shares the shareholder holds and of the amount paid for all of them.”

(2) Subsection 1 has effect from 1 June 2024.

58. (1) Section 14.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, to the extent it determines, the board may delegate the power to approve an investment to such a committee or, if the power is delegated in accordance with a policy adopted by the board and approved by the Minister of Finance, to a committee composed of officers of the Fund or to the president and chief executive officer."

(2) Subsection 1 has effect from 1 June 2024.

59. (1) Section 15.0.8 of the Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

"(2) the aggregate of all investments each of which is an investment included in the class provided for in subparagraph 3 of the first paragraph of section 15.0.3 (other than an investment consisting of dwellings and carried out as part of an agreement entered into with the Government or a mandatary of the State) may not exceed 10% of the Fund's average net assets for the preceding fiscal year; and".

(2) Subsection 1 has effect from 1 June 2024.

60. (1) The heading of Division IV of the Act is replaced by the following heading:

"PURCHASE OF SHARES OR FRACTIONAL SHARES BY PAYROLL DEDUCTION OR BY EMPLOYER CONTRIBUTION".

(2) Subsection 1 has effect from 1 June 2024.

61. (1) The Act is amended by inserting the following section after section 27:

"**27.1.** The first and second paragraphs of section 27 apply, with the necessary modifications, to an employer in relation to an amount the employer is required, under a collective agreement, group agreement or any other contract concerning conditions of employment, to pay for the benefit of an employee for the acquisition of class "A" shares or fractional shares."

(2) Subsection 1 has effect from 1 June 2024.

62. (1) Section 28 of the Act is replaced by the following section:

"**28.** An employee for the benefit of whom sums have been remitted in accordance with section 27 is deemed to have subscribed for as many of the Fund's class "A" shares and fractional shares as the sums remitted permit the employee to acquire provided the membership criteria established by the Fund are met."

(2) Subsection 1 has effect from 1 June 2024.

63. (1) The heading of Division V of the Act is replaced by the following heading:

"INSPECTION AND SELF-ASSESSMENT".

(2) Subsection 1 has effect from 1 June 2024.

64. (1) Section 30 of the Act is amended by replacing the first paragraph by the following paragraph:

"In addition to the other statutory functions it may exercise regarding the operations of the Fund, the Autorité des marchés financiers conducts, once every three years and whenever it considers it necessary to do so according to a risk-based assessment, an inspection of the Fund's internal affairs and activities to ascertain whether this Act is being complied with in relation to a fiscal year."

(2) Subsection 1 has effect from 1 June 2024.

65. (1) The Act is amended by inserting the following section after section 30:

"**30.1.** For each fiscal year for which no inspection has been conducted under section 30, the Fund must, in the form and within the time prescribed by the Autorité des marchés financiers, assess and document its own compliance with this Act.

The Fund must present the conclusions of that self-assessment in a report prepared in the form prescribed by the Authority.

The report must be sent to the Fund's board of directors, the Minister of Finance and the Authority within the time prescribed by the latter."

(2) Subsection 1 has effect from 1 June 2024.

66. (1) The Act is amended by inserting the following before section 31:

"**DIVISION VI**

"MISCELLANEOUS AND FINAL PROVISIONS".

(2) Subsection 1 has effect from 1 June 2024.

TOBACCO TAX ACT

67. (1) Section 8 of the Tobacco Tax Act (chapter I-2) is amended

(1) by replacing paragraphs *a* to *b*.1 by the following paragraphs:

"(*a*) $0.209 per cigarette;

"(*b*) $0.209 per gram of any loose tobacco;

"(*b*.1) $0.209 per gram of any leaf tobacco;";

(2) by replacing paragraph *d* by the following paragraph:

"(*d*) $0.3215 per gram of any tobacco other than cigarettes, loose tobacco, leaf tobacco or cigars. However, if the quantity of tobacco contained in a tobacco stick, a roll of tobacco or any other pre-rolled tobacco product designed for smoking is such that the consumer tax payable under this paragraph is less than $0.209 per tobacco stick, roll of tobacco or other pre-rolled tobacco product, the consumer tax is $0.209 per tobacco stick, roll of tobacco or other pre-rolled tobacco product designed for smoking."

(2) Subsection 1 has effect from 13 March 2024. However, where section 8 of the Act applies before 6 January 2025, paragraphs *a* to *b*.1 of that section are to be read as if "0.209" were replaced by "0.199", and paragraph *d* of that section is to be read as if "0.3215" were replaced by "0.3061" and "0.209" were replaced wherever it appears by "0.199".

(3) In addition, not later than 12 April 2024, the following persons must make a report to the Minister of Revenue, in the prescribed form, on the inventory of the tobacco products to which subsection 1 refers that they have in stock at 24:00 on 12 March 2024 and, at the same time, remit to the Minister of Revenue the amount equal to the tobacco tax, computed at the rate in effect on 13 March 2024 in respect of the tobacco products, after deduction of the amount equal to the tobacco tax computed at the rate in effect on 12 March 2024, if remittance has not otherwise been made to the Minister of Revenue:

(1) a person who has not made an agreement under section 17 of the Act and who, in Québec, sells tobacco products in respect of which the amount equal to the tobacco tax has been or should have been collected in advance; and

(2) a collection officer who has made an agreement under section 17 of the Act and who, in Québec, sells tobacco products in respect of which the amount equal to the tobacco tax has been paid in advance or is required to be paid.

(4) The persons referred to in paragraphs 1 and 2 of subsection 3 must also, not later than 7 February 2025, make a report to the Minister of Revenue, in the prescribed form, on the inventory of the tobacco products to which subsection 1 refers that they have in stock at 24:00 on 5 January 2025 and, at the same time, remit to the Minister of Revenue the amount equal to the tobacco

tax, computed at the rate in effect on 6 January 2025 in respect of the tobacco products, after deduction of the amount equal to the tobacco tax computed at the rate in effect on 5 January 2025, if remittance has not otherwise been made to the Minister of Revenue.

(5) For the purposes of subsections 3 and 4, the tobacco products that a person has in stock at 24:00 on 12 March 2024 or 5 January 2025 include any tobacco products that have been acquired by the person but that have not been delivered to the person at that time.

68. Section 10 of the Act is amended by replacing "sous-paragraphe *d*" in the second paragraph in the French text by "paragraphe *d*".

TAXATION ACT

69. (1) Section 1 of the Taxation Act (chapter I-3) is amended

(1) by inserting the following paragraph after paragraph *b* of the definition of "dividend rental arrangement":

"(*b*.1) a specified hedging transaction in respect of a dividend rental arrangement share of the person;";

(2) by replacing paragraph *c* of the definition of "dividend rental arrangement" by the following paragraph:

"(*c*) a synthetic equity arrangement (other than a specified hedging transaction) in respect of a dividend rental arrangement share of the person; or";

(3) by striking out the definitions of "development bond" and "small business bond";

(4) by inserting the following definition in alphabetical order:

""specified hedging transaction", in respect of a dividend rental arrangement share of a person or partnership (in this definition referred to as the "particular person"), means a transaction, within the meaning of section 1079.9, or series of transactions in respect of which the following conditions are satisfied:

(*a*) it is carried out, as the case may be,

i. by the particular person if the particular person is a registered securities dealer or a partnership each member of which is such a dealer, or

ii. by a registered securities dealer or a partnership each member of which is such a dealer (in this definition referred to in either case as the "connected dealer"), if the connected dealer does not deal at arm's length with, or is affiliated with, the particular person;

(*b*) it has the effect, or would have the effect if the transaction or series of transactions were carried out by the particular person, of eliminating all or substantially all of the particular person's risk of loss and opportunity for gain or profit in respect of the dividend rental arrangement share, determined without taking into account any other transaction or series of transactions carried out in respect of the dividend rental arrangement share;

(*c*) an amount would be deductible in respect of the transaction or series of transactions by the particular person or the connected dealer under paragraph *a* of section 21.33 if that paragraph *a* were read without reference to section 21.33.1.1; and

(*d*) if the transaction or series of transactions is carried out by the connected dealer, it can reasonably be considered that the particular person or the connected dealer knew or ought to have known that the effect described in paragraph *b* would result;".

(2) Paragraphs 1, 2 and 4 of subsection 1 apply in respect of a dividend that is paid or becomes payable after 6 April 2022. However, they do not apply in respect of a dividend that is paid or becomes payable before 1 October 2022 if the specified hedging transaction is carried out before 7 April 2022.

(3) Paragraph 3 of subsection 1 has effect from 22 June 2023.

70. Section 7.18 of the Act is amended by replacing subparagraphs ii and iii of subparagraph *b* of the second paragraph by the following subparagraphs:

"ii. property, other than depreciable property, that is a timber resource property or a right in or an option in respect of such property, or

"iii. property, other than capital property, that is an immovable property situated in Canada, including a right in or an option in respect of such property, whether or not the property is in existence."

71. (1) Section 21.4.2.1 of the Act is amended

(1) by replacing the definition of "specified provision" by the following definition:

""specified provision" means any of the provisions of Chapter IV.2, section 83.0.3 or 93.4, paragraph *d* of section 225, section 384.4 or 384.5, the first paragraph of section 418.26, any of sections 418.30, 427.4, 736, 736.0.1, 736.0.1.1, 736.0.2 and 736.0.3.1, paragraph *f* of section 772.13, any of sections 1029.8.36.166.49, 1029.8.36.166.50, 1029.8.36.166.60.54, 1029.8.36.166.60.55, 1029.8.36.171.3 and 1029.8.36.171.4 and any other provision of similar effect.";

(2) by replacing the definition of "attribute trading restriction" by the following definition:

""attribute trading restriction" means any restriction on the use of a tax attribute arising on the application, either alone or in combination with other provisions, of this chapter, section 6.2, Chapter IV.2, sections 21.1 to 21.3.1, 83.0.3, 93.4, 222 to 230.0.0.6, 384.4 and 384.5, the first paragraph of section 418.26, sections 418.30, 427.4, 564.4, 564.4.1 and 727 to 737, paragraph *f* of section 772.13 and sections 1029.8.36.166.49, 1029.8.36.166.50, 1029.8.36.166.60.54, 1029.8.36.166.60.55, 1029.8.36.171.3 and 1029.8.36.171.4;".

(2) Subsection 1 has effect from 9 August 2022.

72. (1) Section 21.4.2.6 of the Act is replaced by the following section:

"**21.4.2.6.** If, at a particular time as part of a transaction or event or series of transactions or events, control of a particular corporation is acquired by a person or group of persons and it can reasonably be concluded that one of the main reasons for the transaction or event or any transaction or event in the series of transactions or events is so that a specified provision does not apply to one or more corporations, the attribute trading restrictions are deemed to apply to each of those corporations as if control of each of those corporations were acquired at that time."

(2) Subsection 1 has effect from 9 August 2022.

73. (1) Section 21.4.33 of the Act is amended by replacing subparagraph i of subparagraph *c* of the second paragraph by the following subparagraph:

"i. is, or would in the absence of sections 21.4.31 and 21.4.32 be, in a functional currency year of the transferor or the transferee and the transferor and the transferee have, or would in the absence of those sections have, different tax reporting currencies at the transfer time, or".

(2) Subsection 1 applies in respect of a transfer of property that occurs after 8 August 2022.

74. (1) Section 21.4.35 of the Act is amended by replacing all occurrences of "corporation" by "person".

(2) Subsection 1 applies in respect of an accrual period that begins after 8 August 2022.

75. (1) Section 21.9.3 of the Act is replaced by the following section:

"**21.9.3.** Where a share of the capital stock of a corporation is issued or its terms or conditions are modified and it may reasonably be considered, having regard to all circumstances, including the rate of interest on any debt or the

dividend provided on any term preferred share, that but for the existence of the debt or the term preferred share, the share would not have been issued or its terms or conditions would not have been modified, and one of the main purposes for its issue or for the modification of its terms or conditions was to avoid a limitation provided by section 740.1 or 845 in respect of a deduction or to avoid or limit the application of section 21.10 or 21.10.1, the share is deemed, from 1 January 1983, to be a term preferred share of the corporation."

(2) Subsection 1 applies in respect of an amount received after 8 August 2022.

76. (1) Section 21.9.4.1 of the Act is amended

(1) by replacing "section 740.1 or 845" by "any of sections 21.10, 21.10.1, 740.1 and 845";

(2) by replacing "réputée, à ce moment, être" in the French text by "réputée, à ce moment,".

(2) Subsection 1 applies in respect of an amount received after 8 August 2022.

77. (1) Section 21.33 of the Act is amended by replacing "under section 21.33.1" in paragraph *a* by "under section 21.33.1 or 21.33.1.1".

(2) Subsection 1 applies in respect of an amount paid or credited after 6 April 2022.

78. (1) The Act is amended by inserting the following section after section 21.33.1:

"**21.33.1.1.** A registered securities dealer that carries out a specified hedging transaction in respect of a dividend rental arrangement share of the registered securities dealer or a person that does not deal at arm's length with, or is affiliated with, the registered securities dealer may deduct, in computing its income from a business or property for a taxation year, an amount (other than any portion of the amount in respect of which a deduction in computing income may be claimed under section 21.33.1 by the registered securities dealer) equal to the lesser of

(*a*) the aggregate of all amounts each of which is an amount that the registered securities dealer becomes obligated in the taxation year to pay to another person as a dividend compensation payment in respect of the specified hedging transaction that, if paid, would be deemed under section 21.32 to have been received by another person as a taxable dividend; and

(*b*) the amount of the dividends that was received under the specified hedging transaction (in this paragraph referred to as the "dividend recipient") by the registered securities dealer or the person that does not deal at arm's length with, or is affiliated with, the registered securities dealer and that was identified in the dividend recipient's fiscal return under this Part for the year as an amount

in respect of which no amount was deductible because of section 740.4.1 in computing the dividend recipient's taxable income."

(2) Subsection 1 applies in respect of an amount paid or credited after 6 April 2022.

79. (1) Section 21.33.2 of the Act is amended by replacing subparagraph *b* of the second paragraph by the following subparagraph:

"(*b*) for the purposes of sections 21.33.1 and 21.33.1.1, the corporation is deemed to become obligated, in the year, to pay the agreed proportion in its respect, for each fiscal period of the partnership that ends in the year, of the amount the partnership becomes, in that fiscal period, obligated to pay to another person under the arrangement referred to in paragraph *a* of either of those sections, as applicable."

(2) Subsection 1 applies in respect of an amount paid or credited after 6 April 2022.

80. (1) Section 64.3 of the Act is replaced by the following section:

"**64.3.** No amount may be deducted for the year by an individual under any of sections 62, 63 and 63.1 unless the individual files with the Minister, together with the individual's fiscal return for the year under this Part, a prescribed form in which the individual's employer confirms that the conditions set out in that section were met in the year in respect of the individual."

(2) Subsection 1 has effect from 22 June 2023.

81. (1) Section 76 of the Act is amended by replacing the third paragraph by the following paragraph:

"No amount may be deducted for the year by an individual under the first paragraph unless the individual files with the Minister, together with the individual's fiscal return for the year under this Part, a prescribed form in which the individual's employer confirms that the conditions set out in that paragraph were met in the year in respect of the individual."

(2) Subsection 1 has effect from 22 June 2023.

82. (1) Section 78 of the Act is amended by replacing the second paragraph by the following paragraph:

"However, no such amounts may be deducted for the year by the individual unless the individual files with the Minister, together with the individual's fiscal return for the year under this Part, a prescribed form in which the individual's employer confirms that the conditions set out in the first paragraph were met in the year in respect of the individual."

(2) Subsection 1 has effect from 22 June 2023.

83. (1) Section 92 of the Act is amended by replacing ", a small business bond, an indexed debt obligation or a development bond" in the second paragraph by "or an indexed debt obligation".

(2) Subsection 1 has effect from 22 June 2023.

84. Section 92.1 of the Act is amended by replacing "an interest in" by "a right in".

85. (1) Section 92.7 of the Act is amended by striking out subparagraphs vi and vii of paragraph *a*.

(2) Subsection 1 has effect from 22 June 2023.

86. (1) Section 93.21 of the Act is amended by replacing "and 93.22" by ", 93.22 and 93.23".

(2) Subsection 1 has effect from 1 January 2017.

87. (1) The Act is amended by inserting the following section after section 93.22:

"**93.23.** Where a taxpayer makes a valid election under paragraph *g* of subsection 43 of section 13 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) in respect of an amount that is part of the proceeds of disposition of an incorporeal capital property of the taxpayer in respect of a business, the amount is to be included in computing the taxpayer's income from a business for a taxation year and is deemed not to be a taxable capital gain.

Chapter V.2 of Title II of Book I applies in relation to an election made under paragraph *g* of subsection 43 of section 13 of the Income Tax Act. However, for the purpose of applying section 21.4.7 to such an election, the taxpayer is deemed to have complied with a requirement of section 21.4.6 if the taxpayer complies with it on or before 5 June 2025."

(2) Subsection 1 has effect from 1 January 2017.

88. (1) Section 96.0.2 of the Act is amended by replacing the portion of subparagraph *d* of the second paragraph before subparagraph i by the following:

"(*d*) any amount that would, but for this paragraph, be included in the cost of a property of the transferee included in Class 14.1 of Schedule B to the Regulation respecting the Taxation Act (chapter I-3, r. 1) (including a deemed acquisition under section 93.15) or included in the proceeds of disposition of a property of the transferor included in that class (including a deemed

disposition under section 93.17) in respect of the disposition or termination of the former property by the transferor is deemed to be".

(2) Subsection 1 applies in respect of a disposition that occurs after 31 December 2016.

89. (1) Section 114 of the Act is amended

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

"Section 113 does not apply if the loan was made or the indebtedness arose in the ordinary course of the lender's or creditor's business, and bona fide arrangements were made, at the time the loan was made or the indebtedness arose, for repayment of the loan or debt within a reasonable time and, in the case of a loan, if the lending of money was part of the lender's ordinary business, other than a business for which less than 90% of the aggregate outstanding amount of the loans made to the business, at any time during which the loan is outstanding, is owing by borrowers who deal at arm's length with the lender.";

(2) by replacing "réfère le deuxième alinéa" in the portion before subparagraph *a* of the third paragraph in the French text by "le deuxième alinéa fait référence";

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

"For the purposes of this paragraph and the first paragraph,

(*a*) a person or partnership that is a member of a particular partnership that is a member of another partnership is deemed to be a member of the other partnership; and

(*b*) a borrower is considered to deal at arm's length with a lender only if

i. the borrower and the lender deal with each other at arm's length,

ii. where either the borrower or the lender is a partnership and the other party is not, each member of the partnership deals at arm's length with the other party, and

iii. where both the borrower and the lender are partnerships, the borrower and each member of the borrower deal at arm's length with the lender and each member of the lender."

(2) Subsection 1 applies in respect of a loan made after 31 December 2022. In addition, subsection 1, section 113 of the Act and all provisions of the Act that are relevant to the interpretation and application of that section 113 apply in respect of any portion of a particular loan made before 1 January 2023 that remains outstanding on that date—as if that portion were a separate loan that was made on that date in the same manner and on the same terms as the

particular loan—provided the particular loan met the requirements of the first paragraph of section 114 of the Act as it applied at the time the particular loan was made.

90. (1) Divisions IV.1 and IV.2 of Chapter II of Title III of Book III of Part I of the Act, comprising sections 119.2 to 119.22, are repealed.

(2) Subsection 1 has effect from 22 June 2023.

91. Section 125.0.1 of the Act is amended by replacing "an interest in" in the portion before paragraph *a* by "a right in".

92. (1) Section 140.1 of the Act is amended by replacing ", an income debenture, a small business bond or small business development bond" in subparagraph *b* of the second paragraph by "or an income debenture".

(2) Subsection 1 has effect from 22 June 2023.

93. (1) Section 143 of the Act is amended by striking out "for the year".

(2) Subsection 1 applies to a taxation year that ends after 31 December 2007.

(3) Despite sections 1010 to 1011 of the Act, the Minister of Revenue shall, under Part I of the Act, make any assessments of a taxpayer's tax, interest and penalties as are necessary for any taxation year that ends before 9 August 2022 to give effect to subsections 1 and 2 of this section and section 219, where the taxpayer has made a valid election in accordance with subsection 7 of section 8 of the Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023 (Statutes of Canada, 2023, chapter 26). Sections 93.1.8 and 93.1.12 of the Tax Administration Act (chapter A-6.002) apply to such assessments, with the necessary modifications.

(4) Chapter V.2 of Title II of Book I of Part I of the Act applies in relation to an election made under subsection 7 of section 8 of the Act to implement certain provisions of the budget tabled in Parliament on March 28, 2023. However, for the application of section 21.4.7 of the Taxation Act to such an election, the taxpayer is deemed to have complied with a requirement of section 21.4.6 of the Act if the taxpayer complies with it on or before 3 June 2025.

94. (1) Section 147.2 of the Act is replaced by the following section:

"**147.2.** For the purposes of sections 147 and 147.1, where a partnership has ceased to exist, the following rules apply:

(*a*) no amount may be deducted by the partnership under section 147 in computing its income for its last fiscal period; and

(*b*) any person or partnership that was a member of the partnership at the time that is immediately before the end of the partnership's last fiscal period (in this paragraph referred to as the "particular time") may deduct, for a taxation year ending after the particular time, that proportion of the amount that would, but for this section, have been deductible under section 147 by the partnership in the fiscal period that would have ended in the year had the partnership continued to exist and had the partnership interest not been redeemed, acquired or cancelled, that the fair market value of the member's interest in the partnership at the particular time is of the fair market value of all the interests in the partnership at the particular time."

(2) Subsection 1 has effect from 26 June 2013.

95. (1) Section 156.7.6 of the Act is replaced by the following section:

"**156.7.6.** A taxpayer may deduct, in computing income from a business for a taxation year, an amount equal to 30% of the aggregate of all amounts each of which is an amount deducted by the taxpayer in computing income for the preceding taxation year under paragraph *a* of section 130 or the second paragraph of section 130.1 in respect of a prescribed depreciable property acquired after 3 December 2018 and before 1 January 2024."

(2) Subsection 1 has effect from 1 January 2024.

96. (1) Section 167 of the Act is amended by replacing ", an income debenture, a development bond or a small business bond" in the first paragraph by "or an income debenture".

(2) Subsection 1 has effect from 22 June 2023.

97. (1) Section 167.1 of the Act is amended by replacing ", an income debenture, a small business development bond or a small business bond" in the portion before paragraph *a* by "or an income debenture".

(2) Subsection 1 has effect from 22 June 2023.

98. Section 248 of the Act is amended by replacing subparagraph i of subparagraph *b* of the first paragraph by the following subparagraph:

"i. where the property is a share, bond, debenture, bill, hypothecary claim, mortgage, agreement of sale or other similar property, or a right in such property, the property is in whole or in part redeemed, acquired or cancelled,".

99. Section 251.1 of the Act is amended, in the definition of "flow-through entity" in the first paragraph,

(1) by replacing "pour le bénéfice" in subparagraph *d* in the French text by "au bénéfice";

(2) by replacing "pour le bénéfice" in subparagraph *e* in the French text by "au bénéfice" and by replacing "interests in" in that subparagraph by "rights in".

100. (1) Section 274.0.1 of the Act is amended by adding the following subparagraph at the end of subparagraph *c*.1 of the second paragraph:

"iv. a trust a specified beneficiary of which for the year is a qualifying individual (within the meaning of section 274.0.2) for the year in respect of the trust and under which

(1) no person other than such a beneficiary may, during the beneficiary's lifetime, receive any of the income or capital of the trust or obtain the enjoyment of such income or capital, and

(2) the trustees are required to consider the needs of the beneficiary, including the beneficiary's comfort, care and maintenance; and".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2016.

101. (1) The Act is amended by inserting the following section after section 274.0.1:

"**274.0.2.** For the purposes of subparagraph iv of subparagraph *c*.1 of the second paragraph of section 274.0.1, a qualifying individual, for a taxation year in respect of a trust, means an individual who

(*a*) is, in the year,

i. the settlor of the trust,

ii. the child, grandchild, great-grandchild, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, uncle, aunt, nephew or niece of the settlor of the trust or of the spouse or former spouse of the settlor, or

iii. the spouse or former spouse of any person described in subparagraph i or ii;

(*b*) is resident in Canada during the year; and

(*c*) is an individual in respect of whom subparagraphs *a* to *c* of the first paragraph of section 752.0.14 apply for the year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2016.

102. (1) Section 339 of the Act is amended by replacing "section 965.0.16.1" in paragraph *b* by "section 965.0.16.1 or 965.0.25".

(2) Subsection 1 has effect from 14 December 2012.

103. (1) Section 359.10 of the Act is amended by replacing the portion before subparagraph *a* of the first paragraph by the following:

"**359.10.** A corporation that agrees to issue or prepares a selling instrument in respect of flow-through shares shall file with the Minister a prescribed form together with the prescribed amount and a copy of the selling instrument or agreement to issue the shares on or before the last day of the month following the earlier of".

(2) Subsection 1 has effect from 1 January 2025.

104. (1) Section 399.3 of the Act is amended

(1) by replacing "aux fins de la présente partie, être" in the first paragraph in the French text by "pour l'application de la présente partie,";

(2) by replacing the portion of the second paragraph before subparagraph *a* in the French text by the following:

"Les événements auxquels le premier alinéa fait référence sont les suivants :";

(3) by replacing "réfère" in the portion of the third paragraph before subparagraph *a* in the French text by "fait référence";

(4) by replacing subparagraph *c* of the third paragraph by the following subparagraph:

"(*c*) all Canadian development expenses described in subparagraph ii of paragraph *a* of section 408 and incurred by the taxpayer in respect of the well in a taxation year preceding the year, other than

i. expenses referred to in subparagraph *a* or *b*,

ii. restricted expenses, and

iii. expenses for a well referred to in subparagraph *a* of the second paragraph that are incurred, as the case may be,

(1) after 31 December 2020, including expenses that are deemed by section 359.8 to have been incurred on 31 December 2020, if the expenses are incurred in connection with an obligation in writing entered into by the taxpayer before 22 March 2017, including an obligation towards a government under the terms of a license or permit, or

(2) after 31 December 2018, including expenses that are deemed by section 359.8 to have been incurred on 31 December 2018, in any other case."

(2) Paragraph 4 of subsection 1 has effect from 22 June 2023.

105. (1) Section 482 of the Act is amended by replacing subparagraph *c* of the second paragraph by the following subparagraph:

"(*c*) a salary, wages or other remuneration in respect of an office or employment where that expense of the taxpayer is taken into account for the purpose of determining, for a taxation year, the amount that the taxpayer may deduct in computing tax payable under any of Titles III.3.1 to III.5 of Book V or that the taxpayer is deemed to have paid to the Minister on account of tax payable under Chapter III.1 of Title III of Book IX."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

106. Section 484.11 of the Act is amended by replacing "interest in" in the portion of subparagraph *b* of the first paragraph before subparagraph i by "rights in".

107. (1) Section 485 of the Act is amended by striking out "119.4, 119.17," in the definition of "commercial debt obligation".

(2) Subsection 1 has effect from 22 June 2023.

108. (1) Section 576.2 of the Act is repealed.

(2) Subsection 1 has effect from 1 January 2023.

109. (1) Section 577.5 of the Act is replaced by the following section:

"**577.5.** A taxpayer must include in computing income for a taxation year, in relation to a loan or indebtedness, an amount equal to the amount that is required by subsection 6 of section 90 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement) to be included, in respect of the loan or indebtedness, in computing the taxpayer's income for the year for the purposes of that Act."

(2) Subsection 1 has effect from 1 January 2023.

110. (1) Sections 577.5.1 to 577.7.1 of the Act are repealed.

(2) Subsection 1 has effect from 1 January 2023.

111. (1) Section 577.8 of the Act is replaced by the following section:

"**577.8.** A corporation may deduct in computing its income for a taxation year, in relation to a loan or indebtedness, an amount equal to the amount that the corporation deducts for the year in relation to the loan or indebtedness under subsection 9 of section 90 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement)."

(2) Subsection 1 has effect from 1 January 2023.

112. (1) Section 577.10 of the Act is repealed.

(2) Subsection 1 has effect from 1 January 2023.

113. (1) Section 577.11 of the Act is replaced by the following section:

"**577.11.** A taxpayer may deduct in computing income for a taxation year, in relation to a loan or indebtedness, an amount equal to the amount that the taxpayer deducts for the year in relation to the loan or indebtedness under subsection 14 of section 90 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement)."

(2) Subsection 1 has effect from 1 January 2023.

114. (1) Section 592.1 of the Act is amended by striking out ", 576.2" in subparagraph *a* of the second paragraph.

(2) Subsection 1 has effect from 1 January 2023.

115. (1) Section 603 of the Act is amended by striking out ", 119.15" in the portion before paragraph *a*.

(2) Subsection 1 has effect from 22 June 2023.

116. (1) Section 623 of the Act is amended by adding the following paragraphs at the end:

"Where the property referred to in the first paragraph is an interest in a partnership (in the fourth paragraph referred to as the "other partnership"), the person's share of the fair market value of the property immediately after its distribution to the person is deemed to be equal to the amount determined by the formula

A − B.

In the formula in the third paragraph,

(*a*) A is the person's share of the fair market value (determined without reference to the third paragraph) of the property immediately after its distribution; and

(*b*) B is the portion of the amount by which the person's share of the fair market value (determined without reference to the third paragraph) of the property immediately after its distribution exceeds the person's share of the cost amount to the partnership of the property immediately before its distribution that may reasonably be regarded as being attributable to the aggregate of all amounts each of which is, immediately after the particular time referred to in the first paragraph of section 620,

i. in the case of depreciable property held directly by the other partnership or held indirectly by the other partnership through one or more other partnerships, the amount by which the fair market value (determined without reference to liabilities) of that property exceeds its cost amount,

ii. in the case of a Canadian resource property or a foreign resource property held directly by the other partnership or held indirectly by the other partnership through one or more other partnerships, the fair market value (determined without reference to liabilities) of that property, or

iii. in the case of property other than a capital property, a Canadian resource property or a foreign resource property that is held directly by the other partnership or held indirectly by the other partnership through one or more other partnerships, the amount by which the fair market value (determined without reference to liabilities) of that property exceeds its cost amount."

(2) Subsection 1 applies in respect of a partnership dissolved after 8 August 2022.

117. (1) Section 629 of the Act is amended by adding the following paragraphs at the end:

"Where the property referred to in the first paragraph is an interest in a partnership (in the fourth paragraph referred to as the "other partnership"), the fair market value of the property immediately after the particular time is deemed to be equal to the amount determined by the formula

A − B.

In the formula in the third paragraph,

(*a*) A is the fair market value (determined without reference to the third paragraph) of the property immediately after its distribution to the person referred to in section 626; and

(*b*) B is the portion of the amount by which the fair market value (determined without reference to the third paragraph) of the property immediately after its distribution to the person referred to in section 626 exceeds the cost amount to the partnership of the property immediately before its distribution that may reasonably be regarded as being attributable to the aggregate of all amounts each of which is, immediately after the particular time,

i. in the case of depreciable property held directly by the other partnership or held indirectly by the other partnership through one or more other partnerships, the amount by which the fair market value (determined without reference to liabilities) of that property exceeds its cost amount,

ii. in the case of a Canadian resource property or a foreign resource property held directly by the other partnership or held indirectly by the other partnership

through one or more other partnerships, the fair market value (determined without reference to liabilities) of that property, or

iii. in the case of property other than a capital property, a Canadian resource property or a foreign resource property that is held directly by the other partnership or held indirectly by the other partnership through one or more other partnerships, the amount by which the fair market value (determined without reference to liabilities) of that property exceeds its cost amount."

(2) Subsection 1 applies in respect of a partnership dissolved after 8 August 2022.

118. (1) Section 646 of the Act is amended by replacing the third paragraph by the following paragraph:

"However, except for the purposes of this section, subparagraph v of subparagraph *b* of the first paragraph of section 248, subparagraph *g* of the second paragraph of that section and sections 646.1 and 1000, an arrangement under which a trust can reasonably be considered to act as agent or mandatary for all of the beneficiaries under the trust with respect to all dealings with all of the trust's property, is deemed not to be a trust, unless the trust is described in any of subparagraphs *a* to *d* of the third paragraph of section 647."

(2) Subsection 1 applies to a taxation year that ends after 30 December 2023.

119. (1) Section 650 of the Act is replaced by the following section:

"**650.** For the purposes of the second paragraph of section 21.43, subparagraph iv of subparagraph *c*.1 of the second paragraph of section 274.0.1, the definition of "exempt foreign trust" in the first paragraph of section 593 and the definition of "income interest" in section 683, the income of a trust is computed without reference to the provisions of this Part and, for the purposes of the second paragraph of sections 440 to 441.2, paragraph *c* of section 454.1, the definition of "pre-1972 spousal trust" in section 652.1 and subparagraph *a* of the first paragraph of section 653, the income of a trust is equal to its income computed without reference to the provisions of this Part minus any dividend included in that income that is not included by reason of sections 501 to 503 in computing the income of the trust for the purposes of the other provisions of this Part, or that is referred to in section 1106 or 1116."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2016.

120. (1) Section 725.0.1 of the Act is amended

(1) by replacing paragraph *b* of the definition of "band" by the following paragraph:

"(*b*) an entity that is either a Cree First Nation within the meaning of subsection 2 of section 2 of the Cree Nation of Eeyou Istchee Governance

Agreement Act (Statutes of Canada, 2018, chapter 4, section 1) or a band within the meaning of subsection 1 of section 2 of the Naskapi and the Cree-Naskapi Commission Act (Statutes of Canada, 1984, chapter 18);";

(2) by striking out paragraph *c* of the definition of "band";

(3) by replacing paragraph *b* of the definition of "council of the band" by the following paragraph:

"(*b*) in the case of an entity that is a Cree First Nation referred to in paragraph *b* of the definition of "band", the council of a Cree First Nation within the meaning of section 5.9 of the agreement defined in subsection 1 of section 2 of the Cree Nation of Eeyou Istchee Governance Agreement Act and, in the case of an entity that is a band referred to in that paragraph *b*, a council within the meaning of subsection 1 of section 2 of the Naskapi and the Cree-Naskapi Commission Act; or";

(4) by replacing paragraph *b* of the definition of "reserve" by the following paragraph:

"(*b*) Category IA land within the meaning of subsection 2 of section 2 of the Cree Nation of Eeyou Istchee Governance Agreement Act or Category IA-N land within the meaning of subsection 1 of section 2 of the Naskapi and the Cree-Naskapi Commission Act;".

(2) Paragraphs 1, 3 and 4 of subsection 1 have effect from 29 March 2018.

121. Section 726.39 of the Act is amended by adding the following paragraph at the end:

"For the purposes of subparagraph *b* of the first paragraph, a corporation is associated with another corporation in a taxation year only if it is associated in the year with that other corporation for the purposes of Title II of Book V."

122. (1) Section 737.18.17.5.1 of the Act is amended by replacing the portion of subparagraph iv of subparagraph *a* of the sixth paragraph before subparagraph 1 by the following:

"iv. in the case of a deemed large investment project within the meaning of section 737.18.17.1.1, where the first taxation year to which the computation method election in relation to the project applies is not subsequent to the taxation year that includes the last day of the tax-free period in respect of the first large investment project and where the particular year is not that first year and is referred to in subparagraph 1 or 2, whichever of the following amounts is applicable:".

(2) Subsection 1 has effect from 21 March 2023.

123. (1) Section 737.18.43 of the Act is amended

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

""adjusted gross revenue" of a corporation for a taxation year means its gross revenue for the year, determined without reference to any interest income and any dividend income;

""adjusted income" of a corporation for a taxation year means the amount that would be determined in respect of the corporation for the year under section 28 if no reference were made to its paragraph *b* and to the following amounts:

(*a*) any interest income;

(*b*) any dividend income; and

(*c*) any share of the corporation in the income or loss of a partnership;";

(2) by replacing the portion of the definition of "gross revenue from the commercialization of an asset" before paragraph *a* by the following:

""gross revenue from commercialization" in respect of an asset of a corporation for a taxation year means the portion of the corporation's gross revenue for the year that is reasonably attributable to an establishment of the corporation situated in Québec and that consists of the following income, except for any excluded income in respect of the asset for the year:";

(3) by inserting the following definition in alphabetical order:

""excluded income", in respect of an asset for a taxation year, means income referred to in any of paragraphs *a* to *d* of the definition of "gross revenue from commercialization" that was taken into account in determining an amount deductible under section 737.18.44 in respect of another asset for the year;".

(2) Paragraph 1 of subsection 1 applies to a taxation year that begins after 31 December 2023.

(3) Paragraphs 2 and 3 of subsection 1 apply to a taxation year that begins after 31 December 2020.

124. (1) Section 737.18.44 of the Act is amended

(1) by replacing subparagraphs *a* to *c* of the second paragraph by the following subparagraphs:

"(*a*) A is the corporation's adjusted income for the particular year;

"(*b*) B is the gross revenue from commercialization in respect of the corporation's particular asset for the particular year;

"(*c*) C is the corporation's adjusted gross revenue for the particular year;";

(2) by replacing subparagraph *e* of the second paragraph by the following subparagraph:

"(*e*) E is

i. where the particular year begins before 1 January 2030, the quotient obtained by dividing by seven, subject to the fourth paragraph, the total of all fractions each of which is determined, in respect of a year (in subparagraphs *e* and *f* of the third paragraph referred to as a "year concerned") that is either the particular year or any of the six preceding taxation years, by the formula

K/L, or

ii. where the particular year begins after 31 December 2029, the quotient determined by the formula

M/N; and";

(3) by replacing the formula in subparagraph *f* of the second paragraph by the following formula:

"(O − P)/O";

(4) by replacing subparagraph *b* of the third paragraph by the following subparagraph:

"(*b*) H is the corporation's adjusted income for the particular year;";

(5) by replacing subparagraphs *d* to *h* of the third paragraph by the following subparagraphs:

"(*d*) J is the corporation's adjusted gross revenue for the particular year;

"(*e*) K is

i. where the year concerned begins before 1 January 2024, an amount equal to the lesser of the amount determined under subparagraph i of subparagraph *f* for the year concerned and the total of

(1) the aggregate of all amounts each of which is the amount of wages paid by the corporation and described in subparagraph *a* of the first paragraph of section 1029.7 for the year concerned,

(2) the aggregate of all amounts each of which is the portion of a consideration paid by the corporation and referred to in any of subparagraphs *b*,

b.1, *d*, *d*.1, *f*, *f*.1, *h* and *h*.1 of the first paragraph of section 1029.7 for the year concerned,

(3) 50% of the aggregate of all amounts, other than an amount described in subparagraph 4, each of which is the portion of a consideration paid by the corporation and referred to in any of subparagraphs *c*, *e*, *g* and *i* of the first paragraph of section 1029.7 for the year concerned,

(4) 80% of the aggregate of all amounts each of which is the total or partial amount of an expenditure paid by the corporation and described in subparagraph *b* of the first paragraph of section 1029.8.6 for the year concerned, and

(5) the product obtained by multiplying, by the proportion that the business carried on in Québec by the corporation in the year concerned is of the aggregate of its business carried on in Canada or in Québec and elsewhere in the year concerned, as determined under subsection 2 of section 771, half of the aggregate of the amounts that, for the year concerned, are described in neither subparagraph 3 nor subparagraph 4, but would be described in either of those subparagraphs if all the scientific research and experimental development work undertaken on behalf of the corporation outside Québec had been undertaken in Québec, or

ii. where the year concerned begins after 31 December 2023, an amount equal to the lesser of the amount determined under subparagraph ii of subparagraph *f* for the year concerned and the total of

(1) the aggregate of all amounts each of which is the amount of wages described in subparagraph *a* of the first paragraph of section 1029.7 for the year concerned and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset,

(2) the aggregate of all amounts each of which is the portion of a consideration referred to in any of subparagraphs *b*, *b*.1, *d*, *d*.1, *f*, *f*.1, *h* and *h*.1 of the first paragraph of section 1029.7 for the year concerned and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset,

(3) 50% of the aggregate of all amounts, other than an amount described in subparagraph 4, each of which is the portion of a consideration referred to in any of subparagraphs *c*, *e*, *g* and *i* of the first paragraph of section 1029.7 for the year concerned and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset,

(4) 80% of the aggregate of all amounts each of which is the total or partial amount of an expenditure described in subparagraph *b* of the first paragraph of section 1029.8.6 for the year concerned and paid by the corporation in respect

of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset, and

(5) the product obtained by multiplying, by the proportion that the business carried on in Québec by the corporation in the year concerned is of the aggregate of its business carried on in Canada or in Québec and elsewhere in the year concerned, as determined under subsection 2 of section 771, half of the aggregate of the amounts that, for the year concerned, are described in neither subparagraph 3 nor subparagraph 4, but would be described in either of those subparagraphs if all the scientific research and experimental development work undertaken on behalf of the corporation outside Québec had been undertaken in Québec;

"(*f*) L is the greater of $1 and

i. where the year concerned begins before 1 January 2024, the total of

(1) the aggregate of the amounts that would be described in subparagraph 1 of subparagraph i of subparagraph *e* for the year concerned if all the wages paid by the corporation in respect of scientific research and experimental development work had been paid to employees of an establishment situated in Québec,

(2) the aggregate of the amounts that would be described in subparagraph 2 of subparagraph i of subparagraph *e* for the year concerned if all the scientific research and experimental development work undertaken on behalf of the corporation had been undertaken in Québec, and

(3) 50% of the aggregate of the amounts that, for the year concerned, would be described in subparagraph 3 or 4 of subparagraph i of subparagraph *e* if all the scientific research and experimental development work undertaken on behalf of the corporation had been undertaken in Québec, or

ii. where the year concerned begins after 31 December 2023, the total of

(1) the aggregate of the amounts that would be described in subparagraph 1 of subparagraph ii of subparagraph *e* for the year concerned if all the wages paid by the corporation in respect of scientific research and experimental development work had been paid to employees of an establishment situated in Québec,

(2) the aggregate of the amounts that would be described in subparagraph 2 of subparagraph ii of subparagraph *e* for the year concerned if all the scientific research and experimental development work undertaken on behalf of the corporation had been undertaken in Québec, and

(3) 50% of the aggregate of the amounts that, for the year concerned, would be described in subparagraph 3 or 4 of subparagraph ii of subparagraph *e* if all the scientific research and experimental development work undertaken on behalf of the corporation had been undertaken in Québec;

"(*g*) M is an amount equal to the lesser of the amount determined under subparagraph *h* in relation to the particular year and the total of

i. the aggregate of all amounts each of which is the amount of wages described in subparagraph *a* of the first paragraph of section 1029.7 for a taxation year that begins after 31 December 2023 and ends on or before the last day of the particular year (each of those years being in this subparagraph and subparagraph *h* referred to as a "year concerned") and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset,

ii. the aggregate of all amounts each of which is the portion of a consideration referred to in any of subparagraphs *b*, *b*.1, *d*, *d*.1, *f*, *f*.1, *h* and *h*.1 of the first paragraph of section 1029.7 for a year concerned and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset,

iii. 50% of the aggregate of the amounts, other than an amount described in subparagraph iv, each of which is the portion of a consideration referred to in any of subparagraphs *c*, *e*, *g* and *i* of the first paragraph of section 1029.7 for a year concerned and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset,

iv. 80% of the aggregate of all amounts each of which is the total or partial amount of an expenditure described in subparagraph *b* of the first paragraph of section 1029.8.6 for a year concerned and paid by the corporation in respect of scientific research and experimental development work that contributed directly to the creation, development or improvement of the particular asset, and

v. the aggregate of all amounts each of which is the product obtained by multiplying, by the proportion that the business carried on in Québec by the corporation for a year concerned is of the aggregate of its business carried on in Canada or in Québec and elsewhere in that year concerned, as determined under subsection 2 of section 771, half of the aggregate of the amounts that, for the year concerned, are described in neither subparagraph iii nor subparagraph iv, but would be described in either of those subparagraphs if all the scientific research and experimental development work undertaken on behalf of the corporation outside Québec had been undertaken in Québec;

"(*h*) N is the greater of $1 and the total of

i. the aggregate of the amounts that would be described in subparagraph i of subparagraph *g* for a year concerned if all the wages paid by the corporation in respect of scientific research and experimental development work had been paid to employees of an establishment situated in Québec,

ii. the aggregate of the amounts that would be described in subparagraph ii of subparagraph *g* for a year concerned if all the scientific research and experimental development work undertaken on behalf of the corporation had been undertaken in Québec, and

iii. 50% of the aggregate of the amounts that would be described in subparagraph iii or iv of subparagraph *g* for a year concerned if all the scientific research and experimental development work undertaken on behalf of the corporation had been undertaken in Québec;";

(6) by adding the following subparagraphs at the end of the third paragraph:

"(*i*) O is the basic rate determined in respect of the corporation for the particular year under section 771.0.2.3.1; and

"(*j*) P is 2%.";

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

"Where a corporation has incurred an amount described in any of subparagraphs 1 to 3 of subparagraph i or ii of subparagraph *f* of the third paragraph for the first time in the particular year or any of the five preceding taxation years, subparagraph i of subparagraph *e* of the second paragraph is to be read as if "seven" were replaced by the number of taxation years included in the period that begins at the beginning of the taxation year in which the corporation first incurred such an amount and ends at the end of the particular year.";

(8) by replacing "subparagraphs *e* and *f*" in the portion of the fifth paragraph before subparagraph *a* by "subparagraphs *e* to *h*".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2023.

125. (1) Section 752.0.8 of the Act is amended by replacing subparagraph iii.1 of paragraph *a* by the following subparagraph:

"iii.1. a payment (other than a payment described in subparagraph i) payable on a periodic basis under a money purchase provision, within the meaning assigned by section 965.0.1, of a registered pension plan or under a specified pension plan,".

(2) Subsection 1 applies from the taxation year 2019.

126. (1) Section 771.2.1.2.1 of the Act is amended by replacing "for the predecessor corporation's taxation year" in the sixth paragraph by "for a taxation year of the predecessor corporation".

(2) Subsection 1 applies to a taxation year of a corporation that ends after 27 June 2023.

127. (1) The Act is amended by inserting the following Titles after section 776.1.18:

"**TITLE III.3.1**

"TAX CREDIT FOR MULTIMEDIA TITLES (GENERAL)

"**776.1.18.1.** In this Title,

"government assistance" has the meaning assigned by section 1029.6.0.0.1 for the purposes of Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX;

"non-government assistance" has the meaning assigned by section 1029.6.0.0.1 for the purposes of Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX;

"qualified labour expenditure" of a corporation for a taxation year has the meaning assigned by section 1029.8.36.0.3.8;

"unused portion of the tax credit" of a corporation for a taxation year means the amount by which the maximum amount that the corporation could deduct under section 776.1.18.2 for the year if it had sufficient tax payable under this Part for the year exceeds the tax payable by the corporation for that year under this Part, determined before the application of that section and the second paragraph of section 776.1.18.3.

"**776.1.18.2.** A corporation that, for the purposes of Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX, is a qualified corporation for a taxation year may deduct from its tax payable under this Part for the year, determined before the application of this section and the second paragraph of section 776.1.18.3, an amount equal to the product obtained by multiplying the percentage specified in the second paragraph by the aggregate of all amounts each of which is a qualified labour expenditure of the corporation for the year in respect of which the corporation is deemed to have paid an amount to the Minister for that year under that Division II.6.0.1.2.

The percentage to which the first paragraph refers is

(*a*) 2.5%, where the taxation year begins after 31 December 2024 but before 1 January 2026;

(*b*) 5%, where the taxation year begins after 31 December 2025 but before 1 January 2027;

(*c*) 7.5%, where the taxation year begins after 31 December 2026 but before 1 January 2028; or

(*d*) 10%, where the taxation year begins after 31 December 2027.

"**776.1.18.3.** A corporation may deduct from its tax payable under this Part, determined before the application of this Title, for a taxation year in respect of which the corporation is deemed to have paid an amount to the Minister under Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX, its unused portions of the tax credit for the 20 taxation years that precede that taxation year.

Similarly, a corporation may deduct from its tax payable under this Part, determined before the application of this paragraph, for a taxation year that begins after 31 December 2024 and in respect of which the corporation is deemed to have paid an amount to the Minister under Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX, its unused portions of the tax credit for the three taxation years that follow that taxation year.

"**776.1.18.4.** No amount is deductible under section 776.1.18.3 in respect of an unused portion of the tax credit for a taxation year until the unused portions of the tax credit for the preceding taxation years that are deductible have been deducted.

In addition, an unused portion of the tax credit may be deducted for a taxation year under section 776.1.18.3 only to the extent that it exceeds the aggregate of the amounts deducted in its respect for the preceding taxation years under that section.

"**776.1.18.5.** For the purpose of computing the amount that a corporation may deduct under section 776.1.18.3 for a particular taxation year in respect of its unused portions of the tax credit for the taxation years preceding the particular year, the total of those unused portions of the tax credit that would be deductible for that particular year if no reference were made to this section and section 776.1.18.6 is to be reduced by the amount determined under the second paragraph where, in the particular year or a preceding taxation year, in respect of the salaries or wages or a portion of a consideration included in computing a qualified labour expenditure of the corporation for any preceding taxation year,

(*a*) an amount relating to the salaries or wages or to the portion of the consideration, other than the amount of government assistance or non-government assistance or the amount of a benefit or advantage that reduced, in accordance with paragraph *a* of section 1029.8.36.0.3.10.1 or section 1029.8.36.0.3.13, those salaries or wages or that portion of the consideration, is

i. directly or indirectly refunded or otherwise paid to the corporation or allocated to a payment to be made by the corporation, or

ii. obtained by a person or a partnership; or

(*b*) government assistance or non-government assistance is received by a person or a partnership and the assistance would have reduced, in accordance

with paragraph *b* of section 1029.8.36.0.3.10.1, the amount of that portion of the consideration, if the person or partnership had received it, had been entitled to receive it or could reasonably have expected to receive it on or before the corporation's filing-due date for that preceding taxation year.

The amount to which the first paragraph refers is the amount by which the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding taxation year that would be deductible for the particular taxation year if no reference were made to this section and section 776.1.18.6 exceeds the total of

(*a*) the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding year that would be deductible for the particular year if, for the purposes of the definition of "qualified labour expenditure" in section 776.1.18.1,

i. any amount referred to in the first paragraph, in relation to salaries or wages or a portion of a consideration included in computing a qualified labour expenditure of the corporation for a preceding taxation year, that is received or obtained at or before the end of the particular year had been received or obtained in that preceding year, and

ii. any amount referred to in the first paragraph of section 776.1.18.6, in relation to salaries or wages or a portion of a consideration included in computing a qualified labour expenditure of the corporation for a preceding taxation year, that is paid or deemed to be paid under section 776.1.18.7 at or before the end of the particular year had been paid or deemed to be paid in that preceding year; and

(*b*) subject to the third paragraph, the aggregate of all amounts each of which is the amount by which the tax that the corporation is required to pay to the Minister under section 1129.27.18.2 for a preceding year exceeds the value that tax would have had if the circumstances described in the first paragraph of that section for that preceding year had occurred in the particular year.

An excess amount included in the aggregate described in subparagraph *b* of the second paragraph that relates to salaries or wages or a portion of a consideration included in a qualified labour expenditure of the corporation for a preceding taxation year ceases to be taken into account for the purposes of this section where the particular year is subsequent to the twentieth taxation year that follows that preceding year.

"**776.1.18.6.** For the purpose of computing the amount that a corporation may deduct under section 776.1.18.3 for a particular taxation year in respect of its unused portions of the tax credit for the taxation years preceding the particular year, the total of those unused portions of the tax credit that would be deductible for that particular year if no reference were made to this section and section 776.1.18.5 is to be increased by the amount determined under the second paragraph where, in the particular year or a preceding taxation year, in respect of the salaries or wages or a portion of a consideration included in

computing a qualified labour expenditure of the corporation for any preceding taxation year,

(*a*) the corporation pays, pursuant to a legal obligation, a particular amount that may reasonably be considered as the repayment of an amount it received that reduced, in accordance with paragraph *a* of section 1029.8.36.0.3.10.1, the amount of those salaries or wages or that portion of the consideration, or as the repayment of an amount referred to in subparagraph i of subparagraph *a* of the first paragraph of section 776.1.18.5;

(*b*) a person or a partnership pays, pursuant to a legal obligation, a particular amount that may reasonably be considered as the repayment of an amount it received that reduced, in accordance with paragraph *b* of section 1029.8.36.0.3.10.1, the amount of that portion of the consideration, or as the repayment of an amount referred to in subparagraph *b* of the first paragraph of section 776.1.18.5; or

(*c*) a person or a partnership pays, pursuant to a legal obligation, a particular amount that may reasonably be considered as the repayment of a benefit or advantage it obtained that reduced, in accordance with section 1029.8.36.0.3.13, the amount of those salaries or wages or of that portion of the consideration, or as the repayment of an amount referred to in subparagraph ii of subparagraph *a* of the first paragraph of section 776.1.18.5.

The amount to which the first paragraph refers is the amount by which the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding taxation year that would be deductible for the particular taxation year if no reference were made to this section and section 776.1.18.5 is exceeded by the total of

(*a*) the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding year that would be deductible for the particular year if, for the purposes of the definition of "qualified labour expenditure" in section 776.1.18.1,

i. any amount referred to in the first paragraph, in relation to salaries or wages or a portion of a consideration included in computing a qualified labour expenditure of the corporation for a preceding taxation year, that is paid at or before the end of the particular year had been paid in that preceding year, and

ii. any amount referred to in the first paragraph of section 776.1.18.5, in relation to salaries or wages or a portion of a consideration included in computing a qualified labour expenditure of the corporation for a preceding taxation year, that is received or obtained at or before the end of the particular year had been received or obtained in that preceding year; and

(*b*) subject to the third paragraph, the aggregate of all amounts each of which is the amount by which the tax that the corporation is required to pay to the Minister under section 1129.27.18.2 for a preceding year exceeds the value that tax would have had if the circumstances described in the first paragraph of that section for that preceding year had occurred in the particular year.

An excess amount included in the aggregate described in subparagraph *b* of the second paragraph that relates to salaries or wages or a portion of a consideration included in a qualified labour expenditure of the corporation for a preceding taxation year ceases to be taken into account for the purposes of this section where the particular year is subsequent to the twentieth taxation year that follows that preceding year.

"**776.1.18.7.** For the purposes of section 776.1.18.6, an amount that a corporation received or obtained is deemed to be repaid by the corporation or by a person or a partnership, as the case may be, in a particular taxation year, pursuant to a legal obligation, where that amount

(*a*) reduced, because of paragraph *a* or *b* of section 1029.8.36.0.3.10.1 or section 1029.8.36.0.3.13, salaries or wages or a portion of a consideration included in a qualified labour expenditure of the corporation for a preceding taxation year;

(*b*) in the case of an amount described in paragraph *a* or *b* of section 1029.8.36.0.3.10.1, was not received by the corporation or by the person or partnership, as the case may be;

(*c*) in the case of an amount described in section 1029.8.36.0.3.13, was not obtained by the person or partnership; and

(*d*) ceased, in the particular year, to be an amount that the corporation or the person or partnership may reasonably expect to receive or obtain.

"**776.1.18.8.** For the purposes of this Part, an amount deducted by a corporation under this Title in computing its tax payable under this Part for a preceding taxation year in respect of the expenditures made in a taxation year preceding a particular taxation year is to be considered as received by the corporation in the particular taxation year, to the extent that the amount is not considered, under this section, as received by the corporation in a taxation year preceding the particular taxation year.

"**TITLE III.3.2**

"TAX CREDIT FOR CORPORATIONS SPECIALIZED IN THE PRODUCTION OF MULTIMEDIA TITLES

"**776.1.18.9.** In this Title,

"government assistance" has the meaning assigned by section 1029.6.0.0.1 for the purposes of Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX;

"non-government assistance" has the meaning assigned by section 1029.6.0.0.1 for the purposes of Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX;

"qualified labour expenditure" of a corporation for a taxation year has the meaning assigned by section 1029.8.36.0.3.18;

"unused portion of the tax credit" of a corporation for a taxation year means the amount by which the maximum amount that the corporation could deduct under section 776.1.18.10 for the year if it had sufficient tax payable under this Part for the year exceeds the tax payable by the corporation for that year under this Part, determined before the application of that section and the second paragraph of section 776.1.18.11.

"**776.1.18.10.** A corporation that, for the purposes of Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX, is a qualified corporation for a taxation year may deduct from its tax payable under this Part for the year, determined before the application of this section and the second paragraph of section 776.1.18.11, an amount equal to the product obtained by multiplying the percentage specified in the second paragraph by its qualified labour expenditure for the year in respect of which the corporation is deemed to have paid an amount to the Minister for that year under that Division II.6.0.1.3.

The percentage to which the first paragraph refers is

(*a*) 2.5%, where the taxation year begins after 31 December 2024 but before 1 January 2026;

(*b*) 5%, where the taxation year begins after 31 December 2025 but before 1 January 2027;

(*c*) 7.5%, where the taxation year begins after 31 December 2026 but before 1 January 2028; or

(*d*) 10%, where the taxation year begins after 31 December 2027.

"**776.1.18.11.** A corporation may deduct from its tax payable under this Part, determined before the application of this Title, for a taxation year in respect of which the corporation is deemed to have paid an amount to the Minister under Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX, its unused portions of the tax credit for the 20 taxation years that precede that taxation year.

Similarly, a corporation may deduct from its tax payable under this Part, determined before the application of this paragraph, for a taxation year that begins after 31 December 2024 and in respect of which the corporation is deemed to have paid an amount to the Minister under Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX, its unused portions of the tax credit for the three taxation years that follow that taxation year.

"**776.1.18.12.** No amount is deductible under section 776.1.18.11 in respect of an unused portion of the tax credit for a taxation year until the unused portions of the tax credit for the preceding taxation years that are deductible have been deducted.

In addition, an unused portion of the tax credit may be deducted for a taxation year under section 776.1.18.11 only to the extent that it exceeds the aggregate of the amounts deducted in its respect for the preceding taxation years under that section.

"**776.1.18.13.** For the purpose of computing the amount that a corporation may deduct under section 776.1.18.11 for a particular taxation year in respect of its unused portions of the tax credit for the taxation years preceding the particular year, the total of those unused portions of the tax credit that would be deductible for that particular year if no reference were made to this section and section 776.1.18.14 is to be reduced by the amount determined under the second paragraph where, in the particular year or a preceding taxation year, in respect of the salaries or wages or a portion of a consideration included in computing the corporation's qualified labour expenditure for any preceding taxation year,

(*a*) an amount relating to the salaries or wages or to the portion of the consideration, other than the amount of government assistance or non-government assistance or the amount of a benefit or advantage that reduced, in accordance with paragraph *a* of section 1029.8.36.0.3.21 or section 1029.8.36.0.3.24, those salaries or wages or that portion of the consideration, is

i. directly or indirectly refunded or otherwise paid to the corporation or allocated to a payment to be made by the corporation, or

ii. obtained by a person or a partnership; or

(*b*) government assistance or non-government assistance is received by a person or a partnership and the assistance would have reduced, in accordance with paragraph *b* of section 1029.8.36.0.3.21, the amount of that portion of the consideration, if the person or partnership had received it, had been entitled to receive it or could reasonably have expected to receive it on or before the corporation's filing-due date for that preceding taxation year.

The amount to which the first paragraph refers is the amount by which the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding taxation year that would be deductible for the particular taxation year if no reference were made to this section and section 776.1.18.14 exceeds the total of

(*a*) the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding year that would be deductible for the particular year if, for the purposes of the definition of "qualified labour expenditure" in section 776.1.18.9,

i. any amount referred to in the first paragraph, in relation to salaries or wages or a portion of a consideration included in computing its qualified labour expenditure for a preceding taxation year, that is received or obtained at or

before the end of the particular year had been received or obtained in that preceding year, and

ii. any amount referred to in the first paragraph of section 776.1.18.14, in relation to salaries or wages or a portion of a consideration included in computing its qualified labour expenditure for a preceding taxation year, that is paid or deemed to be paid under section 776.1.18.15 at or before the end of the particular year had been paid or deemed to be paid in that preceding year; and

(*b*) subject to the third paragraph, the aggregate of all amounts each of which is the amount by which the tax that the corporation is required to pay to the Minister under section 1129.27.18.6 for a preceding year exceeds the value that tax would have had if the circumstances described in the first paragraph of that section for that preceding year had occurred in the particular year.

An excess amount included in the aggregate described in subparagraph *b* of the second paragraph that relates to salaries or wages or a portion of a consideration included in the corporation's qualified labour expenditure for a preceding taxation year ceases to be taken into account for the purposes of this section where the particular year is subsequent to the twentieth taxation year that follows that preceding year.

"**776.1.18.14.** For the purpose of computing the amount that a corporation may deduct under section 776.1.18.11 for a particular taxation year in respect of its unused portions of the tax credit for the taxation years preceding the particular year, the total of those unused portions of the tax credit that would be deductible for that particular year if no reference were made to this section and section 776.1.18.13 is to be increased by the amount determined under the second paragraph where, in the particular year or a preceding taxation year, in respect of the salaries or wages or a portion of a consideration included in computing the corporation's qualified labour expenditure for any preceding taxation year,

(*a*) the corporation pays, pursuant to a legal obligation, a particular amount that may reasonably be considered as the repayment of an amount it received that reduced, in accordance with paragraph *a* of section 1029.8.36.0.3.21, the amount of those salaries or wages or that portion of the consideration, or as the repayment of an amount referred to in subparagraph i of subparagraph *a* of the first paragraph of section 776.1.18.13;

(*b*) a person or a partnership pays, pursuant to a legal obligation, a particular amount that may reasonably be considered as the repayment of an amount it received that reduced, in accordance with paragraph *b* of section 1029.8.36.0.3.21, the amount of that portion of the consideration, or as the repayment of an amount referred to in subparagraph *b* of the first paragraph of section 776.1.18.13; or

(*c*) a person or a partnership pays, pursuant to a legal obligation, a particular amount that may reasonably be considered as the repayment of a benefit or advantage it obtained that reduced, in accordance with section 1029.8.36.0.3.24, the amount of those salaries or wages or of that portion of the consideration, or as the repayment of an amount referred to in subparagraph ii of subparagraph *a* of the first paragraph of section 776.1.18.13.

The amount to which the first paragraph refers is the amount by which the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding taxation year that would be deductible for the particular taxation year if no reference were made to this section and section 776.1.18.13 is exceeded by the total of

(*a*) the aggregate of all amounts each of which is the unused portion of the tax credit of the corporation for a preceding year that would be deductible for the particular year if, for the purposes of the definition of "qualified labour expenditure" in section 776.1.18.9,

i. any amount referred to in the first paragraph, in relation to salaries or wages or a portion of a consideration included in computing its qualified labour expenditure for a preceding taxation year, that is paid at or before the end of the particular year had been paid in that preceding year, and

ii. any amount referred to in the first paragraph of section 776.1.18.13, in relation to salaries or wages or a portion of a consideration included in computing its qualified labour expenditure for a preceding taxation year, that is received or obtained at or before the end of the particular year had been received or obtained in that preceding year; and

(*b*) subject to the third paragraph, the aggregate of all amounts each of which is the amount by which the tax that the corporation is required to pay to the Minister under section 1129.27.18.6 for a preceding year exceeds the value that tax would have had if the circumstances described in the first paragraph of that section for that preceding year had occurred in the particular year.

An excess amount included in the aggregate described in subparagraph *b* of the second paragraph that relates to salaries or wages or a portion of a consideration included in the corporation's qualified labour expenditure for a preceding taxation year ceases to be taken into account for the purposes of this section where the particular year is subsequent to the twentieth taxation year that follows that preceding year.

"**776.1.18.15.** For the purposes of section 776.1.18.14, an amount that a corporation received or obtained is deemed to be repaid by the corporation or by a person or a partnership, as the case may be, in a particular taxation year, pursuant to a legal obligation, where that amount

(*a*) reduced, because of paragraph *a* or *b* of section 1029.8.36.0.3.21 or section 1029.8.36.0.3.24, salaries or wages or a portion of a consideration

included in the qualified labour expenditure of the corporation for a preceding taxation year;

(*b*) in the case of an amount described in paragraph *a* or *b* of section 1029.8.36.0.3.21, was not received by the corporation or by the person or partnership, as the case may be;

(*c*) in the case of an amount described in section 1029.8.36.0.3.24, was not obtained by the person or partnership; and

(*d*) ceased, in the particular year, to be an amount that the corporation or the person or partnership may reasonably expect to receive or obtain.

"**776.1.18.16.** For the purposes of this Part, an amount deducted by a corporation under this Title in computing its tax payable under this Part for a preceding taxation year in respect of an expenditure made in a taxation year preceding a particular taxation year is to be considered as received by the corporation in the particular taxation year, to the extent that the amount is not considered, under this section, as received by the corporation in a taxation year preceding the particular taxation year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

128. (1) Section 776.1.20 of the Act is replaced by the following section:

"**776.1.20.** A corporation that, for the purposes of Division II.6.0.1.9 of Chapter III.1 of Title III of Book IX, is a qualified corporation for a taxation year, may deduct from its tax payable under this Part for the year, determined before the application of this section and the second paragraph of section 776.1.21, an amount equal to the product obtained by multiplying the percentage specified in the second paragraph by the aggregate of all amounts each of which is qualified wages, for the purposes of that Division II.6.0.1.9, that it incurred in the year and in respect of which it is deemed to have paid an amount to the Minister for the year under that Division II.6.0.1.9.

The percentage to which the first paragraph refers is

(*a*) 6%, where the taxation year begins before 1 January 2025;

(*b*) 7%, where the taxation year begins after 31 December 2024 but before 1 January 2026;

(*c*) 8%, where the taxation year begins after 31 December 2025 but before 1 January 2027;

(*d*) 9%, where the taxation year begins after 31 December 2026 but before 1 January 2028; or

(*e*) 10%, where the taxation year begins after 31 December 2027."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

129. Section 785.0.1 of the Act is amended by replacing the definition of "specified immovable" by the following definition:

""specified immovable" means either an immovable property situated in Québec that is used principally for the purpose of earning or producing gross revenue that is rent, or any right in or option in respect of such property, whether or not the property exists at that time."

130. (1) Section 786.1 of the Act is amended by replacing "119.2R2" in paragraph *a* by "1R1".

(2) Subsection 1 has effect from 22 June 2023.

131. (1) Section 851.22.1 of the Act is amended, in the definition of "specified debt obligation" in the first paragraph,

(1) by replacing the portion before paragraph *a* by the following:

""specified debt obligation" of a taxpayer means the right held by the taxpayer in a loan, bond, debenture, note, hypothecary claim, mortgage, agreement of sale or any other similar indebtedness, or in a debt obligation, where the taxpayer purchased the right, other than a right in";

(2) by striking out ", a small business bond, a development bond" in paragraph *a*.

(2) Paragraph 2 of subsection 1 has effect from 22 June 2023.

132. (1) Section 851.24 of the Act is amended by replacing "851.27.1" by "851.27".

(2) Subsection 1 has effect from 22 June 2023.

133. (1) Section 851.27.1 of the Act is repealed.

(2) Subsection 1 has effect from 22 June 2023.

134. (1) Section 869.2 of the Act is amended by replacing subparagraph *f* of the first paragraph by the following subparagraph:

"(*f*) unless the condition of subparagraph ii of subparagraph *e* is met, the rights under the trust of each key employee of a participating employer are not more advantageous than the rights of a class of beneficiaries described in subparagraph i of subparagraph *e*;".

(2) Subsection 1 has effect from 27 February 2018.

135. (1) Section 935.2 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(*b*) where an individual agrees to acquire a housing unit held in co-ownership, the individual is deemed, except for the purposes of paragraphs *d* and *g* of the definition of "regular eligible amount" in the first paragraph of section 935.1 and of paragraphs *e* and *f* of the definition of "supplemental eligible amount" in that paragraph, to have acquired it on the day the individual is entitled to take possession of it;".

(2) Subsection 1 has effect from 9 August 2022.

136. (1) Section 961.17 of the Act is amended by replacing subparagraph *c* of the second paragraph by the following subparagraph:

"(*c*) an amount transferred at the direction of the annuitant directly to a registered pension plan of which, at any time before the transfer, the annuitant was a member, within the meaning of section 965.0.1, or to a specified pension plan and allocated to the annuitant under a money purchase provision of the plan, within the meaning of section 965.0.1; or".

(2) Subsection 1 has effect from 9 August 2022.

137. (1) Section 965.0.27 of the Act is amended by replacing "and Chapter III of Title VI.0.1" by ", Chapter III of Title VI.0.1 and section 1034.1".

(2) Subsection 1 has effect from 9 August 2022.

138. (1) Section 965.0.34 of the Act is amended by replacing subparagraph 2 of subparagraph ii of subparagraph *b* of the second paragraph by the following subparagraph:

"(2) an amount distributed from the account to, or on behalf of, a qualifying survivor in relation to the member as a consequence of the death of the member."

(2) Subsection 1 has effect from 9 August 2022.

139. Section 979.19 of the Act is amended by replacing "interest in" in the second paragraph by "right in".

140. (1) Section 985.0.1 of the Act is replaced by the following section:

"**985.0.1.** For the purposes of subparagraphs *f* and *g* of the first paragraph of section 985, income of a corporation, commission or association from activities carried on outside the geographical boundaries of the territory of a municipality or of a municipal or public body does not include income from an activity carried on

(*a*) under an agreement that meets the following conditions:

i. the agreement is in writing between

(1) the corporation, commission or association, and

(2) a person who is the State, His Majesty in right of Canada, His Majesty in right of a province, other than Québec, a municipality, a municipal or public body or a corporation to which any of subparagraphs *a* to *g* of the first paragraph of section 985 applies and that is controlled by the State, by His Majesty in right of Canada, by His Majesty in right of a province, other than Québec, by a municipality in Canada or by a municipal or public body in Canada,

ii. the agreement is applicable within the geographical boundaries of

(1) if the person is His Majesty in right of Canada or a corporation controlled by His Majesty in right of Canada, Canada,

(2) if the person is the State or His Majesty in right of a province, other than Québec, or a corporation controlled by the State or by His Majesty in right of a province, other than Québec, Québec or that other province, as the case may be,

(3) if the person is a municipality in Canada or a corporation controlled by a municipality in Canada, the municipality, and

(4) if the person is a municipal or public body or a corporation controlled by such a body, the area described in section 985.0.3 in respect of the person,

iii. the income earned from the activities carried on under the agreement is paid from the party described in subparagraph 2 of subparagraph i to the party described in subparagraph 1 of subparagraph i, and

iv. the activities under the agreement are activities normally carried out by a local government; or

(*b*) by the corporation, commission or association, as the case may be, in a province as a producer of electrical energy or natural gas or as a distributor of electrical energy, heat, natural gas or water, where the activity is regulated under the laws of the province."

(2) Subsection 1 has effect from 9 August 2022.

141. (1) Section 1000 of the Act is amended

(1) by striking out paragraph *c*.2 of subsection 1;

(2) by replacing paragraphs *c*.3 and *c*.4 of subsection 1 by the following paragraphs:

"(*c*.3) on the last day of which the individual is a trust, other than an excluded trust for the year, that is resident in Québec and that is either established otherwise than by law or by judgment or an express trust for common law purposes;

"(*c*.4) on the last day of which the individual is a trust, other than an excluded trust for the year, that is not resident in Québec, that is either established otherwise than by law or by judgment or an express trust for common law purposes and that carries on a business in Québec at any time in the year;";

(3) by replacing the portion of subsection 2.2 before paragraph *b* by the following:

"(2.2) For the purposes of paragraphs *c*.3 and *c*.4 of subsection 1, "excluded trust" for a taxation year means

(*a*) a succession that is a graduated rate estate;";

(4) by striking out paragraphs *b* to *d* and *g* of subsection 2.2;

(5) by inserting ", within the meaning of subparagraph *k* of the first paragraph of section 835" after "trust" in paragraph *e* of subsection 2.2;

(6) by replacing paragraph *h* of subsection 2.2 by the following paragraph:

"(*h*) a trust governed by

i. a tax-free savings account,

ii. a first home savings account,

iii. a registered retirement income fund,

iv. a deferred profit sharing plan,

v. a registered pension plan,

vi. a pooled registered pension plan,

vii. a profit sharing plan,

viii. a registered education savings plan,

ix. a registered disability savings plan,

x. a registered retirement savings plan, or

xi. a registered supplementary unemployment benefit plan;";

(7) by adding the following paragraphs at the end of subsection 2.2:

"(*i*) a trust that had been in existence for less than three months at the end of the year;

"(*j*) a trust that holds assets with a total fair market value that does not exceed $50,000 throughout the year, if the only assets held by the trust throughout the year are one or more of the following:

i. money,

ii. a debt obligation described in paragraph *a* of the definition of "fully exempt interest" in subsection 3 of section 212 of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement),

iii. a share, debt obligation or right listed on a designated stock exchange,

iv. a share of the capital stock of a mutual fund corporation,

v. a unit of a mutual fund trust,

vi. an interest in a segregated fund trust, within the meaning of subparagraph *k* of the first paragraph of section 835, and

vii. an interest as a beneficiary under a trust, all the units of which are listed on a designated stock exchange;

"(*k*) a trust that is required under the relevant rules of professional conduct or the laws of Canada or a province to hold funds for the purposes of any activity that is regulated under those rules or laws, provided the trust is not maintained as a separate trust for a particular client or clients;

"(*l*) a trust that is a registered charity;

"(*m*) a trust that is a club, society or association described in section 996;

"(*n*) a trust, all the units of which are listed on a designated stock exchange;

"(*o*) a master trust, within the meaning of the regulations made under paragraph *c*.4 of section 998;

"(*p*) a qualified disability trust, within the meaning of the first paragraph of section 768.2;

"(*q*) an employee life and health trust;

"(*r*) a trust described in paragraph *g* of section 491; or

"(*s*) a cemetery care trust or a trust governed by an eligible funeral arrangement.";

(8) by adding the following subsections at the end:

"(4) For the purposes of this section, a trust includes an arrangement under which a trust can reasonably be considered to act as agent or mandatary for all the beneficiaries under the trust with respect to all dealings with all of the trust's property.

"(5) For greater certainty, this section does not require the disclosure of information that is protected by professional secrecy between a lawyer and a client."

(2) Subsection 1 applies to a taxation year that ends after 30 December 2023.

142. (1) The Act is amended by inserting the following section after section 1008:

"**1008.1.** The notice of assessment in respect of the fiscal return filed by an individual for a taxation year is presumed to be sent to the individual and received by the individual on the day that the notice is made available, by way of a technological means, to the individual, if

(*a*) the individual's fiscal return was sent to the Minister by way of a technological means; and

(*b*) the individual has authorized that notices or other communications may be sent by way of such means and has not before that date revoked that authorization in the manner determined by the Minister."

(2) Subsection 1 applies from 1 January 2025.

143. (1) Section 1011 of the Act is amended by replacing "*a*.2" in the portion before paragraph *a* by "*a*.3".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

144. (1) Section 1012.1 of the Act is amended by inserting the following paragraphs after paragraph *d*.1.0.0.1:

"(*d*.1.0.0.1.1) section 776.1.18.3 in respect of the unused portion of the tax credit, within the meaning of section 776.1.18.1, for a subsequent taxation year;

"(*d*.1.0.0.1.2) section 776.1.18.11 in respect of the unused portion of the tax credit, within the meaning of section 776.1.18.9, for a subsequent taxation year;".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

145. (1) The Act is amended by inserting the following sections after section 1012.1.1:

"**1012.1.1.1.** Where section 1012 does not apply to a corporation, in relation to a particular taxation year, in respect of a particular amount referred to in paragraph *d*.1.0.0.1.1 of section 1012.1 relating to the unused portion of the tax credit, within the meaning of section 776.1.18.1, of the corporation for a subsequent taxation year but would apply to the corporation if it were read without reference to ", on or before the taxpayer's filing-due date for the subsequent taxation year in respect of that amount,", section 1012 is, in relation to the particular taxation year and in respect of the particular amount, to be read as follows:

"**1012.** If a corporation has filed for a particular taxation year the fiscal return required by section 1000 and, in a subsequent taxation year, a particular amount referred to in paragraph *d*.1.0.0.1.1 of section 1012.1, in respect of the unused portion of the tax credit, within the meaning of section 776.1.18.1, of the corporation for the subsequent taxation year is claimed as a deduction in computing the corporation's tax payable for the particular taxation year by filing with the Minister, on or before the corporation's filing-due date for the taxation year that includes the day on or before which it is required to file with the Minister the prescribed form containing prescribed information and any document issued by Investissement Québec for the purpose of determining the amount that the corporation is deemed to have paid to the Minister, in respect of the subsequent taxation year, under Division II.6.0.1.2 of Chapter III.1 of Title III, a prescribed form amending the fiscal return for the particular taxation year, the Minister shall, despite sections 1010 to 1011, for any relevant taxation year, other than a taxation year preceding the particular taxation year, redetermine the corporation's tax to take into account the particular amount so claimed as a deduction."

"**1012.1.1.2.** Where section 1012 does not apply to a corporation, in relation to a particular taxation year, in respect of a particular amount referred to in paragraph *d*.1.0.0.1.2 of section 1012.1 relating to the unused portion of the tax credit, within the meaning of section 776.1.18.9, of the corporation for a subsequent taxation year but would apply to the corporation if it were read without reference to ", on or before the taxpayer's filing-due date for the subsequent taxation year in respect of that amount,", section 1012 is, in relation to the particular taxation year and in respect of the particular amount, to be read as follows:

"**1012.** If a corporation has filed for a particular taxation year the fiscal return required by section 1000 and, in a subsequent taxation year, a particular amount referred to in paragraph *d*.1.0.0.1.2 of section 1012.1, in respect of the unused portion of the tax credit, within the meaning of section 776.1.18.9, of the corporation for the subsequent taxation year is claimed as a deduction in computing the corporation's tax payable for the particular taxation year by filing with the Minister, on or before the corporation's filing-due date for the taxation year that includes the day on or before which it is required to file with

the Minister the prescribed form containing prescribed information and any document issued by Investissement Québec for the purpose of determining the amount that the corporation is deemed to have paid to the Minister, in respect of the subsequent taxation year, under Division II.6.0.1.3 of Chapter III.1 of Title III, a prescribed form amending the fiscal return for the particular taxation year, the Minister shall, despite sections 1010 to 1011, for any relevant taxation year, other than a taxation year preceding the particular taxation year, redetermine the corporation's tax to take into account the particular amount so claimed as a deduction.""

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

146. (1) Section 1012.4 of the Act is replaced by the following section:

"**1012.4.** Where a corporation has filed for a particular taxation year the fiscal return required by section 1000, where the corporation is deemed to have paid an amount to the Minister under any of Divisions II.6.0.1.2, II.6.0.1.3 and II.6.0.1.9 of Chapter III.1 of Title III for the particular taxation year, where a document to be issued by Investissement Québec for the purpose of determining the amount that the corporation is so deemed to have paid to the Minister has been issued after the corporation's filing-due date in respect of the particular taxation year and where a particular amount referred to in section 776.1.18.2, 776.1.18.10 or 776.1.20, as the case may be, is claimed as a deduction in computing tax payable, by or on behalf of the corporation, for the particular taxation year by filing with the Minister, on or before the corporation's filing-due date for the taxation year that includes the day on or before which it was required to file with the Minister the prescribed form containing prescribed information and any document issued by Investissement Québec for the purpose of determining the amount that the corporation is deemed to have paid to the Minister for the particular taxation year, under that Division II.6.0.1.2, II.6.0.1.3 or II.6.0.1.9, a prescribed form amending the fiscal return for the particular taxation year, the Minister shall, despite sections 1010 to 1011, redetermine the corporation's tax for the particular taxation year to take into account the particular amount so claimed as a deduction."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

147. (1) Section 1014 of the Act is amended by replacing "*a*.2" in the second paragraph by "*a*.3".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

148. (1) Section 1029.6.0.0.1 of the Act is amended

(1) by replacing the portion of subparagraph *h* of the second paragraph before subparagraph i by the following:

"(*h*) in the case of each of Divisions II.6.0.1.2, II.6.0.1.3, II.6.0.1.9 and II.6.14.2, government assistance or non-government assistance does not include";

(2) by inserting the following subparagraph after subparagraph i of subparagraph *h* of the second paragraph:

"i.1. where Division II.6.0.1.2, II.6.0.1.3 or II.6.0.1.9 is concerned, an amount deducted for that year under Title III.3.1, III.3.2 or III.4 of Book V, as the case may be, or";

(3) by inserting the following subparagraph after subparagraph *i*.4 of the second paragraph:

"(*i*.5) in the case of Division II.6.14.2.3, government assistance or non-government assistance does not include

i. an amount deemed to have been paid to the Minister for a taxation year under that division, or

ii. any amount deducted or deductible under subsection 5 or 6 of section 127 or section 127.49 of the Income Tax Act;";

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

"Government assistance includes, for the purposes of Divisions II.6.0.9.2 and II.6.0.9.3, the value of the compliance credits issued to a corporation under the Clean Fuel Regulations (SOR/2022-140) made under the Canadian Environmental Protection Act, 1999 (Statutes of Canada, 1999, chapter 33), where

(*a*) the compliance credits are issued to the corporation in relation to its eligible production of pyrolysis oil or its eligible production of biofuel, as the case may be, within the meaning assigned to those expressions by Divisions II.6.0.9.2 and II.6.0.9.3, for a particular month included in a taxation year that begins after 31 December 2027; and

(*b*) a value is attributed to the credits so issued."

(2) Paragraphs 1 and 3 of subsection 1 have effect from 1 January 2024.

(3) Paragraph 2 of subsection 1 has effect from 27 March 2015. However, where section 1029.6.0.0.1 of the Act applies before 1 January 2025, subparagraph i.1 of subparagraph *h* of its second paragraph is to be read as follows:

"i.1. where Division II.6.0.1.9 is concerned, an amount deducted for that year under Title III.4 of Book V, or".

(4) Paragraph 4 of subsection 1 has effect from 1 April 2023.

149. (1) Section 1029.6.0.1 of the Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

"(*a*) where, in respect of a particular expenditure or particular costs, an amount is deducted in computing a taxpayer's tax payable for a taxation year, is deemed under any of Divisions II to II.6.2, II.6.5, II.6.5.7 to II.6.5.9 and II.6.14.2 to II.6.15 to have been paid to the Minister by the taxpayer, or is deemed under section 34.1.9 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) to have been an overpayment to the Minister by the taxpayer, no other amount may be deemed to have been paid to the Minister by the taxpayer for any taxation year under any of those divisions, or be deemed to have been an overpayment to the Minister by the taxpayer under that section 34.1.9, in respect of all or part of a cost, an expenditure or costs included in the particular expenditure or the particular costs, except for, in the case of an amount deducted in computing a taxpayer's tax payable for a taxation year under Title III.3.1, III.3.2 or III.4 of Book V, an amount deemed to have been paid by the taxpayer for the year under Division II.6.0.1.2, II.6.0.1.3 or II.6.0.1.9, as the case may be;".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

150. (1) Section 1029.8.34 of the Act is amended by replacing "50%" by "65%" in the following provisions:

(1) the portion of subparagraph i of paragraph *b* of the definition of "qualified expenditure for services rendered outside the Montréal area" in the first paragraph before subparagraph 1;

(2) the portion of subparagraph i of paragraph *b* of the definition of "qualified computer-aided special effects and animation expenditure" in the first paragraph before subparagraph 1;

(3) the portion of subparagraph i of paragraph *b* of the definition of "qualified labour expenditure" in the first paragraph before subparagraph 1.

(2) Subsection 1 applies in respect of a property for which an application for an advance ruling or, in the absence of such an application, an application for a certificate is filed with the Société de développement des entreprises culturelles after 12 March 2024.

151. Section 1029.8.35 of the Act is amended by replacing "in paragraph *a*.3" in the portion before subparagraph *a* of the first paragraph by "in paragraph *a*.3 or *a*.5".

152. (1) Section 1029.8.36.0.0.4 of the Act is amended

(1) by replacing paragraph *b* of the definition of "labour cost attributable to computer-aided special effects and animation" in the first paragraph by the following paragraph:

"(*b*) in any other case, an amount equal to the amount by which the aggregate of all amounts each of which is either the portion (in this paragraph referred to as the "particular portion") of an amount described in paragraph *a* or *b* of the definition of "production costs" that is included in the corporation's production costs for the year in respect of the property, that is directly attributable to an amount paid for activities connected with computer-aided special effects and animation and carried on as part of the production of the property and that is specified, by budgetary item, on a document that the Société de développement des entreprises culturelles encloses with the favourable advance ruling given to the corporation in relation to the property or an amount described in paragraph *c*.1 of that definition (in this paragraph referred to as the "particular amount") that is included in the corporation's production costs for the year in respect of the property exceeds the aggregate of all amounts each of which is the lesser of the particular portion or particular amount, as the case may be, and the aggregate of

i. the amount of any government assistance and non-government assistance attributable to the particular portion or particular amount that the corporation has received, is entitled to receive or may reasonably expect to receive on or before the corporation's filing-due date for that year,

ii. the amount of any benefit or advantage attributable to the particular portion or particular amount that a person or partnership has obtained, is entitled to obtain or may reasonably expect to obtain on or before the corporation's filing-due date for that year, whether in the form of a reimbursement, compensation or guarantee, in the form of proceeds of disposition of a property which exceed the fair market value of the property, or in any other form or manner, and

iii. in the case of a particular amount, the amount of any government assistance and non-government assistance that another person or a partnership with which the corporation is not dealing at arm's length has received, is entitled to receive or may reasonably expect to receive, on or before the corporation's filing-due date for that year, and that is attributable to services rendered in Québec as part of the production of the property by the other person or the partnership under the contract;";

(2) by replacing paragraph *c* of the definition of "production costs" in the first paragraph by the following paragraph:

"(*c*) the portion of the cost of a contract and the other costs related to the contract that are incurred by the corporation in the year and, where the year is the taxation year in which the corporation files an application for an advance

ruling, that are incurred by the corporation in a year preceding that year, that are directly attributable to the production of the property, to the extent that that portion and the other costs relate to services rendered in Québec to the corporation in relation to the stages of production of the property that are referred to in paragraph *a*, except the portion of the cost of a contract and the other costs related to the contract that are referred to in paragraph *c*.1;";

(3) by inserting the following paragraph after paragraph *c* of the definition of "production costs" in the first paragraph:

"(*c*.1) 65% of the portion of the cost of a contract and the other costs related to the contract that are incurred by the corporation in the year and, where the year is the taxation year in which the corporation files an application for an advance ruling, that are incurred by the corporation in a year preceding that year, that are directly attributable to activities connected with computer-aided special effects and animation and carried on as part of the production of the property and that are specified, by budgetary item, on a document that the Société de développement des entreprises culturelles encloses with the favourable advance ruling given to the corporation in relation to the property, to the extent that that portion and the other costs relate to services rendered in Québec to the corporation in relation to the stages of production of the property that are referred to in paragraph *a*;";

(4) by replacing "500%" in paragraph *c* of the definition of "eligible production costs" in the first paragraph by "400%";

(5) by replacing "in paragraph *c*" in subparagraph iii of subparagraph *c* of the third paragraph by "in paragraph *c* or *c*.1";

(6) by replacing "paragraphs *a* to *c*" in subparagraph *d* of the third paragraph by "paragraphs *a* to *c*.1";

(7) by replacing subparagraph *i* of the third paragraph by the following subparagraph:

"(*i*) the production costs to a corporation for a taxation year in respect of a property must not include an amount that is not included in the production cost of the property or that relates to advertising, marketing, promotion or market research, or an amount related in any way to another property or costs related to the financing of the property; and";

(8) by replacing "paragraph *c*" in subparagraph *c* of the fourth paragraph by "paragraph *c*.1";

(9) by replacing "paragraph *b* of the definition of "production costs" in the first paragraph" in subparagraphs *a* and *b* of the fifth paragraph by "subparagraph *c* of the third paragraph";

(10) by replacing subparagraph *c* of the fifth paragraph by the following subparagraph:

"(*c*) the amount of any government assistance and non-government assistance that another person or a partnership with which the corporation is not dealing at arm's length has received, is entitled to receive or may reasonably expect to receive, on or before the corporation's filing-due date for the year, and that is attributable to services rendered in Québec as part of the production of the property by the other person or the partnership under a contract referred to in paragraph *c* or *c*.1 of the definition of "production costs" in the first paragraph and relating to the corporation's production costs for a taxation year preceding the year in respect of the property, to the extent that that amount has not, pursuant to subparagraph iii of subparagraph *c* of the third paragraph, reduced the amount of those costs for that preceding year.";

(11) by replacing the eleventh paragraph by the following paragraph:

"For the purpose of determining, for a taxation year, the qualified labour cost attributable to computer-aided special effects and animation and the qualified computer-aided special effects and animation expenditure of a corporation in respect of a property for which an application for an approval certificate is filed with the Société de développement des entreprises culturelles on or before 4 June 2014 or, if the Société de développement des entreprises culturelles considers that the work on the property was sufficiently advanced on that date, on or before 31 August 2014, the definitions of "qualified labour cost attributable to computer-aided special effects and animation" and "qualified computer-aided special effects and animation expenditure" in the first paragraph are to be read, in respect of the property, as if "625%" were replaced by "500%".";

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

"For the purpose of determining, for a taxation year, the eligible production costs to a corporation in respect of a property for which an application for an approval certificate is filed with the Société de développement des entreprises culturelles after 4 June 2014 or, if the Société de développement des entreprises culturelles considers that the work on the property was sufficiently advanced on that date, after 31 August 2014, and on or before 12 March 2024 or, if the Société de développement des entreprises culturelles considers that the work on the property was sufficiently advanced on that date, on or before 31 May 2024, paragraph *c* of the definition of "eligible production costs" in the first paragraph is to be read, in respect of the property, as if "400%" were replaced by "500%"."

(2) Paragraphs 1 to 6 and 8 to 10 of subsection 1, except where paragraph 2 strikes out "the costs related to the financing of the property" in paragraph *c* of the definition of "production costs" in the first paragraph of section 1029.8.36.0.0.4 of the Act, apply to a property for which an application for an approval certificate is filed with the Société de développement des

entreprises culturelles after 12 March 2024 or, if the Société de développement des entreprises culturelles considers that the work on the property was sufficiently advanced on that date, after 31 May 2024.

153. Section 1029.8.36.0.0.5 of the Act is amended by replacing subparagraph 2 of subparagraph ii of subparagraph *a*.1 of the first paragraph by the following subparagraph:

"(2) 25% of its eligible production costs for the year in respect of the property, if an application for an approval certificate is filed with the Société de développement des entreprises culturelles in respect of the property after 12 March 2024 or, if the Société de développement des entreprises culturelles considers that the work on the property was sufficiently advanced on that date, after 31 May 2024, or 20% of its eligible production costs for the year in respect of the property, in other cases; and".

154. (1) Section 1029.8.36.0.3.8 of the Act is amended by adding the following paragraphs at the end:

"In determining, for the purposes of this division, a corporation's qualified labour expenditure for a taxation year in respect of a property that is a multimedia title, the amount (in the fourth paragraph referred to as the "particular amount") of a salary or wages referred to in paragraph *a* or *b* of the definition of "qualified labour expenditure" in the first paragraph, attributable to the property and incurred and paid in respect of an eligible employee, is to be reduced by the amount determined by the formula

A × (B/C).

In the formula in the third paragraph,

(*a*) A is the product obtained by multiplying the amount in dollars mentioned in section 752.0.0.1 that, with reference to section 750.2, is applicable for the calendar year in which the corporation's taxation year begins by the proportion that the number of days in the period of that taxation year in which the employee carries out eligible production work in respect of a property that is a multimedia title is of 365;

(*b*) B is the particular amount; and

(*c*) C is the aggregate of all amounts each of which is an amount of salary or wages attributable to a property that is a multimedia title and incurred and paid in respect of the employee for eligible production work relating to the property carried out in the year."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

155. (1) Section 1029.8.36.0.3.9 of the Act is amended

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

"The percentage to which the first paragraph refers in relation to the property for a taxation year is, as the case may be,

(*a*) where it is certified that the property is to be commercialized and is available in a French version, and that it is not a vocational training title,

i. 37.5%, if the taxation year begins before 1 January 2025,

ii. 35%, if the taxation year begins after 31 December 2024 but before 1 January 2026,

iii. 32.5%, if the taxation year begins after 31 December 2025 but before 1 January 2027,

iv. 30%, if the taxation year begins after 31 December 2026 but before 1 January 2028, or

v. 27.5%, if the taxation year begins after 31 December 2027;

(*b*) where it is certified that the property is to be commercialized and is not available in a French version, and that it is not a vocational training title,

i. 30%, if the taxation year begins before 1 January 2025,

ii. 27.5%, if the taxation year begins after 31 December 2024 but before 1 January 2026,

iii. 25%, if the taxation year begins after 31 December 2025 but before 1 January 2027,

iv. 22.5%, if the taxation year begins after 31 December 2026 but before 1 January 2028, or

v. 20%, if the taxation year begins after 31 December 2027; or

(*c*) in any other case,

i. 26.25%, if the taxation year begins before 1 January 2025,

ii. 23.75%, if the taxation year begins after 31 December 2024 but before 1 January 2026,

iii. 21.25%, if the taxation year begins after 31 December 2025 but before 1 January 2027,

iv. 18.75%, if the taxation year begins after 31 December 2026 but before 1 January 2028, or

v. 16.25%, if the taxation year begins after 31 December 2027.";

(2) by striking out the fifth, sixth, seventh and eighth paragraphs.

(2) Subsection 1 applies from 1 January 2025, except where paragraph 2 of that subsection strikes out the sixth, seventh and eighth paragraphs of section 1029.8.36.0.3.9 of the Act, in which case it applies to a taxation year that begins after 31 December 2024.

156. (1) Section 1029.8.36.0.3.18 of the Act is amended by adding the following paragraph at the end:

"In determining, for the purposes of this division, a corporation's qualified labour expenditure for a taxation year, the amount of a salary or wages referred to in paragraph *a* or *b* of the definition of "qualified labour expenditure" in the first paragraph and incurred and paid in respect of an eligible employee is to be reduced by the product obtained by multiplying the amount in dollars mentioned in section 752.0.0.1 that, with reference to section 750.2, is applicable for the calendar year in which the corporation's taxation year begins by the proportion that the number of days in the period of that taxation year in which the employee carries out eligible production work is of 365."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

157. (1) Section 1029.8.36.0.3.19 of the Act is amended

(1) by replacing subparagraphs *a* and *b* of the third paragraph by the following subparagraphs:

"(*a*) where the qualification certificate issued to the corporation for the year in respect of its activities certifies that at least 75% of the eligible multimedia titles produced by the corporation in the year are both to be commercialized and available in a French version and are not vocational training titles, or that at least 75% of its gross revenue for the year is derived from such eligible multimedia titles,

i. 37.5%, if the taxation year begins before 1 January 2025,

ii. 35%, if the taxation year begins after 31 December 2024 but before 1 January 2026,

iii. 32.5%, if the taxation year begins after 31 December 2025 but before 1 January 2027,

iv. 30%, if the taxation year begins after 31 December 2026 but before 1 January 2028, or

v. 27.5%, if the taxation year begins after 31 December 2027;

"(*b*) where subparagraph *a* does not apply and the qualification certificate issued to the corporation for the year in respect of its activities certifies that at least 75% of the eligible multimedia titles produced by the corporation in the year are to be commercialized and are not vocational training titles, or that at least 75% of its gross revenue for the year is derived from such eligible multimedia titles,

i. 30%, if the taxation year begins before 1 January 2025,

ii. 27.5%, if the taxation year begins after 31 December 2024 but before 1 January 2026,

iii. 25%, if the taxation year begins after 31 December 2025 but before 1 January 2027,

iv. 22.5%, if the taxation year begins after 31 December 2026 but before 1 January 2028, or

v. 20%, if the taxation year begins after 31 December 2027; or";

(2) by adding the following subparagraph at the end of the third paragraph:

"(*c*) in any other case,

i. 26.25%, if the taxation year begins before 1 January 2025,

ii. 23.75%, if the taxation year begins after 31 December 2024 but before 1 January 2026,

iii. 21.25%, if the taxation year begins after 31 December 2025 but before 1 January 2027,

iv. 18.75%, if the taxation year begins after 31 December 2026 but before 1 January 2028, or

v. 16.25%, if the taxation year begins after 31 December 2027.";

(3) by striking out the fifth, sixth, seventh and eighth paragraphs.

(2) Subsection 1 applies from 1 January 2025, except where paragraph 3 of that subsection strikes out the sixth, seventh and eighth paragraphs of section 1029.8.36.0.3.19 of the Act, in which case it applies to a taxation year that begins after 31 December 2024.

158. (1) Section 1029.8.36.0.3.79 of the Act is amended, in the first paragraph,

(1) by replacing the portion of the definition of "qualified wages" before subparagraph i of paragraph *b* by the following:

""qualified wages" incurred by a qualified corporation in a taxation year in respect of an eligible employee for all or part of the taxation year means the amount by which the amount of the wages incurred in the year by the qualified corporation in respect of the employee while the employee qualifies as an eligible employee of the qualified corporation, to the extent that that amount is paid and is in respect of duties the employee performs for the employer in carrying out work other than work in respect of which the ultimate beneficiary is a government entity, exceeds the aggregate of

(*a*) the excluded wages determined in respect of the eligible employee for the taxation year; and

(*b*) the aggregate of";

(2) by inserting the following definition in alphabetical order:

""excluded wages", determined in respect of an eligible employee of a qualified corporation for a taxation year, means the proportion of the amount in dollars mentioned in section 752.0.0.1 which, with reference to section 750.2, is applicable for the calendar year in which the taxation year begins that the number of days in the taxation year during which the employee qualifies as an eligible employee of the qualified corporation is of 365;".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

159. (1) Section 1029.8.36.0.3.80 of the Act is amended

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

"A qualified corporation that holds, for a taxation year, a valid qualification certificate issued by Investissement Québec for the purposes of this division and that encloses with the fiscal return it is required to file for the year under section 1000 a copy of the certificate as well as the documents described in the third paragraph is deemed, subject to the second paragraph, to have paid to the Minister on the corporation's balance-due day for that year, on account of its tax payable for that year under this Part, an amount equal to the product obtained by multiplying the percentage specified in the fourth paragraph by the aggregate of all amounts each of which is the qualified wages incurred by the corporation in the year in respect of an eligible employee for all or part of that year.";

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

"The percentage to which the first paragraph refers is

(*a*) 24%, where the taxation year begins before 1 January 2025;

(*b*) 23%, where the taxation year begins after 31 December 2024 but before 1 January 2026;

(*c*) 22%, where the taxation year begins after 31 December 2025 but before 1 January 2027;

(*d*) 21%, where the taxation year begins after 31 December 2026 but before 1 January 2028; or

(*e*) 20%, where the taxation year begins after 31 December 2027."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2024.

160. (1) Section 1029.8.36.59.49 of the Act is amended by replacing the definitions of "qualified expenditure" and "specified expenditure" by the following definitions:

""qualified expenditure" of a qualified corporation for a taxation year or of a qualified partnership for a fiscal period, in relation to an eligible employee, means, subject to section 1029.8.36.59.51, the aggregate of all amounts each of which is an eligible contribution of the qualified corporation or the qualified partnership, as the case may be, in respect of a calendar year subsequent to the calendar year 2018 that ends in the taxation year or the fiscal period, as the case may be, in relation to the portion of the salary, wages or other remuneration that the corporation or the partnership paid, allocated, granted, awarded or attributed to the eligible employee in the calendar year and that is attributable to a date prior to 13 March 2024, other than a salary, wages or other remuneration in respect of which no contribution is payable by the qualified corporation or the qualified partnership under section 34 of the Act respecting the Régie de l'assurance maladie du Québec, because of subparagraph *d*.1 of the sixth paragraph of that section 34;

""specified expenditure" of a qualified corporation for a taxation year or of a qualified partnership for a fiscal period, in relation to a specified employee, means, subject to section 1029.8.36.59.51, the aggregate of all amounts each of which is an eligible contribution of the qualified corporation or the qualified partnership, as the case may be, in respect of a calendar year subsequent to the calendar year 2018 that ends in the taxation year or the fiscal period, as the case may be, in relation to the portion of the salary, wages or other remuneration that the corporation or the partnership paid, allocated, granted, awarded or attributed to the specified employee in the calendar year and that is attributable to a date prior to 13 March 2024, other than a salary, wages or other remuneration in respect of which no contribution is payable by the qualified corporation or

the qualified partnership under section 34 of the Act respecting the Régie de l'assurance maladie du Québec, because of subparagraph *d*.1 of the sixth paragraph of that section 34;".

(2) Subsection 1 has effect from 13 March 2024. In addition, where subsection 1 applies after 7 June 2022, the definitions of "qualified expenditure" and "specified expenditure" in section 1029.8.36.59.49 of the Act are to be read as if "sixth" were replaced by "seventh".

161. (1) Section 1029.8.36.59.58 of the Act is amended by replacing "of subparagraph *d*.1 of the seventh paragraph" in the definition of "qualified expenditure" by "of subparagraph *d*.1 or *d*.2 of the sixth paragraph".

(2) Subsection 1 has effect from 8 June 2022. However, where it has effect before 21 March 2023, the definition of "qualified expenditure" in section 1029.8.36.59.58 of the Act is to be read as if "of subparagraph *d*.1 or *d*.2 of the sixth paragraph" were replaced by "of subparagraph *d*.1 of the sixth paragraph".

162. (1) Section 1029.8.36.166.60.36 of the Act is amended

(1) by replacing "2025" in paragraph *a* of the definition of "specified property" in the first paragraph by "2030";

(2) by inserting the following subparagraph after subparagraph i of paragraph *a* of the definition of "specified expenses" in the first paragraph:

"i.1. the amount by which the expenses incurred by the corporation to acquire the specified property in a preceding taxation year for which it was a qualified corporation that are included, at the end of the preceding year, in the capital cost of the property and that are paid in the particular year, but on or before the last day of the 18-month period following the end of that preceding year, exceed the portion of those expenses that was taken into account for the purpose of establishing the amount of the corporation's specified expenses in respect of which the corporation would be deemed to have paid an amount to the Minister under section 1029.8.36.166.60.48 for a taxation year preceding the particular year if that section were read without reference to its third paragraph, and";

(3) by inserting the following subparagraph after subparagraph i of paragraph *b* of the definition of "specified expenses" in the first paragraph:

"i.1. the amount by which the expenses incurred by the partnership to acquire the specified property in a preceding fiscal period for which it was a qualified partnership that are included, at the end of the preceding fiscal period, in the capital cost of the property and that are paid in the particular fiscal period, but on or before the last day of the 18-month period following the end of that preceding fiscal period, exceed the portion of those expenses that was taken into account for the purpose of establishing the amount of the partnership's

specified expenses in respect of which a corporation that is a member of the partnership would be deemed to have paid an amount to the Minister under section 1029.8.36.166.60.49 for a taxation year preceding that in which the particular fiscal period ends if that section were read without reference to its third and fifth paragraphs and if, where the corporation was not a qualified corporation for the preceding taxation year, it had been such a corporation for that taxation year, and";

(4) by striking out subparagraphs ii and xiv of paragraph *a* of the definition of "territory with low economic vitality" in the first paragraph;

(5) by replacing "2025" in subparagraph *b* of the second paragraph by "2030".

(2) Paragraphs 2 and 3 of subsection 1 apply in respect of expenses incurred in a taxation year or fiscal period, as the case may be, that ends after 7 November 2023. In addition, those paragraphs apply in respect of particular expenses incurred by a corporation, or by a partnership of which the corporation is a member, in a particular taxation year or particular fiscal period, as the case may be, that ends before 8 November 2023, where

(1) the corporation has made, for a taxation year, an application in accordance with section 1029.8.36.166.60.48 or 1029.8.36.166.60.49 of the Act, as the case may be;

(2) the application referred to in paragraph 1 has been refused by the Minister of Revenue in respect of the particular expenses on the ground that it was not made for the particular taxation year or for the taxation year in which the particular fiscal period ended; or

(3) the corporation makes a new application in respect of the particular expenses by filing with the Minister of Revenue the prescribed form containing prescribed information referred to in section 1029.8.36.166.60.48 or 1029.8.36.166.60.49 of the Act, as the case may be, on or before the 183rd day after the day of sending of a notice of assessment or reassessment issued to the corporation and refusing in whole or in part the application referred to in paragraph 1 or, if later, 30 June 2024.

(3) Paragraph 4 of subsection 1 applies in respect of expenses incurred after 30 June 2025 for the acquisition of a property after that date.

(4) Despite sections 1010 to 1011 of the Act, the Minister of Revenue shall, under Part I of the Act, in respect of the particular year, make such determinations or redeterminations of the amount deemed to have been paid by the corporation for that year under Division II.6.14.2.3 of Chapter III.1 of Title III of Book IX of that Part I, without reference to its section 1029.6.0.1.2, and such reassessments of the corporation's interest and penalties as are necessary to give effect to the application referred to in paragraph 3 of subsection 2. Sections 93.1.8

and 93.1.12 of the Tax Administration Act (chapter A-6.002) apply to such determinations, redeterminations or reassessments, with the necessary modifications.

163. (1) Section 1029.8.36.166.60.38 of the Act is amended

(1) by replacing "48-month" in subparagraph i of subparagraph *a* of the first paragraph by "36-month";

(2) by replacing "48-month" in subparagraph *a* of the second paragraph by "36-month".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2023.

164. (1) Section 1029.8.36.166.60.40 of the Act is amended by replacing "48-month" in paragraph *a* by "36-month".

(2) Subsection 1 applies to a fiscal period that begins after 31 December 2023.

165. (1) Section 1029.8.36.166.60.41 of the Act is amended by replacing "48-month" in subparagraph *a* of the first paragraph by "36-month".

(2) Subsection 1 applies to a fiscal period that begins after 31 December 2023.

166. (1) Section 1029.8.36.166.60.45 of the Act is amended

(1) by replacing "third paragraph" in the second paragraph by "fourth paragraph";

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

"The formula to which the first paragraph refers is

$1 - \{[(A - \$50{,}000{,}000)/\$50{,}000{,}000] \times B/C\}$.";

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

"The formula to which the second paragraph refers is

$1 - [(A - \$50{,}000{,}000)/\$50{,}000{,}000]$.";

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

"In the formulas in the third and fourth paragraphs,

(*a*) A is the greater of

i. $50,000,000, and

ii. the greater of the assets and the gross revenue that apply to the corporation for the taxation year, without exceeding $100,000,000;

(*b*) B is the aggregate of

i. the corporation's specified expenses for the taxation year that were incurred in a taxation year that begins before 1 January 2024, and

ii. if the corporation is a member of a qualified partnership at the end of a particular fiscal period of the partnership that ends in the taxation year, the aggregate of all amounts each of which is the corporation's share of such a partnership's specified expenses for the particular fiscal period of the partnership that were incurred in a fiscal period that begins before 1 January 2024; and

(*c*) C is the aggregate of

i. the corporation's specified expenses for the taxation year, and

ii. if the corporation is a member of a qualified partnership at the end of a particular fiscal period of the partnership that ends in the taxation year, the aggregate of all amounts each of which is the corporation's share of such a partnership's specified expenses for the particular fiscal period of the partnership."

(2) Subsection 1 applies to a taxation year that begins after 31 December 2023.

167. Section 1029.8.36.166.60.48 of the Act is amended by replacing the third paragraph by the following paragraph:

"Unless all the specified expenses that are taken into account for the purpose of establishing the amount that a corporation is deemed to have paid to the Minister under the first paragraph or the first paragraph of section 1029.8.36.166.60.49 were incurred in a taxation year or fiscal period, as the case may be, that begins after 31 December 2023, the total amount that the corporation is deemed to have paid to the Minister for the year under the first paragraph and, if applicable, under the first paragraph of section 1029.8.36.166.60.49 may not exceed the corporation's maximum tax credit amount for the year."

168. (1) Section 1029.8.36.166.60.49 of the Act is amended

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

"Unless all the specified expenses that are taken into account for the purpose of establishing the amount that a corporation is deemed to have paid to the Minister under the first paragraph or the first paragraph of section 1029.8.36.166.60.48 were incurred in a fiscal period or taxation year, as the case may be, that begins after 31 December 2023, the total amount that

the corporation is deemed to have paid to the Minister for the year under the first paragraph and, if applicable, under the first paragraph of section 1029.8.36.166.60.48 may not exceed the corporation's maximum tax credit amount for the year.";

(2) by replacing "of subparagraph ii" in the fifth paragraph by "of subparagraph i.1 or ii".

(2) Paragraph 2 of subsection 1 applies in respect of expenses incurred in a fiscal period that ends after 7 November 2023.

169. (1) Section 1029.8.36.166.60.50 of the Act is amended

(1) by inserting the following subparagraph after subparagraph i of subparagraph *a* of the first paragraph:

"i.1. if the portion of the specified expenses represents expenses that are described in the fifth paragraph, 25%, or";

(2) by inserting the following subparagraph after subparagraph i of subparagraph *b* of the first paragraph:

"i.1. if the portion of the specified expenses represents expenses that are described in the fifth paragraph, 20%, or";

(3) by inserting the following subparagraph after subparagraph i of subparagraph *c* of the first paragraph:

"i.1. if the portion of the specified expenses represents expenses that are described in the fifth paragraph, 15%, or";

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

"The expenses referred to in subparagraph i.1 of each of subparagraphs *a* to *c* of the first paragraph are those that are incurred either after 31 December 2023 or in the particular period that begins on 26 March 2021 and ends on 31 December 2023 for the acquisition of a property after that latter date, except

(*a*) the expenses incurred in respect of a property that is acquired pursuant to an obligation in writing entered into before 26 March 2021 or the construction of which, by or on behalf of the purchaser, had begun before that date; and

(*b*) the expenses that are described in the fourth paragraph."

(2) Subsection 1 has effect from 7 November 2023.

170. (1) Section 1029.8.61.96.16 of the Act is replaced by the following section:

"**1029.8.61.96.16.** The amount determined under subparagraph i or ii of paragraph *a* of section 1029.8.61.96.12 or included in the aggregate described in paragraph *b* of that section, in respect of each person who is an eligible carereceiver in relation to an individual and has reached 18 years of age in a taxation year, and taken into account for the purpose of computing the amount that the individual is deemed to have paid to the Minister under section 1029.8.61.96.12 for the year is to be replaced by an amount equal to the proportion of that amount that the number of months in the year that follow the month in which that person reaches 18 years of age is of 12."

(2) Subsection 1 applies from the taxation year 2020.

171. (1) The Act is amended by inserting the following section after section 1049:

"**1049.0.0.1.** The following incur a penalty of up to $5,000 comprising a penalty of $1,000 and an additional penalty of $100 a day, as of the second day, for every day the failure or omission continues:

(*a*) every person or partnership who, knowingly or under circumstances amounting to gross negligence, makes, or participates or acquiesces in the making of, a false statement or omission in a fiscal return made or filed in respect of a trust (other than an excluded trust within the meaning of subsection 2.2 of section 1000) for a taxation year or fails to make such a return; and

(*b*) every person or partnership who fails to comply with a demand under section 1001 or a formal demand under section 39 of the Tax Administration Act (chapter A-6.002) to file a return described in paragraph *a*."

(2) Subsection 1 applies to a taxation year that ends after 30 December 2023.

172. (1) Section 1051 of the Act is amended by inserting the following subparagraph after subparagraph *d* of the second paragraph:

"(*d*.1) within the three or four years, as the case may be, following the day on which the information return referred to in section 1079.8.15.3 is filed, in relation to an uncertain tax treatment, within the meaning of section 1079.8.15.2, where paragraph *a*.3 of subsection 2 of section 1010 applies; or".

(2) Subsection 1 applies to a taxation year that begins after 31 December 2022.

173. (1) Section 1079.3 of the Act is replaced by the following section:

"**1079.3.** Upon receipt of an application under section 1079.2 for an identification number for a tax shelter, together with prescribed information, the prescribed amount and an undertaking satisfactory to the Minister that records in respect of the tax shelter will be kept and retained at a place that is satisfactory to the Minister, the Minister shall issue an identification number for the tax shelter."

(2) Subsection 1 applies from 1 January 2025.

174. Section 1079.8.12 of the Act is amended by replacing "admission" in the French text by "reconnaissance".

175. Section 1079.8.15.4 of the Act is amended by replacing "ne peut être assimilée à un aveu ou à une admission de la société" in the French text by "ne peut être assimilée à un aveu ou à la reconnaissance, de la part de la société,".

176. Section 1094 of the Act is amended by replacing "droit dans" in subparagraph iv of paragraph *c* in the French text by "droit sur".

177. Section 1096 of the Act is replaced, in the French text, by the following section:

"**1096.** Pour l'application des articles 1094 et 1095, un bien est réputé comprendre, à un moment donné, un droit ou une option sur ce bien, même si ce bien n'existe pas à ce moment."

178. Section 1102.1 of the Act is amended by replacing the second paragraph by the following paragraph:

"Property described in the first paragraph includes, at a particular time, any right in or option in respect of such property, whether or not the property exists at that time."

179. Section 1102.4 of the Act is amended by replacing "an interest in" in paragraph *h* by "a right in".

180. Section 1120 of the Act is amended by replacing "an interest in" in subparagraph i of paragraph *b* and "interest in" in subparagraph ii of that paragraph by "a right in" and "right in", respectively.

181. (1) Section 1129.0.0.1 of the Act is amended

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

"In each of Parts III.0.1, III.1 to III.1.0.5, III.1.1, III.1.1.2, III.1.1.3, III.1.1.7, III.6.4.1, III.6.4.2, III.10, III.10.1, III.10.1.2 to III.10.1.8 and III.10.2, "government assistance" and "non-government assistance" have the meaning

assigned by section 1029.6.0.0.1 for the purposes of the Title of Book V or the division of Chapter III.1 of Title III of Book IX of Part I to which that Part relates.";

(2) by striking out the second paragraph.

(2) Subsection 1 applies from 1 January 2025.

182. Section 1129.0.0.4 of the Act is amended by replacing the portion before subparagraph *a* of the first paragraph by the following:

"**1129.0.0.4.** If, at a particular time after 21 April 2005, a person or partnership pays, pursuant to a legal obligation, a particular amount that may reasonably be considered to be the repayment of a benefit or advantage that, for the purpose of computing an amount (in this section referred to as the "credit amount") that a taxpayer is deemed to have paid to the Minister for any given taxation year under a particular provision of any of Divisions II.6.0.1.7 and II.6.6.1 to II.6.7 of Chapter III.1 of Title III of Book IX of Part I, was taken into account in computing an expenditure or the taxpayer's share of an expenditure, the following rules have effect, where applicable, for the purposes of the Part among Parts III.1.1.7, III.10.1.2 to III.10.1.8 and III.10.2 that relates to the particular provision:".

183. Section 1129.2 of the Act is amended by replacing subparagraph *a*.1 of the first paragraph by the following subparagraph:

"(*a*.1) where the situations described in subparagraphs i and ii of subparagraph *a* are not encountered in the particular year in relation to the property and have not been encountered in any preceding taxation year and the corporation ceases in the particular year to be recognized as a qualified corporation not dealing at arm's length with another corporation that holds a broadcasting licence issued by the Canadian Radio-television and Telecommunications Commission or to be recognized as a qualified corporation not dealing at arm's length with another corporation that is an eligible online video service provider because the Société de développement des entreprises culturelles revokes in the particular year the qualification certificate referred to in paragraph *a*.3 or *a*.5, as the case may be, of the definition of "qualified corporation" in the first paragraph of section 1029.8.34 that was issued to the corporation, for any taxation year, the amount by which the aggregate of all amounts each of which is an amount that the corporation is deemed to have paid to the Minister under section 1029.8.35 in respect of the property for the taxation year exceeds the aggregate of all amounts each of which is a tax that the corporation is required to pay under this Part in respect of the property for the taxation year; and".

184. (1) Section 1129.4.3.7 of the Act is replaced by the following section:

"**1129.4.3.7.** For the purposes of Part I, except Title III.3.1 of Book V and Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX, the tax paid at any time by a corporation to the Minister under section 1129.4.3.6, in relation

to a property, is deemed to be an amount of assistance repaid at that time by the corporation in respect of the property, pursuant to a legal obligation."

(2) Subsection 1 applies from 1 January 2025.

185. (1) Section 1129.4.3.11 of the Act is replaced by the following section:

"**1129.4.3.11.** For the purposes of Part I, except Title III.3.2 of Book V and Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX, the tax paid at any time by a corporation to the Minister under section 1129.4.3.10, in relation to an expenditure included in a qualified labour expenditure of the corporation, is deemed to be an amount of assistance repaid at that time by the corporation in respect of the expenditure, pursuant to a legal obligation."

(2) Subsection 1 applies from 1 January 2025.

186. Section 1129.4.3.38 of the Act is replaced by the following section:

"**1129.4.3.38.** For the purposes of Part I, except Title III.4 of Book V and Division II.6.0.1.9 of Chapter III.1 of Title III of Book IX, tax paid at any time by a corporation to the Minister under section 1129.4.3.37, in relation to qualified wages, is deemed to be an amount of assistance repaid at that time by the corporation in respect of the wages, pursuant to a legal obligation."

187. (1) Section 1129.27.4.1 of the Act is amended, in the definition of "annual limit amount",

(1) by replacing "*c* to *e*" in the portion of paragraph *b* before subparagraph i by "*c* to *f*";

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

"(*f*) $125,000,000, in respect of the capitalization period that begins on 1 March 2024 and ends on 28 February 2025;".

(2) Subsection 1 has effect from 1 March 2024.

188. (1) The Act is amended by inserting the following Parts after section 1129.27.18:

"**PART III.6.4.1**

"SPECIAL TAX RELATING TO THE NON-REFUNDABLE TAX CREDIT FOR MULTIMEDIA TITLES (GENERAL)

"**1129.27.18.1.** In this Part,

"qualified labour expenditure" of a corporation for a taxation year has the meaning assigned by section 1029.8.36.0.3.8;

"unused portion of the tax credit" of a corporation for a taxation year has the meaning assigned by section 776.1.18.1.

"**1129.27.18.2.** Every corporation that has deducted an amount under section 776.1.18.2 or 776.1.18.3 for a taxation year shall pay the tax computed under the second paragraph for a subsequent taxation year (in this section referred to as the "repayment year") in which

(*a*) an amount relating to an expenditure included in computing a qualified labour expenditure of the corporation for a taxation year preceding the repayment year is, directly or indirectly, refunded or otherwise paid to the corporation or allocated to a payment to be made by the corporation, or obtained by a person or partnership; or

(*b*) government assistance or non-government assistance is received by a person or partnership and the assistance would have reduced, in accordance with paragraph *b* of section 1029.8.36.0.3.10.1, the amount of a portion of a consideration included in computing a qualified labour expenditure of the corporation for a taxation year preceding the repayment year, if the person or partnership had received it, had been entitled to receive it or could reasonably have expected to receive it on or before the corporation's filing-due date for that preceding year.

The tax to which the first paragraph refers is equal to the amount by which the aggregate of all amounts each of which is an amount that the corporation deducted under section 776.1.18.2 or 776.1.18.3 for a taxation year preceding the repayment year exceeds the total of

(*a*) the aggregate of all amounts each of which is an amount that the corporation could have deducted under section 776.1.18.2 or 776.1.18.3 for a preceding year if, for the purposes of the definition of "qualified labour expenditure" in section 1129.27.18.1,

i. every amount referred to in subparagraph *a* of the first paragraph that is, at or before the end of the repayment year, so refunded, paid or allocated, or so obtained, in relation to an expenditure included in computing a qualified labour expenditure of the corporation for a preceding year, had been refunded, paid, allocated or obtained in that preceding year,

ii. every government assistance or non-government assistance referred to in subparagraph *b* of the first paragraph that is received by a person or partnership at or before the end of the repayment year, in relation to a portion of a consideration included in a qualified labour expenditure of the corporation for a preceding year, had been received in that preceding year, and

iii. every amount referred to in the first paragraph of section 776.1.18.6, for the repayment year or for a preceding year, that is, at or before the end of the repayment year, paid or deemed to be paid under section 776.1.18.7, in relation to an expenditure included in computing a qualified labour expenditure of the

corporation for a preceding year, had been paid or deemed to be paid in that preceding year; and

(*b*) the aggregate of all amounts each of which is a tax that the corporation is required to pay to the Minister under this section for a taxation year preceding the repayment year.

"**1129.27.18.3.** For the purposes of Part I, except Title III.3.1 of Book V and Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX, the tax paid at any time by a corporation to the Minister under section 1129.27.18.2, in relation to an expenditure included in a qualified labour expenditure of the corporation, is deemed to be an amount of assistance repaid at that time by the corporation in respect of the expenditure, pursuant to a legal obligation.

"**1129.27.18.4.** Unless otherwise provided in this Part, the first paragraph of section 549, section 564 where it refers to the first paragraph of section 549, sections 1000 to 1024, subparagraph *b* of the first paragraph of section 1027 and sections 1037 to 1079.16 apply to this Part, with the necessary modifications.

"**PART III.6.4.2**

"SPECIAL TAX RELATING TO THE NON-REFUNDABLE TAX CREDIT FOR CORPORATIONS SPECIALIZED IN THE PRODUCTION OF MULTIMEDIA TITLES

"**1129.27.18.5.** In this Part,

"qualified labour expenditure" of a corporation for a taxation year has the meaning assigned by section 1029.8.36.0.3.18;

"unused portion of the tax credit" of a corporation for a taxation year has the meaning assigned by section 776.1.18.9.

"**1129.27.18.6.** Every corporation that has deducted an amount under section 776.1.18.10 or 776.1.18.11 for a taxation year shall pay the tax computed under the second paragraph for a subsequent taxation year (in this section referred to as the "repayment year") in which

(*a*) an amount relating to an expenditure included in computing its qualified labour expenditure for a taxation year preceding the repayment year is, directly or indirectly, refunded or otherwise paid to the corporation or allocated to a payment to be made by the corporation, or obtained by a person or partnership; or

(*b*) government assistance or non-government assistance is received by a person or partnership and the assistance would have reduced, in accordance with paragraph *b* of section 1029.8.36.0.3.21, the amount of a portion of a consideration included in computing its qualified labour expenditure for a taxation year preceding the repayment year, if the person or partnership had received it, had been entitled to receive it or could reasonably have expected to receive it on or before the corporation's filing-due date for that preceding year.

The tax to which the first paragraph refers is equal to the amount by which the aggregate of all amounts each of which is an amount that the corporation deducted under section 776.1.18.10 or 776.1.18.11 for a taxation year preceding the repayment year exceeds the total of

(*a*) the aggregate of all amounts each of which is an amount that the corporation could have deducted under section 776.1.18.10 or 776.1.18.11 for a preceding year if, for the purposes of the definition of "qualified labour expenditure" in section 1129.27.18.5,

i. every amount referred to in subparagraph *a* of the first paragraph that is, at or before the end of the repayment year, so refunded, paid or allocated, or so obtained, in relation to an expenditure included in computing its qualified labour expenditure for a preceding year, had been refunded, paid, allocated or obtained in that preceding year,

ii. every government assistance or non-government assistance referred to in subparagraph *b* of the first paragraph that is received by a person or partnership at or before the end of the repayment year, in relation to a portion of a consideration included in the corporation's qualified labour expenditure for a preceding year, had been received in that preceding year, and

iii. every amount referred to in the first paragraph of section 776.1.18.14, for the repayment year or for a preceding year, that is, at or before the end of the repayment year, paid or deemed to be paid under section 776.1.18.15, in relation to an expenditure included in computing its qualified labour expenditure for a preceding year, had been paid or deemed to be paid in that preceding year; and

(*b*) the aggregate of all amounts each of which is a tax that the corporation is required to pay to the Minister under this section for a taxation year preceding the repayment year.

"**1129.27.18.7.** For the purposes of Part I, except Title III.3.2 of Book V and Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX, the tax paid at any time by a corporation to the Minister under section 1129.27.18.6, in relation to an expenditure included in a qualified labour expenditure of the corporation, is deemed to be an amount of assistance repaid at that time by the corporation in respect of the expenditure, pursuant to a legal obligation.

"**1129.27.18.8.** Unless otherwise provided in this Part, the first paragraph of section 549, section 564 where it refers to the first paragraph of section 549, sections 1000 to 1024, subparagraph *b* of the first paragraph of section 1027 and sections 1037 to 1079.16 apply to this Part, with the necessary modifications."

(2) Subsection 1 applies from 1 January 2025.

189. (1) Section 1129.33.0.3 of the Act is amended

(1) by replacing "without reference to its Chapter III" in the first paragraph by "without reference to the second paragraph of its section 11 and to its Chapter III";

(2) by replacing "transfer duties owed in respect of the transfer" in the second paragraph by "amount described in the third paragraph";

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

"The amount to which the second paragraph refers is

(*a*) where the transfer duties owed in respect of the transfer may, under a by-law adopted by the municipality in whose territory the immovable is situated, be paid in several instalments and the transferee avails itself of that possibility, the amount of the first instalment in respect of a portion of the transfer duties owed in respect of the transfer; or

(*b*) in any other case, the transfer duties owed in respect of the transfer."

(2) Subsection 1 applies in respect of the transfer of an immovable made after 7 December 2023.

190. (1) Section 1129.33.0.4 of the Act is amended

(1) by replacing "transfer duties owed in respect of the immovable" in the second paragraph by "amount described in the third paragraph";

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

"The amount to which the second paragraph refers is

(*a*) where the transfer duties owed in respect of the immovable may, under a by-law adopted by the municipality in whose territory the immovable is situated, be paid in several instalments and the transferee avails itself of that possibility, the amount of the first instalment of the transfer duties owed in respect of the immovable; or

(*b*) in any other case, the transfer duties owed in respect of the immovable."

(2) Subsection 1 applies in respect of the transfer of an immovable made after 7 December 2023.

191. (1) Section 1175.28.0.6 of the Act is amended by replacing "*e* and *f*" in subparagraph *b* of the first paragraph by "*e* to *h*".

(2) Subsection 1 has effect from 1 January 2024.

192. (1) Section 1175.28.0.7 of the Act is amended by replacing "*e* and *f*" in paragraph *d* by "*e* to *h*".

(2) Subsection 1 has effect from 1 January 2024.

193. (1) Section 1175.28.14 of the Act is amended by replacing paragraph *a*.1 by the following paragraph:

"(*a*.1) the portion of that tax that is determined under subparagraph *a* of the third paragraph of that section and that may reasonably be considered as relating to a deduction under any of Titles III.3, III.3.1, III.3.2, III.4 and III.5 of Book V of Part I, in relation to an expense, is deemed to be an amount of assistance repaid at that time by the person in respect of the expense, pursuant to a legal obligation, for the purposes of Part I, except for the definition of "total taxes" in the first paragraph of sections 1029.8.36.166.40, 1029.8.36.166.60.36 and 1029.8.36.167 and, as the case may be,

i. that Title III.3 or that Title III.5,

ii. that Title III.3.1 and Division II.6.0.1.2 of Chapter III.1 of Title III of Book IX,

iii. that Title III.3.2 and Division II.6.0.1.3 of Chapter III.1 of Title III of Book IX, or

iv. that Title III.4 and Division II.6.0.1.9 of Chapter III.1 of Title III of Book IX;".

(2) Subsection 1 applies from 1 January 2025.

ACT RESPECTING THE APPLICATION OF THE TAXATION ACT

194. (1) Section 61 of the Act respecting the application of the Taxation Act (chapter I-4) is amended

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

"In the case provided for in section 444 or 459 of the Taxation Act (chapter I-3) in respect of the child of a taxpayer, the provisions specified in the second paragraph do not apply to computing the cost, for the child, of land described in that section 444 or 459, respectively, if such land belonged to the taxpayer on 31 December 1971 and thereafter without interruption until the taxpayer's death or, as the case may be, until the transfer; in such case, section 69 applies to the transfer or assignment of such land to the child as if the date of 18 June 1971, mentioned in that section, were replaced by that of 31 December 1971.";

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

"The provisions to which the first paragraph refers are the following provisions of the Taxation Act:

(*a*) subparagraph ii of subparagraph *a* of the second paragraph of section 444 and subparagraph 2 of subparagraph v of that subparagraph *a*;

(*b*) subparagraph iv of subparagraph *b* of the second paragraph of section 444; and

(*c*) paragraph *b* of section 462.";

(3) by replacing the second paragraph in the French text by the following paragraph:

"Pour l'application du présent article, l'expression « enfant » d'un contribuable comprend un petit-fils, une petite-fille, un arrière-petit-fils ou une arrière-petite-fille du contribuable ainsi qu'une personne qui, à un moment quelconque avant qu'elle n'ait atteint l'âge de 21 ans, était entièrement à la charge du contribuable pour sa subsistance et dont ce dernier avait, à ce moment, la garde et la surveillance, en droit ou de fait."

(2) Paragraphs 1 and 2 of subsection 1 apply in respect of the disposition of a property that occurs after 1 May 2006, except where the disposition of the property occurred before 1 January 2007 and the taxpayer made a valid election for the taxation year in which the disposition occurred under subsection 6 of section 10 of the Second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006 (Statutes of Canada, 2007, chapter 2).

ACT RESPECTING THE SECTORAL PARAMETERS OF CERTAIN FISCAL MEASURES

195. (1) Section 2.11 of Schedule E to the Act respecting the sectoral parameters of certain fiscal measures (chapter P-5.1) is amended by replacing "50%" in subparagraph *b* of paragraph 3 by "40%".

(2) Subsection 1 applies in respect of an application for a certificate that is filed for a taxation year that begins after 19 December 2023.

196. (1) Section 8.1 of Schedule E to the Act is amended by replacing "of the seventh paragraph" in paragraph 2 of the definition of "tax holiday relating to the carrying out of a large investment project" in the first paragraph by "of the sixth paragraph".

(2) Subsection 1 has effect from 8 June 2022.

197. (1) Section 9.12 of Schedule E to the Act is amended by replacing "50%" in subparagraph *b* of paragraph 3 by "40%".

(2) Subsection 1 applies in respect of an application for a certificate that is filed for a taxation year that begins after 19 December 2023.

198. Section 3.7 of Schedule H to the Act is amended by replacing "import the film into" in subparagraph *d* of subparagraph 4 of the second paragraph by "exploit the film in".

199. (1) Section 5.1 of Schedule H to the Act is amended by replacing the definition of "labour cost" in the first paragraph by the following definition:

""labour cost" of a corporation for a taxation year in respect of a film means the aggregate of all amounts each of which is an amount that is described in paragraph *a* or *b* of the definition of "production costs" in the first paragraph of section 1029.8.36.0.0.4 of the Taxation Act, or that would be described in paragraph *c* of that definition if it were read without reference to ", except the portion of the cost of a contract and the other costs related to the contract that are referred to in paragraph *c*.1", and that would be included in the corporation's production costs for the year in respect of the film for the purposes of the film production services tax credit if no reference were made to subparagraph *c* of the third paragraph of that section;".

(2) Subsection 1 applies in respect of a film for which an application for an approval certificate is filed with the Société de développement des entreprises culturelles after 12 March 2024 or, if the Société de développement des entreprises culturelles considers that the work on the film was sufficiently advanced on that date, after 31 May 2024.

ACT RESPECTING THE RÉGIE DE L'ASSURANCE MALADIE DU QUÉBEC

200. (1) Section 34.1.0.3.1 of the Act respecting the Régie de l'assurance maladie du Québec (chapter R-5) is amended

(1) by replacing the portion of subparagraph iv of subparagraph *a* of the fifth paragraph before subparagraph 1 by the following:

"iv. in the case of a deemed large investment project within the meaning of the seventh paragraph of section 33, where the first taxation year to which the computation method election in relation to the project applies is not subsequent to the taxation year that includes the last day of the tax-free period in respect of the first large investment project and where the particular year is not that first year and is referred to in subparagraph 1 or 2, whichever of the following amounts is applicable:";

(2) by replacing the portion of subparagraph iv of subparagraph *b* of the fifth paragraph before subparagraph 1 by the following:

"iv. in the case of a deemed large investment project within the meaning of the seventh paragraph of section 33, where the first fiscal period to which the computation method election in relation to the project applies is not subsequent

to the fiscal period that includes the last day of the tax-free period in respect of the first large investment project and where the particular fiscal period is not that first fiscal period and is referred to in subparagraph 1 or 2, whichever of the following amounts is applicable:";

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

"An amount determined by the formula in this section that is less than zero is deemed to be equal to zero."

(2) Subsection 1 has effect from 21 March 2023.

ACT RESPECTING THE QUÉBEC SALES TAX

201. (1) Section 1 of the Act respecting the Québec sales tax (chapter T-0.1), amended by section 1426 of chapter 34 of the statutes of 2023, is again amended

(1) by replacing the definition of "fiscal month" by the following definition:

""fiscal month" of a person at a particular time means

(1) where subdivision IV of subdivision 0.1 of Division IV of Chapter VIII applies in respect of the person, the period determined under sections 458.1.2, 458.2 and 458.2.1; or

(2) where that subdivision IV does not apply in respect of the person, either of the following periods:

(*a*) where the person is a registrant under Part IX of the Excise Tax Act, the person's fiscal month for the purposes of Part IX of that Act at that time, or

(*b*) in any other case, the period determined under sections 458.1.2, 458.2 and 458.2.1;";

(2) by replacing the definition of "commercial service" by the following definition:

""commercial service", in respect of corporeal movable property, means any service in respect of the property other than

(1) a service of shipping the property supplied by a carrier;

(2) a financial service; and

(3) a service that is acquired for consumption, use or supply in the course of, or in connection with, the performance of a mining activity, within the meaning of section 350.12.1, in Québec;";

(3) by replacing the definition of "fiscal quarter" by the following definition:

""fiscal quarter" of a person at a particular time means

(1) where subdivision IV of subdivision 0.1 of Division IV of Chapter VIII applies in respect of the person, the period determined under sections 458.1.1, 458.2 and 458.2.1; or

(2) where that subdivision IV does not apply in respect of the person, either of the following periods:

(*a*) where the person is a registrant under Part IX of the Excise Tax Act, the person's fiscal quarter for the purposes of Part IX of that Act at that time, or

(*b*) in any other case, the period determined under sections 458.1.1, 458.2 and 458.2.1;".

(2) Paragraphs 1 and 3 of subsection 1 apply from 1 January 2025. In addition, where a reporting period of a person to which subdivision IV of subdivision 0.1 of Division IV of Chapter VIII of Title I of the Act applies begins before 1 January 2025 and ends after 31 December 2024, the person's reporting period is deemed to end on 31 December 2024.

(3) Paragraph 2 of subsection 1 has effect from 5 February 2022.

202. (1) Section 17 of the Act, amended by section 127 of chapter 39 of the statutes of 2024, is again amended

(1) by replacing "in subparagraph 2.1" in subparagraph 2 of the second paragraph by "in subparagraph 2.1 or 2.1.1";

(2) by inserting ", other than a road vehicle referred to in subparagraph 2.1.1" after "following an application by the person" in the portion of subparagraph 2.1 of the second paragraph before subparagraph *a*;

(3) by inserting the following subparagraph after subparagraph 2.1 of the second paragraph:

"(2.1.1) in the case of a used road vehicle supplied to the person outside Québec by way of sale that must be registered under the Highway Safety Code following an application by the person, if the supply of the vehicle was made between related individuals, the value of the consideration for the supply;";

(4) by adding the following subparagraph at the end of the fourth paragraph:

"(8) a used road vehicle supplied to a person outside Québec that must be registered under the Highway Safety Code following an application by the person, if the supply of the vehicle was made between related individuals by

way of gift or between individuals in settlement of rights arising out of their marriage."

(2) Subsection 1 applies in respect of a used road vehicle brought into Québec after 12 March 2024.

203. (1) Section 193 of the Act is amended by inserting the following definition in alphabetical order:

""corporeal movable property" includes money;".

(2) Subsection 1 has effect from 10 August 2022. It also applies in respect of a supply made before 10 August 2022 where the supplier has not charged or collected, before that date, any amount as or on account of tax under Title I of the Act in respect of the supply.

204. (1) The Act is amended by inserting the following section after section 289.8:

"**289.8.0.1.** If, in making an assessment of the net tax for a reporting period of a person, the Minister determines that the tax in respect of a supply of all or part of a specified resource deemed to have been made by the person under subparagraph 1 of the first paragraph of section 289.5 or 289.5.1 or in respect of a supply of an employer resource deemed to have been made by the person under subparagraph 1 of the first paragraph of any of sections 289.6, 289.6.1, 289.7 and 289.7.1 is greater than the amount of tax that had been accounted for in respect of the supply prior to the Minister's assessment of the net tax for the reporting period and if the person has paid or remitted all amounts owing to the Minister in respect of the net tax for the reporting period, if any, the following rules apply:

(1) the person shall, in the form and manner determined by the Minister, provide the information determined by the Minister in respect of the supply to each pension entity that is deemed to have paid tax in respect of the specified resource or part or in respect of the employer resource, as the case may be, under subparagraph 4 of the first paragraph of whichever of sections 289.5, 289.5.1, 289.6, 289.6.1, 289.7 and 289.7.1 is applicable (in this section referred to as the "applicable subparagraph") before the day that is one year after the later of

(*a*) the day on which the Minister sends the notice of assessment, and

(*b*) the first day on which all amounts owing to the Minister in respect of the net tax for the reporting period, if any, have been paid or remitted; and

(2) if the person provides the information determined by the Minister to a particular pension entity in accordance with subparagraph 1 and if the information is received by the particular pension entity on a particular day that

is after the end of the last claim period, within the meaning of section 383, of the particular pension entity that ends within two years after the day on which the supply was deemed to have been made for the purposes referred to in the applicable subparagraph,

(*a*) the particular pension entity is deemed to have paid, on the particular day, tax equal to the amount determined by the formula

A × (B/C), and

(*b*) if the applicable subparagraph is subparagraph 4 of the first paragraph of any of sections 289.5, 289.5.1, 289.6 and 289.6.1, the tax that the particular pension entity is deemed to have paid under subparagraph *a* is deemed to have been paid in respect of the supply of the specified resource or part or in respect of the supply of the employer resource, as the case may be, that the particular pension entity is deemed to have received under the applicable subparagraph.

For the purposes of the formula in subparagraph *a* of subparagraph 2 of the first paragraph,

(1) A is the amount of tax in respect of the specified resource or part or in respect of the employer resource, as the case may be, that the particular pension entity is deemed to have paid under the applicable subparagraph;

(2) B is the difference between the tax in respect of the supply and the amount of tax that had been accounted for in respect of the supply prior to the Minister's assessment of the net tax for the reporting period; and

(3) C is the tax in respect of the supply."

(2) Subsection 1 applies in respect of a notice of assessment sent to a person by the Minister of Revenue. However, where section 289.8.0.1 of the Act applies in respect of a notice of assessment sent by the Minister of Revenue before 10 August 2022, it is to be read as if the portion of subparagraph 1 of the first paragraph before subparagraph *b* were replaced by the following:

"(1) the person may, in the form and manner determined by the Minister, provide the information determined by the Minister in respect of the supply to each pension entity that is deemed to have paid tax in respect of the specified resource or part or in respect of the employer resource, as the case may be, under subparagraph 4 of the first paragraph of whichever of sections 289.5, 289.5.1, 289.6, 289.6.1, 289.7 and 289.7.1 is applicable (in this section referred to as the "applicable subparagraph") before the day that is one year after the later of

(*a*) 5 December 2024, and".

205. (1) The Act is amended by inserting the following subdivision after section 289.8.1:

"§2.1. — *Pension entity—assessment of employer*

"**289.8.2.** For the purposes of sections 402.13 to 402.22, 433.15.1 to 433.19.11, 433.19.18 to 433.32 and 450.0.1 to 450.0.12 and sections 433.16R1 to 433.30R1 of the Regulation respecting the Québec sales tax (chapter T-0.1, r. 2), tax in respect of a supply of property or a service that became payable by a pension entity of a pension plan on a particular day is deemed to have become payable by the pension entity on the day on which the pension entity pays that tax and not to have become payable on the particular day if

(1) the supplier did not, before the end of the pension entity's last claim period, within the meaning of section 383, that ends within two years after the end of the pension entity's claim period that includes the particular day, charge that tax;

(2) the supplier discloses in writing to the pension entity that the Minister has sent a notice of assessment to the supplier for that tax;

(3) the pension entity pays that tax after the end of that last claim period; and

(4) that tax is not included in determining

(*a*) a rebate under section 402.14 that is claimed by the pension entity for that last claim period or for an earlier claim period of the pension entity, or

(*b*) an amount that a qualifying employer, within the meaning of section 402.13, of the pension plan deducts in determining its net tax for a reporting period as a consequence of a joint election made under any of sections 402.18, 402.19 and 402.19.1 with the pension entity for that last claim period or for an earlier claim period of the pension entity."

(2) Subsection 1 applies in respect of tax that is paid by a pension entity in a claim period of the pension entity that ends after 9 August 2022.

206. (1) The Act is amended by inserting the following section after section 289.15:

"**289.15.1.** For the purposes of section 289.15, tax in respect of a supply of property or a service that became payable by a master pension entity on a particular day is deemed to have become payable by the master pension entity on the day on which the master pension entity pays that tax and not to have become payable on the particular day if

(1) the supplier did not, within two years after the particular day, charge that tax;

(2) the supplier discloses in writing to the master pension entity that the Minister has sent a notice of assessment to the supplier for that tax; and

(3) the master pension entity pays that tax on a day that is more than two years after the particular day."

(2) Subsection 1 applies in respect of tax that is paid by a master pension entity after 9 August 2022.

207. (1) The Act is amended by inserting the following division after section 350.12:

"**DIVISION XVI.1**

"CRYPTOASSETS

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

"cryptoasset" means property (other than prescribed property) that is a digital representation of value and that only exists at a digital address of a publicly distributed ledger;

"mining activity" means an activity of

(1) validating transactions in respect of a cryptoasset and adding them to a publicly distributed ledger on which the cryptoasset exists at a digital address;

(2) maintaining and permitting access to a publicly distributed ledger on which a cryptoasset exists at a digital address; or

(3) allowing computing resources to be used for the purpose of, or in connection with, performing activities described in paragraph 1 or 2 in respect of a cryptoasset;

"mining group" means a group of persons that, under an agreement,

(1) pool property or services for the performance of mining activities; and

(2) share mining payments in respect of the mining activities among members of the group;

"mining group operator", in respect of a mining group, means a person that coordinates, oversees or manages the mining activities of the mining group;

"mining payment", in respect of a mining activity, means money, property or a service that is a fee, reward or other form of payment and that is received or generated as a consequence of the mining activity being performed.

"**350.12.2.** For the purposes of this Title, to the extent that a person acquires or brings into Québec property or a service for consumption, use or supply in the course of, or in connection with, mining activities, the person is deemed to have acquired or brought into Québec the property or service for consumption, use or supply otherwise than in the course of the person's commercial activities.

"**350.12.3.** For the purposes of this Title, where a person consumes, uses or supplies property or a service in the course of, or in connection with, mining activities, that consumption, use or supply is deemed to be otherwise than in the course of the person's commercial activities.

"**350.12.4.** For the purposes of this Title, where a person receives a mining payment in respect of a mining activity, the following rules apply:

(1) the provision of the mining activity is deemed not to be a supply;

(2) the provision of the mining payment is deemed not to be a supply; and

(3) in determining an input tax refund of another person that provides the mining payment, no amount is to be included in respect of tax that becomes payable, or is paid without having become payable, by the other person in respect of property or a service acquired or brought into Québec for consumption, use or supply in the course of, or in connection with, the provision of the mining payment by the other person.

"**350.12.5.** Sections 350.12.2 to 350.12.4 do not apply in respect of a mining activity to the extent that the mining activity is performed by a particular person for another person if

(1) the identity of the other person is known to the particular person;

(2) where the mining activity is in respect of a mining group that includes the particular person, the other person is not a mining group operator in respect of the mining group; and

(3) where the other person is not resident in Canada and is not dealing at arm's length with the particular person, each property or service—being property or a service that is received by the other person from the particular person as a consequence of the performance of the mining activity—is supplied, or is used or consumed in the course of making a supply, by the other person to one or more persons each of which

(*a*) is a person whose identity is known to the other person,

(*b*) deals at arm's length with the other person, and

(*c*) is not a mining group operator in respect of a mining group that includes the other person if the mining activity is in respect of that mining group."

(2) Subsection 1 has effect from 5 February 2022. However, for the purpose of determining an input tax refund of a person, paragraph 3 of section 350.12.4 of the Act, enacted by subsection 1, does not apply in respect of property or a service acquired or brought into Québec before 6 February 2022.

208. (1) Section 402.13 of the Act is amended by replacing subparagraph *a* of subparagraph 6 of the fourth paragraph by the following subparagraph:

"(*a*) if an application for a rebate under section 402.14 for the claim period is filed in accordance with section 402.16, the total of

i. the total amount indicated on the application under section 402.16.1, and

ii. the total of all amounts each of which is an eligible amount of the pension entity for the claim period that is described in paragraph 2 of the definition of "eligible amount" in the first paragraph and in respect of which a portion of the rebate is claimed by the pension entity in accordance with subparagraph 1 of the first paragraph of section 402.16.2,".

(2) Subsection 1 has effect from 10 August 2022.

209. (1) Section 402.16.1 of the Act is amended by replacing the portion before paragraph 1 by the following:

"**402.16.1.** An application for a rebate under section 402.14 for a claim period of a pension entity must indicate the total of all amounts each of which is an eligible amount of the pension entity for the claim period (other than an eligible amount in respect of which a portion of the rebate is claimed by the pension entity in accordance with subparagraph 1 of the first paragraph of section 402.16.2)".

(2) Subsection 1 has effect from 10 August 2022.

210. (1) The Act is amended by inserting the following section after section 402.16.1:

"**402.16.2.** Where an eligible amount of a pension entity for a claim period of the pension entity is an amount of tax that is deemed to have been paid under subparagraph *a* of subparagraph 2 of the first paragraph of section 289.8.0.1 or to have become payable under section 289.8.2, the following rules apply:

(1) the portion of the rebate under section 402.14 for the claim period that is in respect of the excess pension rebate amount for the claim period in respect of the eligible amount may, despite section 402.17, be claimed in a separate application for the portion of that rebate that is in respect of the remaining pension rebate amount for the claim period provided that the application for the portion of that rebate that is in respect of that excess pension rebate amount is filed by the pension entity after the beginning of the pension entity's fiscal year that includes the claim period and not later than

(*a*) if the pension entity is a registrant, the day on which the pension entity is required to file the return under Division IV of Chapter VIII for the claim period, or

(*b*) in any other case, the last day of the claim period; and

(2) a particular election under section 402.18 or 402.19 for the claim period that is in respect of the excess pension rebate amount for the claim period in respect of the eligible amount may be made separately from an election under section 402.18 or 402.19, as the case may be, that is in respect of the remaining pension rebate amount for the claim period provided that the portion of the rebate under section 402.14 for the claim period that is in respect of that excess pension rebate amount is claimed by the pension entity in a separate application that is filed in accordance with subparagraph 1 and the particular election is filed at the same time that the application is filed.

For the purposes of this section,

"excess pension rebate amount" for a claim period of a pension entity means, in respect of an amount of tax deemed to have been paid under subparagraph *a* of subparagraph 2 of the first paragraph of section 289.8.0.1, or to have become payable under section 289.8.2, by the pension entity during the claim period, the amount that would be the pension entity's pension rebate amount for the claim period if the amount of tax were the only eligible amount of the pension entity for the claim period;

"remaining pension rebate amount" for a claim period of a pension entity means the amount determined by the formula

A – B.

For the purposes of the formula in the definition of "remaining pension rebate amount" in the second paragraph,

(1) A is the pension entity's pension rebate amount for the claim period; and

(2) B is the total of all amounts each of which is an excess pension rebate amount for the claim period in respect of which a portion of the rebate under section 402.14 for the claim period is claimed by the pension entity in accordance with subparagraph 1 of the first paragraph."

(2) Subsection 1 has effect from 10 August 2022.

211. (1) Section 450.0.2 of the Act is amended by striking out "clause A of" in subparagraph *b* of paragraph 2.

(2) Subsection 1 has effect from 1 January 2013.

212. (1) Section 450.0.4 of the Act is amended

(1) in the portion before subparagraph 1 of the first paragraph,

(*a*) by inserting "or subparagraph 2 of the first paragraph of section 289.8.0.1" after "under subparagraph *b* of subparagraph 4 of the first paragraph of section 289.5 or 289.5.1";

(*b*) by replacing "clause A of subparagraph ii" and "that clause A" by "subparagraph ii" and "that subparagraph ii", respectively;

(*c*) by inserting "or paragraph *b* of subsection 8.01 of that section 172.1" after "Excise Tax Act (R.S.C. 1985, c. E-15)";

(*d*) by inserting "or that paragraph *b*" before "if the pension entity were";

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) if any part of the amount of the deemed tax is included in the determination of the pension entity's pension rebate amount for a particular claim period and if the pension entity makes an election for that claim period under any of sections 402.18, 402.19 and 402.19.1 jointly with all participating employers of the pension plan that are, for the calendar year that includes the last day of that claim period, qualifying employers of the pension plan, each of those participating employers shall add, in determining its net tax for its reporting period that includes the day that is the later of the day on which the tax adjustment note is issued and the day on which the election is filed with the Minister,

(*a*) except in the case described in subparagraph *b,* the amount determined by the formula

D × E × (B/C) × (H/G), or

(*b*) if the pension entity is a selected listed financial institution on the particular day, the amount determined by the formula

D × E × (B/C) × (H/I).";

(3) by adding the following subparagraph at the end of the second paragraph:

"(9) I is the value of A in the formula in the definition of "provincial pension rebate amount" in subsection 1 of section 261.01 of the Excise Tax Act, determined for the particular claim period, or, where applicable, the value A would have in that formula for the particular claim period if the pension entity were a selected listed financial institution for the purposes of that Act."

(2) Subparagraphs *a*, *c* and *d* of paragraph 1 of subsection 1 have effect from 10 August 2022.

(3) Subparagraph *b* of paragraph 1 of subsection 1 has effect from 1 January 2013.

(4) Paragraphs 2 and 3 of subsection 1 apply in respect of a reporting period of a person for which the return under Chapter VIII of Title I of the Act is filed after 22 July 2016 or is to be filed under that Chapter on or before a day that is after 22 July 2016.

213. (1) Section 450.0.5 of the Act is amended by striking out "clause A of" in subparagraph *b* of paragraph 2.

(2) Subsection 1 has effect from 1 January 2013.

214. (1) Section 450.0.7 of the Act is amended

(1) in the portion before subparagraph 1 of the first paragraph,

(*a*) by inserting "or subparagraph 2 of the first paragraph of section 289.8.0.1" after "under subparagraph *b* of subparagraph 4 of the first paragraph of section 289.6 or 289.6.1";

(*b*) by replacing "clause A of subparagraph ii" and "that clause A" by "subparagraph ii" and "that subparagraph ii", respectively;

(*c*) by inserting "or paragraph *b* of subsection 8.01 of that section 172.1" after "Excise Tax Act (R.S.C. 1985, c. E-15)";

(*d*) by inserting "or that paragraph *b*" before "if the pension entity were";

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraph:

"(4) for each particular claim period of the pension entity for which any part of an amount of deemed tax in respect of a particular supply is included in the determination of the pension entity's pension rebate amount and for which an election under any of sections 402.18, 402.19 and 402.19.1 is made jointly by the pension entity and all participating employers of the pension plan that are, for the calendar year that includes the last day of that claim period, qualifying employers of the pension plan, each of those participating employers shall add, in determining its net tax for its reporting period that includes the day that is the later of the day on which the tax adjustment note is issued and the day on which the election is filed with the Minister,

(*a*) except in the case described in subparagraph *b,* the amount determined by the formula

D × E × (B/C) × (H/G), or

(*b*) if the pension entity is a selected listed financial institution on the first day on which an amount of deemed tax is deemed to have been paid, the amount determined by the formula

D × E × (B/C) × (H/I).";

(3) by adding the following subparagraph at the end of the second paragraph:

"(9) I is the value of A in the formula in the definition of "provincial pension rebate amount" in subsection 1 of section 261.01 of the Excise Tax Act, determined for the particular claim period, or, where applicable, the value A would have in that formula for the particular claim period if the pension entity were a selected listed financial institution for the purposes of that Act."

(2) Subparagraphs *a*, *c* and *d* of paragraph 1 of subsection 1 have effect from 10 August 2022.

(3) Subparagraph *b* of paragraph 1 of subsection 1 has effect from 1 January 2013.

(4) Paragraphs 2 and 3 of subsection 1 apply in respect of a reporting period of a person for which the return under Chapter VIII of Title I of the Act is filed after 22 July 2016 or is to be filed under that Chapter on or before a day that is after 22 July 2016.

215. Sections 477.18.7 and 477.18.8 of the Act are amended by replacing "containing the information determined by the Minister" by "in the prescribed form containing prescribed information".

216. (1) Section 677 of the Act is amended, in the first paragraph,

(1) by replacing "supply of a service is a prescribed supply" in subparagraph 7.2 by "services are prescribed services";

(2) by inserting the following subparagraph after subparagraph 33.1.1:

"(33.1.2) determine, for the purposes of section 350.12.1, the prescribed property;".

(2) Paragraph 2 of subsection 1 has effect from 5 February 2022.

REGULATION RESPECTING THE TAXATION ACT

217. (1) Section 1R1 of the Regulation respecting the Taxation Act (chapter I-3, r. 1) is replaced by the following section:

"**1R1.** For the purposes of the definition of "share" in section 1 of the Act, a prescribed cooperative means a cooperative incorporated under a statute of Québec, of another province or of Canada for the purpose of marketing

natural products belonging to or acquired from its members or customers, of carrying out any processing operation required for or related to that marketing, of purchasing supplies, equipment or essential household items for or to be sold to its members or customers or of providing services to them, that meets the following conditions:

(*a*) the statute under which it was incorporated, its charter, articles of association or by-laws or its contracts with its members or customers held out the prospect that payments would be made to them in proportion to patronage;

(*b*) none of the members, except other cooperatives, have more than one vote in the conduct of the corporation's affairs;

(*c*) at least 90% of the members are individuals, other cooperatives, or corporations or partnerships that carry on the business of farming; and

(*d*) at least 90% of its shares are held by members described in paragraph *c* or by trusts governed by registered education savings plans, registered retirement income funds, registered retirement savings plans or tax-free savings accounts, the annuitants, subscribers or holders under which are members described in that paragraph."

(2) Subsection 1 has effect from 22 June 2023.

218. (1) Chapter VIII of Title XI of the Regulation, comprising sections 119.2R1 and 119.2R2, is repealed.

(2) Subsection 1 has effect from 22 June 2023.

219. (1) Section 143R2 of the Regulation is amended by replacing the first paragraph by the following paragraph:

"For the purposes of section 143 of the Act, the amount allowed for a taxation year in respect of taxes on income from mining operations of a taxpayer is the aggregate of all amounts each of which is

(*a*) an eligible tax referred to in the second paragraph that is paid or payable by the taxpayer

i. on the income of the taxpayer for the taxation year from mining operations, or

ii. on a non-Crown royalty included in computing the income of the taxpayer for the taxation year;

(*b*) an eligible tax that is paid by the taxpayer in the taxation year on the income of the taxpayer for a preceding taxation year from mining operations or on a non-Crown royalty included in computing the income of the taxpayer for a preceding taxation year, if

i. the amount was deductible in computing the income of the taxpayer for the preceding taxation year,

ii. the amount has not been deducted in computing the income of the taxpayer for a taxation year preceding the taxation year, and

iii. an assessment of the taxpayer to take into account a deduction in respect of the eligible tax under the Act for the preceding taxation year may not be made because of sections 1010 to 1011 of the Act; or

(*c*) interest in respect of eligible tax referred to in subparagraph *a* or *b* that is paid in the taxation year by the taxpayer to the province imposing the eligible tax."

(2) Subsection 1 applies to a taxation year that ends after 31 December 2007.

220. (1) The Regulation is amended by inserting the following section after section 359.4R1:

"**359.10R1.** For the purposes of the first paragraph of section 359.10 of the Act, the prescribed amount is equal to $270."

(2) Subsection 1 applies from 1 January 2025.

(3) In addition, the indexation rule established in the first paragraph of section 1 of the Act to limit the indexation of several government tariffs (chapter I-7.1) is not applicable to the tariff set by section 359.10R1 of the Regulation respecting the Taxation Act, enacted by subsection 1.

221. (1) Section 818R53 of the Regulation is amended

(1) by replacing ", income debenture, small business development bond or small business bond" in paragraph *a* of the definition of "equity property" by "or income debenture";

(2) by replacing ", income debenture, small business development bond or small business bond" in paragraph *a* of the definition of "Canadian equity property" by "or income debenture".

(2) Subsection 1 has effect from 22 June 2023.

222. (1) The Regulation is amended by inserting the following section after section 1079.1R4:

"**1079.3R1.** For the purposes of section 1079.3 of the Act, the prescribed amount is equal to $270."

(2) Subsection 1 applies from 1 January 2025.

(3) In addition, the indexation rule established in the first paragraph of section 1 of the Act to limit the indexation of several government tariffs (chapter I-7.1) is not applicable to the tariff set by section 1079.3R1 of the Regulation respecting the Taxation Act, enacted by subsection 1.

FINAL PROVISION

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

107203

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 209
(Private)

An Act respecting Ville de Terrebonne

Introduced 6 November 2024
Passed in principle 4 December 2024
Passed 4 December 2024
Assented to 6 December 2024

Québec Official Publisher
2024

Bill 209

(Private)

AN ACT RESPECTING VILLE DE TERREBONNE

AS Ville de Terrebonne wishes to acquire, in whole or in part, an immovable under divided co-ownership to establish administrative offices there;

AS, for that purpose, it is in the town's interest that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Ville de Terrebonne may acquire any fraction of the immovable held in divided co-ownership consisting of lots 4 498 747 to 4 498 750, 4 498 752 to 4 498 761, 5 419 088, 5 419 089 and 6 400 841 to 6 400 843 of the cadastre of Québec, registration division of Terrebonne.

Any fraction acquired under the first paragraph may be leased, in whole or in part, to Municipalité régionale de comté Les Moulins.

2. The declaration of co-ownership must provide, in the by-laws of the immovable, that Ville de Terrebonne must be represented on the board of directors of the syndicate for as long as the town holds a fraction of the immovable described in section 1.

The director representing the town is appointed by the town council from among its members.

3. Sections 477.4 to 477.6 and 573 to 573.4 of the Cities and Towns Act (chapter C-19) apply to the awarding of any contract by the directors or the general meeting of the co-owners of the immovable for as long as Ville de Terrebonne owns a fraction of the immovable described in section 1 of this Act, to the extent that the portion of the proposed expenditures chargeable to the town, taking into account the fraction or fractions it holds, attains or exceeds the amounts specified in those sections.

For the purposes of the sections mentioned in the first paragraph, any contract referred to in that paragraph is deemed to be a contract entered into by the town.

4. Any decision made by the directors or the general meeting of the co-owners that involves an expenditure of $25,000 or more for Ville de Terrebonne must, to be binding on the town, be approved by its council or by any officer vested with the power to authorize such an expenditure under section 477.2 of the Cities and Towns Act (chapter C-19).

5. This Act must be registered in the land register of the Land Registry Office of the registration division of Terrebonne against all the lots of the immovable mentioned in section 1.

FINAL PROVISION

6. This Act comes into force on 6 December 2024.

107201

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 210
(Private)

An Act respecting Ville de Blainville

Introduced 5 November 2024
Passed in principle 4 December 2024
Passed 4 December 2024
Assented to 6 December 2024

Québec Official Publisher
2024

Bill 210

(Private)

AN ACT RESPECTING VILLE DE BLAINVILLE

AS it is in the interest of Ville de Blainville to have an executive committee with the decision-making powers delegated to it by the municipal council by by-law;

AS the council unanimously adopted resolution 2024-07-357;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. An executive committee composed of the mayor and the council members the mayor designates is hereby established for Ville de Blainville. The number of members so designated may not be fewer than two nor more than four.

The mayor may replace a member of the executive committee at any time.

2. The mayor is the chair of the executive committee. The mayor designates the vice-chair from among the members of the executive committee.

The mayor may also designate a member of the executive committee to act as chair and may revoke or change that designation at any time.

3. Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice or on any later date specified in the notice.

4. The regular meetings of the executive committee are held at the place, on the days and at the times fixed by by-law of the council.

The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

5. The chair of the executive committee convenes and presides at meetings of the executive committee and ensures that they are properly conducted.

6. The vice-chair replaces the chair where the latter is unable to act or where the office of chair is vacant.

The chair may designate the vice-chair to preside at any meeting of the executive committee.

7. Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

However, the communications equipment must enable every person using the equipment or participating in or attending the meeting to hear clearly everything that is said by another person in an audible and intelligible voice.

Every member participating in such manner in a meeting is deemed to be present at the meeting.

8. The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in a by-law of the council; and

(2) for all or part of a meeting if the committee so decides.

9. A majority of members constitutes a quorum at meetings of the executive committee.

Each member of the executive committee present at a meeting has one vote.

10. Each decision is made by a simple majority vote.

11. The executive committee exercises the responsibilities set out in section 70.8 of the Cities and Towns Act (chapter C-19) and acts for the city in all cases in which a by-law referred to in section 12 assigns the power to perform the act to the executive committee. The executive committee may grant any contract that does not involve an expenditure equal to or above the expenditure threshold for a contract that may be awarded only after a public call for tenders under section 573 of the Cities and Towns Act.

The executive committee gives the council its opinion on any matter where required do to so under a provision in the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the by-laws or requested by the council does not limit the council's power to consider or to vote on the matter concerned.

12. The council may, by by-law, determine any act within its jurisdiction and which it has the power or the duty to perform that it delegates to the executive committee and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (chapter A-19.1), the Act respecting municipal courts (chapter C-72.01), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting municipal territorial organization (chapter O-9);

(2) the power to adopt a heritage identification or recognition by-law referred to in Chapter IV of the Cultural Heritage Act (chapter P-9.002);

(3) the power to designate a person to a position that may only be held by a member of the council;

(4) the power to appoint the director general, the clerk, the treasurer and their assistants;

(5) the power to create the various departments within the city, determine the scope of their activities and appoint the department heads and assistant heads; and

(6) the power to dismiss, suspend without pay or reduce the salary of an officer or employee referred to in the second or third paragraph of section 71 of the Cities and Towns Act (chapter C-19).

The council may also, by by-law, determine any matter on which the executive committee must give its opinion to the council and prescribe the terms and conditions of consultation. The by-law may also prescribe the manner in which a member of the council may request that the executive committee report to the council on a matter within the jurisdiction of the executive committee.

13. The executive committee may adopt a by-law concerning its meetings and the conduct of its affairs.

The by-law may also, if the by-laws of the council permit, enable the executive committee to delegate to any employee of the city the power to authorize expenditures and enter into contracts on behalf of the city, on the conditions determined by the executive committee and in accordance with the rules and restrictions applicable to the city.

14. A decision by the council to delegate a power to or withdraw a power from the executive committee must be supported by a two-thirds majority vote of the council members.

15. This Act comes into force on 6 December 2024.

107207

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 211
(Private)

An Act respecting the École Polytechnique de Montréal

Introduced 7 November 2024
Passed in principle 5 December 2024
Passed 5 December 2024
Assented to 6 December 2024

Québec Official Publisher
2024

Bill 211

(Private)

AN ACT RESPECTING THE ÉCOLE POLYTECHNIQUE DE MONTRÉAL

AS the École Polytechnique de Montréal was incorporated by chapter 23 of the statutes of 1894;

AS that Act was replaced by chapter 127 of the statutes of 1954-55, which was replaced by chapter 135 of the statutes of 1987, and it is expedient to again replace the same;

AS the École Polytechnique de Montréal is a French-language university institution of teaching and research;

AS the École Polytechnique de Montréal wishes to allow the members of its community, in particular its professors, full-time lecturers, lecturers, non-teaching staff, students and alumni, to take part in the administration of the School, and as it promotes collegial governance involving the institution's various advisory and decision-making bodies in its academic and administrative management;

AS the École Polytechnique de Montréal recognizes academic freedom and is working to protect and promote it;

AS the École Polytechnique de Montréal has full and complete autonomy over decisions related to its mission;

AS the École Polytechnique de Montréal is a university establishment at the service of society, future generations and the community that it serves;

AS the École Polytechnique de Montréal is open to the world and present in the international trends that influence the practice of engineering;

AS the École Polytechnique de Montréal adheres to the principles of sustainable development, professional integrity in the practice of engineering and representativeness of the community that it serves in the course of its activities;

AS it is expedient to adapt the constituting Act of the École Polytechnique de Montréal to new conditions resulting from the evolution and development of the School in order to enable it to pursue its mission;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MISSION AND POWERS

1. The mission of the École Polytechnique de Montréal, hereinafter referred to as "the School", is higher education as well as research and innovation in all fields, in particular the scientific and technological fields, related to the practice of engineering. The mission of the School is also to provide services to the community for the benefit of society.

The School may also be designated under the name of "Polytechnique Montréal".

2. The head office of the School is located in the city of Montréal.

3. The School is a legal person. It may do all things consistent with its mission.

In particular, the School may

(1) acquire, administer, lease, exchange, hypothecate and alienate movable and immovable property, by any legal means, by gratuitous or onerous title and perform any act of ownership in respect thereof;

(2) contract loans on its credit and invest its funds in any manner considered appropriate, either in its own name or in the name of trustees;

(3) establish institutes or other bodies in connection with its mission and determine their structure and their relationship to the School;

(4) enter into any agreement with any educational or research institution that it deems useful for the pursuit of its purposes;

(5) organize public subscription campaigns; and

(6) solicit and receive any gift, legacy or other liberality, even immovable, in any manner and from any source, and benefit therefrom without acceptance or other formality.

Despite article 1824 of the Civil Code, any gift to the School may be made by private writing.

4. In the conduct of its affairs, the School may, in particular,

(1) make by-laws on the disciplinary and ethical standards applicable to the student community and to all staff of the School;

(2) make by-laws on tuition fees and other fees payable by the members of the student community;

(3) determine the terms and conditions governing the employment, remuneration and duties of the director general, senior management officers and other members of the staff;

(4) set out the organization of teaching and research;

(5) adopt programs of study and make related academic by-laws;

(6) determine the nomenclature of university degrees, diplomas and certificates and the method of administering examinations;

(7) define the criteria and procedures for appointing and promoting members of the teaching staff; and

(8) make by-laws concerning the internal management of the School and any other by-law necessary for the purposes of this Act.

5. The School awards its students with the university degrees, diplomas and certificates determined under paragraph 6 of section 4.

Throughout the term of a contract of affiliation with the Université de Montréal, the university degrees, diplomas and certificates are awarded jointly with the Université de Montréal, on the recommendation of the academic council of the School.

6. The School may, with the authorization of the minister responsible for higher education, enter into or amend a contract of affiliation with the Université de Montréal.

The contract of affiliation establishes, in particular, the terms and conditions of approval, by the Université de Montréal, of the by-laws and resolutions passed under paragraphs 5 and 6 of section 4.

A contract of affiliation entered into under this section and any amendment to the contract come into force upon being approved by the minister.

The School may terminate a contract of affiliation entered into under this section only with the approval of the minister.

CHAPTER II

BOARD OF DIRECTORS

7. The School is administered by a board of directors, hereinafter referred to as the "board", which, in particular,

(1) ensures compliance with the mission and oversees the use of resources by management;

(2) approves the budget estimates, the annual budget, the capital plan, the financial statements and the annual report;

(3) contributes to the development of the School's strategic orientations, approves them and ensures their implementation;

(4) approves the organizational structure of senior management;

(5) approves the School's rules of governance, taking into account the specific characteristics of the School;

(6) approves the code of ethics applicable to its members and to staff members;

(7) approves the expertise and experience profiles required for its members;

(8) approves the criteria and procedures for evaluating its members and those applicable to the director general, drawing on best practices in the matter;

(9) approves the criteria for evaluating the operation of the board;

(10) establishes the risk management framework policies;

(11) ensures the effective and efficient management of human, material, financial and informational resources;

(12) regularly monitors the School's financial situation and ensures that the appropriate controls are in place to preserve its financial health in the short, medium and long term; and

(13) determines, by by-law, the composition, mandate and mode of operation of its committees and ensures that they exercise their functions properly.

8. The board, which is composed in the majority of independent members, comprises the following 13 directors:

(1) the chair of the board, appointed by the Government on the recommendation of the board and who must qualify as an independent director;

(2) the director general of the School;

(3) the rector of the Université de Montréal or the person representing the rector or, if the affiliation with the Université de Montréal has ended, an additional independent member appointed by the board;

(4) five persons appointed as independent members, of whom:

(*a*) three are appointed by the board;

(*b*) one is appointed from among the School's alumni by the organization Fondation et Alumni de Polytechnique Montréal constituted under Part III of the Companies Act (chapter C-38) or by the successor of that organization recognized by the board; and

(*c*) one is appointed by the Government;

(5) four persons appointed by the faculty assembly, at least three of whom must be professors; and

(6) one person appointed by the students' association or students' association alliance accredited under the Act respecting the accreditation and financing of students' associations (chapter A-3.01) from among the School's student community.

If one of the bodies referred to in subparagraph *b* of subparagraph 4 and subparagraphs 5 and 6 of the first paragraph fails to make the appointment provided for therein within four months of a vacancy in the position concerned, the board may make the appointment in lieu of that body. However, before making the appointment provided for in subparagraph 6 of the first paragraph, the board must first consult the chairs of the students' associations.

9. A member qualifies as independent if, in the opinion of the board or the Government, where the member is appointed by the latter, the member has no direct or indirect relations or interests, including those of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the member's decisions regarding the interests of the School.

A member is deemed to not be independent if a person from the member's immediate family, as defined by the board, belongs to the School's senior administrative personnel or if, in the three years before being appointed, the member was employed by the School.

The rector of the Université de Montréal or the person representing the rector is deemed to be an independent member.

10. Other than the director general and the rector of the Université de Montréal or the person representing the rector, who are members of the board ex officio, the term of office of members of the board is four years and is renewable twice.

Despite the first paragraph, the term of office of the member of the student community is one year and is renewable.

Appointees remain in office until they are reappointed or replaced, unless they lose the status required for their appointment.

However, the member of the student community retains the right to sit on the board even if that member loses official student status during the year of the term.

11. Any vacancy on the board is filled in accordance with the mode of appointment prescribed for the member to be replaced. The new member then begins a new term of office, the duration of which is determined or, in the case of government appointments, recommended by the board.

12. A member of the board must disclose in writing to the board and to the minister responsible for higher education, if appointed by the Government, any situation likely to cause the member to lose the qualifications required for that position.

The sole fact of being in a limited and specific conflict of interest situation does not disqualify such a member.

13. All members of the board, whether appointed as independent members or not, must make decisions in the best interests of the School.

They fulfill their duties with impartiality, independence, loyalty, prudence and diligence, in keeping with the School's mission and in strict confidentiality.

14. The chair presides over the meetings of the board, ensures that it fulfills its role and exercises its powers, and evaluates the performance of the other board members according to the criteria established by the board.

15. If the chair is absent from a meeting of the board, the board shall designate one of its members as a replacement.

16. The quorum of the board is seven members.

17. Unless otherwise prescribed for in the by-laws, the decisions of the board are made by a majority vote of the members present.

In the case of a tie-vote, the vote of the chair is the casting vote. However, if the chair is absent, the person designated as a replacement does not have a casting vote.

18. When developing the expertise and experience profiles required of its members, the board must seek to meet the objectives of diversity and representativeness of the various components of the community served by the School.

Likewise, the board must aim to have at least one member who is a member of the Ordre des ingénieurs du Québec established under the Engineers Act (chapter I-9).

19. The composition of the board must tend towards gender parity.

However, no act or document of the School, nor any decision of the board, is invalid because the board does not have an equal number of women and men, the minimum number of engineers required or a majority of independent members.

20. The board must establish, by by-law, one or several committees with the mandate of advising the board in the exercise of its responsibilities in the areas of auditing, ethics and governance as well as human resources.

The board may also establish, by by-law, any other committee that it deems necessary for the proper operation of the School.

The board may delegate decision-making powers to its committees and determine the conditions for exercising them.

21. The committees of the board established under the first paragraph of section 20 must be presided over by an independent member of the board.

The board may appoint persons who are not board members to board committees.

CHAPTER III

ACADEMIC COUNCIL

22. The academic council is an advisory and decision-making body for teaching and research. It reports to the board of directors, which determines its responsibilities and mode of operation by by-law.

The academic council comprises the following members:

(1) the director general, who presides over it;

(2) 12 members of the teaching staff with regular status, appointed by the faculty assembly; and

(3) four persons from the School's student community, appointed in the manner provided for in subparagraph 6 of the first paragraph of section 8.

The composition of the members appointed under subparagraph 2 of the second paragraph must aim to reflect the proportion of full-time lecturers in the faculty assembly.

CHAPTER IV

GENERAL MANAGEMENT

23. The director general is the School's most senior officer. The director general is appointed by the board according to the appointment procedure established by by-law of the board.

The procedure must provide equal opportunity for external and internal applicants, ensure that applications are examined independently and confidentially, and allow for the participation of the university community.

The duties of the director general are determined by by-law of the board, and the director general reports to the board on the director general's activity.

24. The director general presides over the faculty assembly, which is composed of members of the teaching staff, that is, full professors, associate professors, assistant professors and full-time lecturers.

25. The director general must ensure that the board has all the resources required for the performance of its duties and those of its committees.

26. The director general's term of office is five years and may be renewed once for a period determined by the board, which may not exceed five years.

At the end of the second term, the School launches an appointment procedure in accordance with the by-law provided for in section 23 and the outgoing director general may apply in the same manner as any other applicant.

27. In the absence of the director general due to illness, incapacity or any other reason, the board may designate a substitute as a temporary replacement.

If the position of director general becomes vacant, the board may designate a person to act as interim director general until the position is filled in accordance with the by-law provided for in section 23.

28. The secretary general of the School is appointed by the board on the recommendation of the director general. The board determines the secretary general's status and responsibilities.

CHAPTER V

TRANSITIONAL AND FINAL PROVISIONS

29. The principal of the School in office on the day of assent to this Act remains in office for the remainder of the term as chair of the board of directors and, at the end of that term, remains in office until replaced or reappointed in accordance with this Act.

The director in office on the day of assent to this Act remains in office for the remainder of the term as director general and, at the end of that term, remains in office until replaced or reappointed in accordance with this Act.

The term of office of the other members of the board continues for the time set out for their term, and those persons remain in office until, if applicable, they are replaced or reappointed in accordance with this Act.

The two professors appointed as members of the board by the latter as engineers having graduated from the School under subparagraph 3 of the first paragraph of section 16 of the Act respecting the Corporation de l'École Polytechnique de Montréal (1987, chapter 135) are deemed to have been appointed by the faculty assembly under subparagraph 5 of the first paragraph of section 8 of this Act. Their term of office in that capacity continues for the remainder of the term, until they are replaced or reappointed in accordance with this Act.

30. This Act replaces the Act respecting the Corporation de l'École Polytechnique de Montréal (1987, chapter 135).

Any reference to that Act or to one of its provisions is a reference to this Act or to the corresponding provision of this Act.

31. The by-laws, resolutions or ordinances passed, the contract of affiliation entered into with the Université de Montréal, the agreements or contracts signed, the acts performed, and the undertakings made by the School remain in force, to the extent that they are consistent with this Act, insofar as their object has not been attained or until they are amended, replaced, or repealed under this Act.

32. This Act comes into force on 6 December 2024.

107200

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 212
(Private)

An Act to amend the Act to incorporate Foyer Wales– The Wales Home

Introduced 28 November 2024
Passed in principle 5 December 2024
Passed 5 December 2024
Assented to 6 December 2024

Québec Official Publisher
2024

Bill 212

(Private)

AN ACT TO AMEND THE ACT TO INCORPORATE FOYER WALES–THE WALES HOME

AS Foyer Wales–The Wales Home was incorporated on 14 February 1920 by the Act to incorporate Foyer Wales–The Wales Home (1920, 10 George V, chapter 139), amended by the Act to amend the charter of The Wales Home (1941, 5 George VI, chapter 92) and the Act to amend the Act to incorporate The Wales Home (2009, chapter 77);

AS Foyer Wales–The Wales Home is a non-profit legal person with, in particular, a social purpose and whose object is to operate a private seniors' residence;

AS Foyer Wales–The Wales Home wishes to be continued as a legal person governed by Part III of the Companies Act (chapter C-38) or by any other law designated at a meeting called for that purpose by the directors of Foyer Wales–The Wales Home;

AS the constituting act of Foyer Wales–The Wales Home does not provide that the corporation may be continued under another legal status;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 3 of the Act to incorporate Foyer Wales–The Wales Home (1920, 10 George V, chapter 139), replaced by the Act to amend the charter of The Wales Home (1941, 5 George VI, chapter 92) and the Act to amend the Act to incorporate The Wales Home (2009, chapter 77), is amended by replacing "residence for the elderly within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-4.2)" by "private seniors' residence within the meaning of the Act respecting the governance of the health and social services system (chapter G-1.021)".

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

"**16.1.** In addition to being continued under section 221 of the Companies Act (chapter C-38), the corporation may be continued as a legal person governed by any other Act of Québec.

"**16.2.** The corporation may, if so authorized by its members and by the enterprise registrar, apply to the appropriate authority of a jurisdiction other than Québec requesting that the corporation be continued as if it had been constituted under the laws of that other jurisdiction, if those laws allow such a continuance.

"**16.3.** The board of governors shall prepare a plan of continuance that contains the provisions necessary to complete the continuance and to ensure the management and organization of the corporation. The plan of continuance shall provide, in particular,

(1) the juridical form and the Act which will govern the corporation;

(2) the constitution of the corporation's capital, if applicable, and the rights attached to the shares making up the capital;

(3) a proposal for the corporation's articles, for any other constituting act and for its operating rules; and

(4) any amendments to the rights of the members of the corporation and, in respect of those rights,

(*a*) the manner in which they are to be converted into rights in shares or debt obligations issued by the corporation as well as the rights and, if applicable, restrictions attached to those shares or obligations; and

(*b*) the amount of money or any other form of payment that the members of the corporation are to receive, if applicable, in addition to or instead of those shares or obligations.

"**16.4.** If the corporation is continued as a business corporation, the plan of continuance must provide that the property which, in the case of dissolution, would have been delivered to a group sharing objectives similar to those of the corporation be delivered to such a group or that corporation shares be issued to the group as consideration for that property.

"**16.5.** The board of governors shall submit the plan of continuance to the members of the corporation for approval.

A copy or summary of the plan of continuance must be attached to the notice calling the meeting.

"**16.6.** The members of the corporation shall approve the plan of continuance by a resolution of at least two-thirds of the votes. By that resolution, the members also authorize a director or an officer of the corporation to sign the documents required for its continuance.

"**16.7.** To obtain the authorization of the enterprise registrar, a request for authorization must be filed with

(1) a declaration, signed by the director or officer authorized to sign it, attesting that the members of the corporation will not suffer prejudice as a result of the continuance;

(2) a certified copy of the members' resolution authorizing the corporation to apply for continuance;

(3) any other document the enterprise registrar may require; and

(4) the fee set out in the Act respecting the legal publicity of enterprises (chapter P-44.1).

"**16.8.** The enterprise registrar shall grant a request for authorization if

(1) the corporation shows in the request that, once continued, it will remain a legal person, retain its rights and obligations as such and remain a party to any judicial or administrative proceeding to which it is a party; and

(2) the corporation has complied with its obligations under the Act respecting the legal publicity of enterprises (chapter P-44.1).

"**16.9.** The enterprise registrar shall issue an authorization certificate to the corporation if the enterprise registrar authorizes its continuance.

"**16.10.** In the case of continuance under section 16.2, the enterprise registrar shall, on receipt of a document from the appropriate authority of a jurisdiction other than Québec attesting the continuance of the corporation under those laws, deposit the document in the enterprise register.

The enterprise registrar shall issue a certificate of discontinuance attesting that the corporation is continued under the laws of that other jurisdiction, stating the date shown on the document received from the authority. The enterprise registrar shall deposit the certificate in the enterprise register and send a copy to the corporation.

"**16.11.** This Act ceases to apply to the corporation as of the date shown on the certificate of continuance or, as the case may be, the certificate of discontinuance issued by the enterprise registrar."

3. This Act comes into force on 6 December 2024.

107223

Gouvernement du Québec

O.C. 17-2025, 16 January 2025

Act respecting private education
(chapter E-9.1)

Application of the Act respecting private education — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting private education

WHEREAS, under paragraphs 2 to 6 and 11 of section 111 of the Act respecting private education (chapter E-9.1), the Government may, by regulation, on the recommendation of the Minister of Education or the Minister of Higher Education, according to their respective jurisdictions,

— determine the time limit for presenting an application for the issue, renewal or modification of a permit, and the information and documents which must be submitted with the application, including those relating to the judicial record of the permit applicant or permit holder, the applicant's or holder's directors and shareholders and the officers of the institution;

— determine the fees exigible for the issue or modification of a permit;

— establish the nature and amount of the security which must be furnished for the issue or renewal of a permit, except in the case of an accredited institution, and determine the cases in which the holder of a permit is required to make up security and the rules governing the use of the security by the Minister of Education or the Minister of Higher Education in cases of default and those governing its return;

— establish standards or prohibitions relating to advertising, solicitation and offers of service by a private educational institution;

— determine the form and tenor of educational service contracts, including enrollment;

— determine the information and documents that the permit holder must provide when there is any change in the holder's directors or shareholders or the officers of the institution;

WHEREAS, in accordance with section 113 of the Act, the regulations made in particular under section 111 of the Act may vary according to institutions, educational services, programs, vocational education programs or categories of persons;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Act respecting private education was published in Part 2 of the *Gazette officielle du Québec* of 5 June 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 114 of the Act respecting private education, the draft Regulation was submitted for consultation to the Commission consultative de l'enseignement privé;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the application of the Act respecting private education, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Act respecting private education

Act respecting private education
(chapter E 9.1, s. 111, pars. 2 to 6 and 11).

1. The Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is amended by replacing section 7 by the following:

"The amount of the fees exigible for an application for the issue of a permit shall be $1,275.

The amount of the fees exigible for an application for the modification of a permit shall be $1,020, except for an application for a change of name of the institution or one of its facilities.".

2. Section 9 is amended

(1) by replacing "tuition" in the first paragraph by "admission or enrollment, educational service and accessory service";

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

"The security is established as follows:

Total revenue from admission or enrollment, educational service and accessory service fees	Security
$0 to $49,999	$5,000
$50,000 to $99,999	$10,000
$100,000 to $199,999	$20,000
$200,000 to $499,999	$50,000
$500,000 to $999,999	$100,000
$1,000,000 to $1,499,999	$150,000
$1,500,000 to $2,499,999	$250,000
$2,500,000 to $4,999,999	$500,000
$5,000,000 to $9,999,999	$1,000,000
$10,000,000 to $24,999,999	$2,500,000
$25,000,000 and over	$5,000,000

".

3. Section 10 is amended by replacing "tuition" in the second paragraph by "admission or enrollment, educational service and accessory service".

4. The following is inserted after section 16:

"**CHAPTER II.1**
CHANGE OF DIRECTOR, SHAREHOLDER OR OFFICER

16.1. A notice of change of a director, a shareholder or an officer of the institution shall contain the following information and be accompanied by the following documents:

(1) the name, address, email address and telephone number of the director, shareholder or officer and, where applicable, the name of the person being replaced;

(2) a declaration concerning the person's judicial record within the meaning of subparagraph 2 of the third paragraph of section 12.1 of the Act respecting private education (chapter E-9.1); and

(3) in the case of an officer, the officer's curriculum vitae, the function or position held, the date of taking office and the institution's updated organization chart if it has changed.".

5. Section 17 is replaced by the following:

"**17.** In any advertising, solicitation or offer of service made by the institution or by a mandatary, the name of the institution and the educational services or program concerned shall be mentioned, as that information appears in the institution's permit.

In addition, any advertising, solicitation or offer of service shall mention

(1) the address of the institution and the address of any buildings or premises at its disposal, as that information appears in the institution's permit;

(2) the institution's email address and website address and, if applicable, the institution's telephone number;

(3) the code and name of the program concerned, as that information appears in the institution's permit, if applicable;

(4) the fact that the awarding of a diploma, certificate or other attestation is subject to an examination or other requirement imposed under an Act or regulation, if applicable; and

(5) the fact that the instruction provided leads to a diploma, a certificate or other attestation awarded by the Minister or pursuant to the College Education Regulations (chapter C-29, r. 4), if applicable.

Where the advertising or solicitation provides a link to the institution's website and the information required under the second paragraph is found on the website, the advertising or solicitation is deemed to comply with that paragraph.

17.1. Every offer of service shall mention the following in addition to the information set out in section 17:

(1) the school year for preschool education services, elementary school instructional services and secondary school instructional services in general education, the school year or term and the duration of the program in number of weeks for educational services for secondary school general adult education, vocational education and college level education;

(2) the date of the beginning of the provision of services;

(3) for educational services in vocational training and college level education,

(*a*) any prerequisite course or other preliminary condition to be met; and

(*b*) the term of validity of the offer of services and a list of courses that includes any laboratory work and internships;

(4) for educational services for secondary school general adult education, vocational education and college level education, the learning modalities of the educational services offered, that is classroom and, if applicable, distance learning;

(5) accessory services, instructional material and equipment, including textbooks and course notes, required for the programs of activities, the teaching of programs of studies or the courses, specifying, if applicable, any services, material or equipment not provided by the institution or not included in the price referred to in paragraph 6;

(6) the total price charged by the institution and the price breakdown according to the following apportionment:

(*a*) admission or enrollment fees;

(*b*) educational services;

(*c*) accessory services, instructional material and equipment included;

(*d*) in the case of an institution accredited for purposes of subsidies, the amount of the additional financial contribution for a student who is not resident in Québec, within the meaning of government regulations, set in accordance with the budgetary rules established by the Minister of Education, Recreation and Sports or by the Minister of Higher Education, Research, Science and Technology;

(7) the text, "Except in the case of a bursary, the payment of the fees to the institution may only be made by the student, a parent or a person connected by marriage or a civil union."; and

(8) for educational services in vocational training and college level education, the stages and dates of the routing of an application for admission up to enrollment.".

6. Section 18 is amended

(1) by replacing "advertisement" in the portion before paragraph 1 by "advertising, solicitation";

(2) by inserting the following before paragraph 1:

"(0.1) guarantee admission to a program of studies or guarantee that a person enrolling in the program will successfully complete it;";

(3) by adding the following at the end:

"(4) suggest that the admission of a foreign student to an institution will guarantee the right to enter and stay in Canada under the Immigration and Refugee Protection Act (S.C. 2001, c. 27) and the Québec Immigration Act (chapter I-0.2.1) or to receive a permit or other document required by those Acts;

(5) mention any information that the institution or its mandatary knows to be incomplete, false or misleading.".

7. Section 19 is amended

(1) by replacing "advertisement" by "advertising, solicitation"; and

(2) by replacing "the course is dispensed" by "the programs of studies are dispensed and, if applicable, the language of each course offered in another language".

8. The following is inserted after section 19:

"**19.1.** The institution shall keep the following information concerning all advertising, solicitation and offers of service made by the institution or by a mandatary for a duration of five years:

(1) the text of the advertising, solicitation or offer of service whether written, audio or video recorded;

(2) if the advertising, solicitation or offer of service is an audio or video recording or contains an image, a copy of the recording or image in a format that allows it to be played or viewed;

(3) the period during which the advertising, solicitation or offer of service was published or broadcast;

(4) if the advertising, solicitation or offer of service mentions that a program is recognized for training purposes by a regulatory body of a profession or by a professional association or organization, proof to that effect;

(5) if the advertising, solicitation or offer of service mentions that a program is recognized by the government of a province, territory or country for a particular purpose, proof to that effect.".

9. Section 20 is replaced by the following:

"**20.** Every educational service contract or registration form shall contain the following information:

(1) the complete text of section 14, if applicable;

(2) the dates of the beginning and end of the contract;

(3) the information set out in sections 17, 17.1 and 19, except paragraph 8 of section 17.1;

(4) a list and detailed price breakdown of each accessory service included;

(5) the complete text of sections 70 to 75 of the Act respecting private education (chapter E-9.1); and

(6) the text, "The institution undertakes not to assign or sell this contract.".

Such a contract shall also contain a space directly below the text referred to in paragraph 6 of the first paragraph for the client's signature.".

10. Section 21 is amended

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

"For educational services in vocational training and college level education, the educational service contract or registration form shall contain the following information, in addition to the information provided under section 20:

(1) a list of the courses offered;

(2) the nature of the recognition or certification of the studies; and

(3) the days of the week and the hours during which the program of studies may be dispensed.";

(2) by replacing "la formule" in the second paragraph of the French text by "le formulaire".

11. Section 21.1 is amended by replacing "la formule" in the French text by "le formulaire".

12. Schedule A is replaced by the following:

"SCHEDULE A
(Section 6)

INFORMATION AND DOCUMENTS TO BE FURNISHED IN SUPPORT OF AN APPLICATION FOR THE ISSUE, RENEWAL OR MODIFICATION OF A PERMIT

Type of application	Information and documents to be furnished
1. The issue of a permit	1 to 10
2. The renewal of a permit	1.1, 2, 5.2, 6 to 10
3. The modification of a permit:	
a) change of name	1
b) change address	1.1, 2, 3.2, 5.2, 6 to 10
c) addition of a facility	1.1, 2, 3, 5, 6 to 10
d) change in student capacity	1.1, 2, 3.2, 5.2, 6.1, 6.3, 9.3, 9.4, 9.5, 10.1
e) addition of programs or services	1.1, 2, 3.1, 3.2, 4, 5.2, 6.1, 6.3, 7, 9.3, 9.4, 9.5, 10

1. IDENTITY OF THE APPLICANT, THE INSTITUTION AND THE FACILITIES

1.1 Applicant's name, address, email address and telephone number, as well as the resolution of the board of directors in the case of a legal person or the declaration of the highest authority of the institution certifying the information furnished and authorizing the filing of the application.

1.2 Where the applicant is a legal person,

— the letters patent and, where applicable, a certified copy, certificate of authenticity or certified true copy of the certificate of registration;

— the by-laws of the legal person;

— the list of members of the board of directors, including their name, address, email address and telephone number.

Where the applicant is not a legal person,

— a certified true copy of the original certificate of registration.

1.3 Name and address of the institution.

1.4 Name and address of each facility, if different from the institution.

2. PURPOSE OF THE APPLICATION

All or some of the educational services or categories of educational services, as well as the titles and codes of the programs the institution proposes to dispense in each facility at its disposal.

3. BASES FOR THE APPLICATION

3.1 Elements and procedures having marked the development of the project.

3.2 Needs to which the institution proposes to respond.

4. OBJECTIVES AND ACTIVITIES OF THE INSTITUTION

A description of the general objectives of the institution and, except as regards college level education, the features of its educational project.

5. STUDENT POPULATION

5.1 Profile of the student population.

5.2 Student enrollment estimates:

— the estimated number of students in each program or educational service, distinguishing, where applicable, full-time students from part-time students, students enrolled in a program offered in French from students enrolled in a program offered in English, and residents within the meaning of the Regulation respecting the definition of resident in Québec (chapter E-9.1, r. 2) from those who are not such residents;

— the information pertaining to expected changes in student enrollment over the next three school years.

6. ADMINISTRATIVE ORGANIZATION

6.1 Administrative structure

— a description of the mandates, duties and responsibilities of the directors and officers;

— the organization chart containing the names of the persons who perform the duties indicated in it;

— for the applicant or permit holder and for each director, shareholder or officer of the institution, a declaration concerning the person's judicial record within the meaning of subparagraph 2 of the third paragraph of section 12.1 of the Act respecting private education (chapter E-9.1).

6.2 Description of the functional links between the various groups of persons involved.

6.3 Human resources:

— the number of staff members in each category and employment group and their qualifications;

— the resume of the officers;

— with regard to preschool, elementary school and secondary school education, for applications for the issue of a permit and applications for the modification of a permit to add a facility and to add programs or services, a list of prospective teachers;

— with regard to college level education, for applications for the issue of a permit and applications for the modification of a permit to add a facility and to add programs or services, the curriculum vitae of the prospective teachers.

7. ORGANIZATION OF TEACHING

7.1 Admission policy.

7.2 Language of instruction.

7.3 Teaching approach.

7.4 Distribution of courses and activities for each category of educational services.

7.5 School calendar and student timetable.

7.6 Specific measurement and evaluation policy.

8. STUDENT SERVICES

A description of the organizational framework, that is the activities, plan of action and personnel for each of the following services:

— auxiliary services;

— special services;

— other services.

9. MATERIAL RESOURCES

9.1 Description of each building or facility and their location.

9.2 Terms of occupancy as owner or lessee and the relevant documents.

9.3 Description of the general or specialized premises for each facility:

— for all premises used by the students, the number of student places, surface area, use and furnishings;

— for science laboratories and, as regards vocational training and college level education, for all premises used by the students, the tools, apparatus and equipment;

— a basic plan or sketch for each facility.

9.4 The student capacity of each facility and, except as regards college level education, for each educational service or category of educational services dispensed in each facility.

9.5 For vocational training and college level education, a description of the instructional material, a list of the software used by the students and the reference documents used to enable the competencies for each program of studies to be achieved.

9.6 For vocational training and college level education, if the programs of studies include internships, provide letters from employers ready to accept or intending to accept trainees, signed by a duly authorized representative, and containing the following information:

— the name, address and Québec business number;

— the name and code of the program of studies involved;

— the terms or school years involved and number of trainees anticipated for each term or school year.

10. FINANCIAL RESOURCES

10.1 Budget estimates of the institution presented by category of revenue and expenditures, along with any document demonstrating that the institution will have access to sufficient financial resources to dispense the educational services for which the application is being made.

10.2 The total price charged by the institution and the detailed price breakdown according to the apportionment set out in paragraph 6 of section 17.1.".

TRANSITIONAL AND FINAL

13. For the period from 1 July 2025 to 30 June 2026, section 7 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1) is to be read as follows:

"**7.** The amount of the fees exigible for an application for the issue of a permit shall be $715.

The amount of the fees exigible for an application for the modification of a permit shall be $570, except for an application for a change of name of the institution or one of its facilities.".

14. This Regulation comes into force on 1 July 2025, except section 1, which comes into force on 1 July 2026.

107229

M.D., 2025-01

Order number 2025-01 of the Minister of Finance, 8 January 2025

Insurers Act
(chapter A-32.1)

CONCERNING the Regulation respecting information to be provided to holders of individual variable insurance contracts relating to segregated funds

WHEREAS paragraph 1 of section 485 of Insurers Act (chapiter A-32.1) stipulates that, in addition to other regulations that it may make under this Act, the *Autorité des marchés financiers* may, by regulation, determine the standards applicable to authorized insurers in relation to their commercial practices and their management practices;

WHEREAS the first paragraph of section 486 of the said Act stipulates that a regulation made under this Act by the *Autorité des marches financiers* is approved by the Minister of Finance with or without amendment;

WHEREAS the third and fourth paragraphs of the said section stipulate that a draft of a regulation must be published in the *Bulletin de l'Autorité des marches financiers* with the notice required under section 10 of the Regulations Act (chapter R-18.1) and that the draft of the regulation may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft;

WHEREAS the fifth paragraph of the said section stipulates that a regulation under this section comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in it, that it must also be published in the *Bulletin de l'Autorité des marches financiers* and that, if the regulation published in the *Bulletin de l'Autorité des marches financiers* differs from the one published in the *Gazette officielle du Québec*, the latter prevails;

WHEREAS section 496 of the said Act stipulates that the *Autorité des marches financiers* may, in a regulation made under this Act, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty, that the regulation may define the conditions for applying the penalty and set forth the amounts or the methods for determining them and that the amounts may vary according to the seriousness of the failure to comply, without exceeding the maximum amounts provided for in section 494;

WHEREAS the draft Regulation respecting information to be provided to holders of individual variable insurance contracts relating to segregated funds was published in the *Bulletin de l'Autorité des marchés financiers*, volume 20, no. 43 of November 2, 2023 and volume 21, no. 27 of Jully 11, 2024;

WHEREAS the *Autorité des marchés financiers* made, on December 20, 2024, by the decision no. 2024-PDG-0052, the Regulation respecting information to be provided to holders of individual variable insurance contracts relating to segregated funds;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation respecting information to be provided to holders of individual variable insurance contracts relating to segregated funds appended hereto.

8 January 2025

ERIC GIRARD
Minister of Finance

Regulation respecting information to be provided to holders of individual variable insurance contracts relating to segregated funds

Insurers Act
(chapter A-32.1, s. 485 par.1 and s. 496).

1. This Regulation applies to any insurer authorized under the Insurers Act (chapter A-32.1) to the extent that the insurer has underwritten an individual variable insurance contract, defined as an individual contract of life insurance, including an annuity, or an undertaking to provide an annuity, under which the insurer's liabilities vary in amount depending upon the market value of the segregated funds that it holds and in which it allocates the amounts invested by the holder of the contract, which are, with the corresponding rights held thereunder by the contract holder, represented by means of segregated fund units allocated to the contract.

This Regulation also applies to any provision of an individual contract of life insurance stipulating that dividends under the contract are allocated to such segregated funds.

2. The insurer must provide to the contract holder, within four months of each fiscal year end of the segregated funds whose units are allocated to the contract, an annual statement for the fiscal year presenting, at a minimum, the information listed in Schedule 1 in a form that is clear, readable, specific and not misleading, while highlighting it and so as not to cause confusion or misunderstanding.

3. A monetary administrative penalty of $250 in the case of a natural person or $1,000 in all other cases may be imposed on an authorized insurer that, in contravention of section 2, fails to provide the contract holder with an annual statement relating to the contract within the prescribed time period, fails to present in the statement all the information referred to in that section or presents inaccurate information.

4. Notwithstanding section 2, an insurer is not required to present in the annual statement, for all segregated fund units allocated to the contract, the following information where it is difficult or impossible for the insurer to use the data necessary for the determination thereof:

(1) the total amounts invested and withdrawn by the contract holder from the issue date of the contract until the statement date;

(2) the change in value of investments from the issue date of the contract until the statement date for reasons other than investments or withdrawals by the contract holder;

(3) the personal rate of return, as a percentage, calculated on the dollar-weighted method, since the issue date of the contract;

(4) the personal rate of return, as a percentage, calculated on the dollar-weighted method, for the 10 years, 5 years or 3 years ending on the statement date;

For the purposes of the first paragraph, it is difficult or impossible for the insurer to use the data necessary for the determination of the information referred to therein only

(1) where, before January 1, 2026, the insurer

(*a*) optimized the information infrastructure or system in which the contracts were administered and the data was transferred in part or on the basis of a net amount; or

(*b*) acquired contracts from another insurer following a merger or an acquisition of assets and the data from the other insurer was only transferred in part or on the basis of a net amount; or

(2) where the insurer acquires contracts from another insurer following a merger or an acquisition of assets and the data from the other insurer can only be transferred in part or on the basis of a net amount because, before January 1, 2026, the other insurer was in either of the situations described in subparagraph 1 of the second paragraph.

An insurer in any of the situations described in the second paragraph must, for the purposes of presenting the information referred to in subparagraphs 1 to 3 of the first paragraph, present the information from the date the data was transferred and, for the purposes of presenting the information referred to in subparagraph 4 of that paragraph, present such information, if any, for 3 years, 5 years or 10 years following the data transfer date.

An insurer referred to in the first paragraph must include the following notification or a notification that is substantially similar in the annual statement:

"The information (*indicate here the information referred to in subparagraphs 1 to 4 of the first paragraph*) is not presented in this statement because the data necessary for the determination of that information is not available for the following reasons (*indicate one of the cases referred to in the second paragraph*).".

5. This Regulation comes into force on January 1, 2026.

SCHEDULE 1
(section 2)

Information to be presented in the annual statement provided by an insurer to holders of individual variable insurance contracts

General information:

— the statement date, defined as the date of the last day of the period covered by the statement;

— the insurer's name, contact information and website;

— the contract name, contract tax status, issue date and contract number;

— the name of the contract holder, the annuitant, the person for whose lifetime the annuity is established, and the designated beneficiary, where such persons or, as applicable, entities are different;

— the name, telephone number and e-mail address of the representative responsible for servicing the contract or, where the contract was purchased without the intermediary of a natural person, of the firm or independent partnership; and

— the following notification or a notification that is substantially similar:

"The information provided in this annual statement is intended to help you track your financial goals.";

"You can obtain copies of the most recent Fund Facts, annual audited financial statements and semi-annual unaudited financial statements for the segregated funds within your contract by (*indicate here how to obtain them*).";

"You can also contact us or your representative or, where your contract was purchased via a digital space, the firm or independent partnership, to obtain additional details about the information presented in your statement or contract.".

Performance information

— for all segregated fund units allocated to the contract:

– the market value at the start of the period covered by the statement and at the statement date;

– the total amounts invested and withdrawn by the contract holder from the issue date of the contract and the date corresponding to the first day of the period covered by the statement until the statement date, and the change in value of investments, between these same dates, for reasons other than investments or withdrawals by the contract holder; and

– the personal rate of return, as a percentage, calculated on the dollar-weighted method, since the issue date of the contract and, where applicable, for the 10 years, 5 years, 3 years and year ending on the statement date.

Where the contract is an account, plan or fund registered under the Income Tax Act (R.S.C., 1985, c. 1 (5th Supp.)) and there is a change in registered account, plan or fund, the issue date of the contract may be the date of the change; in such a case, the insurer must provide to the contract holder another annual statement that ends on the date immediately preceding the date of the change; and

Where there is a change in contract holder, the issue date of the contract may be the same date as the date of the change in contract holder; in such a case, the insurer must provide to the initial contract holder an annual statement that ends on the date immediately preceding the date of the change in contract holder.

— the following notification or a notification that is substantially similar:

"Your personal rate of return may be different than the rate realized by the segregated funds within your contract because the calculation of your personal rate of return depends on factors such as the timing of your investments and withdrawals.".

Information about fees and charges

— for all segregated fund units allocated to the contract, the amounts of all the fees and charges borne by the contract holder during the period covered by the statement, presented individually and in the aggregate, including without limitation:

– the fund expenses and, where the segregated fund has classes or series of units, the fund expenses of each class or series of units of the segregated fund for each day that the units of such class or series were allocated to the holder's contract during the period covered by the statement, calculated using the following formula, making any adjustments reasonably necessary to accurately determine the fund expenses:

A x B x C

A = the fund expense ratio for the day of the applicable class or series of units of the segregated fund;

B = the market value of a unit for the day of the applicable class or series of units of the segregated fund; and

C = the number of segregated fund units allocated to the contract for the day;

For the purposes of this calculation:

(*a*) the "fund expense ratio for the day" means the ratio, expressed as a percentage, of the amount of fund expenses of a class or series of units of the segregated fund for the day to the net asset value for the day of the class or series of units of the fund;

(*b*) Insurers may use a reasonable approximation of inputs "A" and "B".

For the purposes of subparagraph *a*, "fund expenses" means all the segregated fund's expenses that are paid by the insurer out of assets of the fund, including management expenses and trading expenses.

Insurers are not required to report the fund expenses of a segregated fund that was established less than 12 months before the statement date;

– front-end load charges;

– if applicable, the fees referred to in section 2 of the Regulation respecting the prohibition on charging certain fees from holders of individual variable insurance contracts relating to segregated funds (chapter A-32.1, r. 1.1), for contracts entered into before June 1, 2023;

– fees related to advisory services paid for by the contract holder in respect of the contract to an individual or entity registered as a firm, independent partnership or independent representative that are paid out by the insurer, on the instructions of the contract holder, from the amounts invested by the contract holder;

– withdrawal fees;

– transfer fees;

– reset fees;

– early withdrawal and/or short term-trading fee;

– fees with respect to cheques returned due to insufficient funds;

– small policy fee; and

– insurance fees not included in fund expenses.

These fees may have been paid by the insurer from segregated fund units allocated to the holder's contract or from the assets of the segregated fund, affecting the market value of the units allocated to the holder's contract.

— any changes to the insurance fee, if applicable, where permitted by the contract;

— the following notifications or notifications that are substantially similar:

"Fees and charges affect your returns.";

"If applicable, compensation or other fees charged to you and paid directly by you to the firm, independent partnership or independent representative are not included in the aggregate amount of fees and charges appearing on your statement.";

"We suggest you contact us or your advisor (or, where the contract was purchased via a digital space, the firm or independent partnership) to discuss the fees and charges you pay and their impact on the long-term performance of your investments and contract.";

"More information about fund expenses can be found in the Funds Facts documents for the segregated funds in your contract.".

— the fact approximations have been used when calculating fund expenses, if applicable; and

— the fact significant fees and charges would be payable if the contract holder were to end the contract, if applicable, as well as the effect of such fees and charges.

If such significant fees and charges are those referred to in section 2 of the Regulation respecting the prohibition on charging certain fees from holders of individual variable insurance contracts relating to segregated funds (chapter A-32, r. 1.1), the notification may be replaced by an indication of their net value.

Information about each segregated fund

— for each segregated fund whose units are allocated to the contract, for the period covered by the statement:

– the segregated fund name;

– the market value of the segregated fund units allocated to the contract at the start date of the period covered by the statement;

– since the start of the period covered by the statement until the statement date, the total amounts invested and withdrawn by the contract holder and the change in value of investments for reasons other than investments or withdrawals by the contract holder;

– as at the statement date, the number of segregated fund units allocated to the contract, the market value per segregated fund unit and the total market value of segregated fund units allocated to the contract; and

– except where the segregated fund was established less than one year before the statement date, the segregated fund expense ratio, expressed as a percentage, obtained by the sum of the segregated fund's management expense ratio and trading expense ratio.

For the purposes of the above calculation, the trading expense ratio of a segregated fund for any financial year, expressed as a percentage, is obtained by dividing the total commissions and other portfolio transaction costs, including those of any secondary fund, before income taxes, for the financial year as shown on the fund's statement of comprehensive income, by the same denominator as is used to calculate the management expense ratio and multiplying the result obtained by 100.

— if applicable, the following notification or a notification that is substantially similar:

"The total market value of all the segregated funds within your contract is not necessarily the amount you would receive if you were to end your contract, because,

if you did, fees and charges could be payable. You can obtain information about the actual amount you would receive by (indicate here how to obtain the information).";

"Under your contract, the fund has a deferred sales charge (or any other designation used by the insurer for the fees referred to in section 2 of the Regulation respecting the prohibition on charging certain fees from holders of individual variable insurance contracts relating to segregated funds (chapter A-32.1, r. 1.1), for contracts entered into before June 1, 2023). You can withdraw all the money in the fund, but you may be charged a fee to do so if you are withdrawing those funds before the end of the (indicate here the length of the period) deferred sales charge period.";

"The fund's expenses are made up of the management fee (specify, if applicable, that the management fee includes the insurance costs for the maturity and death benefit guarantees) and trading costs. You don't pay these expenses directly. We periodically deduct them from the value of your investments to manage and operate the funds. The expenses affect you because they reduce the segregated fund's returns. These expenses add up over time. The fund expense ratio is expressed as an annual percentage of the total fund's value and differs depending on the segregated fund. It corresponds to the sum of the fund's management expense ratio and trading expense ratio. These costs are already reflected in the market values reported for your segregated fund investments.";

"The dollar amount of the fund's expenses (indicate here where the amount is found in the statement) is calculated from the fund expense ratio provided for each of the contract's segregated funds for the period covered by the statement. Consequently, there is no duplication of expenses."; and

— if applicable, a notification indicating that no fund expense ratio for the segregated fund is provided in the statement because the segregated fund was established less than 12 months before the statement date.

Information about maturity and death benefit guarantees

— for all segregated fund units allocated to the contract as at the statement date:

– the market value of segregated fund units allocated to the contract subject to the guarantee under the contract;

– the maturity date of the guarantee of the contract; and

– the value of the maturity guarantee and death benefit guarantee.

If the contract has more than one maturity date, the above information must only be provided for the maturity guarantee of the contract as a whole, not for each separate invested amount.

— if the contract has an automatic reset provision, the date of the next automatic reset;

— if the contract holder is allowed to make discretionary resets under the contract, a reminder to that effect; and

— if applicable, the following notification or a notification that is substantially similar:

"An automatic reset will lock-in a new maturity or death benefit guarantee based on the current market value of your contract. A reset to the maturity guarantee will also restart the maturity guarantee period, delaying the maturity date of your contract.".

Information for contracts providing guaranteed withdrawal benefits:

Accumulation Phase

— For contracts providing guaranteed withdrawal benefits where all or part of the contract is in the accumulation phase:

– the guaranteed annual withdrawal amount, at the earliest age at which the contract holder can begin receiving guaranteed withdrawals and, depending on the withdrawal options available to the contract holder under the contract, at age 65 and at age 70; and

– if applicable, the following notification or a notification that is substantially similar:

"The guaranteed annual withdrawal amount has been calculated assuming:

– you will make no further investments in the contract;

– you will make no withdrawal from the contract, aside from the guaranteed withdrawals; and

– the market value of the segregated fund units allocated to your contract will not change between the date of calculation and the dates for which the guaranteed withdrawal amounts are shown and, if applicable, that no bonuses will be credited to your contract and that you will not reset any guarantees under the contract."

"On withdrawal, the value of your guarantees is adjusted proportionally to the market value of your contract at the time of withdrawal. For example, if someone withdraws $1,200 when the market value of your contract is $6,000, the withdrawal will reduce the market value of your

contract by 20 per cent ($1,200/$6,000). The maturity and death benefit guarantee amounts will be reduced proportionally by the same 20 per cent.".

The "accumulation phase" means the time between the date when the contract holder begins investing amounts in a contract that provides a guaranteed withdrawal benefit and the date when the contract holder notifies the insurer that the contract holder wants to begin receiving such guaranteed benefits.

Information for contracts providing a guaranteed withdrawal benefit:

Withdrawal phase

— for contracts providing guaranteed withdrawal benefits where all or part of the contract is in the withdrawal phase:

– the guaranteed annual withdrawal amount;

– how long the guaranteed annual withdrawal amount will be payable, assuming the contract holder does not make any withdrawals other than the scheduled withdrawals;

– the amount the contract holder has chosen to receive annually, if different from the guaranteed annual withdrawal amount;

– if the contract is a registered retirement income fund ("RRIF"), life income fund ("LIF"), locked-in retirement income fund ("LRIF") or restricted life income fund ("RLIF"), the minimum RRIF, LIF, LRIF or RLIF withdrawal for the year following the statement date;

– if the contract is a LIF, LRIF or RLIF, the maximum LIF, LRIF or RLIF withdrawal for the year following the statement date; and

– the following notification or a notification that is substantially similar:

"Any withdrawals that exceed the guaranteed annual withdrawal amount will decrease future guaranteed withdrawal amounts, except if required in respect of a RRIF/LIF/LRIF/RLIF minimum withdrawal amount. The guaranteed annual withdrawal amount will be paid to you even if the amount of money in your contract is less than the guaranteed withdrawal amount.".

The "withdrawal phase" means the time between the date when the contract holder triggers the guaranteed benefit under a contract that provides such a benefit and the date when there is no longer enough money held within the contract to pay a scheduled withdrawal.

Information for contracts providing a guaranteed withdrawal benefit:

Benefits phase

— for contracts providing a guaranteed withdrawal benefit where all or part of the contract is in the benefits phase:

– the guaranteed annual withdrawal amount; and

– how long the guaranteed withdrawal amount will be payable.

The "benefits phase" means the time between the date when the withdrawal phase ends for all or part of a contract that provides a guaranteed withdrawal and the last date a guaranteed withdrawal is payable.

107228

Draft Regulation

Consumer Protection Act
(chapter P-40.1)

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21)

Application of the Consumer Protection Act —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the situations in which a tool is considered commonly available and regulates the disclosure of information by merchants and manufacturers concerning the warranty of availability of replacement parts, repair services and the information necessary to maintain or repair goods of a nature that requires maintenance. The draft Regulation also provides that the prohibition to use a technique that has the effect of making it more difficult for consumers or their mandataries to maintain or repair goods may, in certain circumstances, be excluded.

The regulatory impact analysis indicates that the planned amendments should not generate any costs for the manufacturing and retail trade sectors. In addition, the amendments should not have any incidence on employment or the competitivity of Québec businesses. For citizens, the draft Regulation will help improve the transparency of information on the reparability of goods.

Further information on the draft Regulation may be obtained by contacting Joël Simard, lawyer, Direction des affaires juridiques, Office de la protection du consommateur, 5199, rue Sherbrooke Est, aile A, bureau 3671, Montréal (Québec) H1T 3X2; email: consultationOPC@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Denis Marsolais, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Justice.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act
(chapter P-40.1, s. 39, 2nd par., s. 227.0.3, and s. 350, pars. *d*.9, *d*.10 and *r*).

Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods
(2023, chapter 21, s. 4).

1. The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by inserting the following after section 79.16:

"CHAPTER VI.4
GOODS OF A NATURE THAT REQUIRES MAINTENANCE WORK

79.17. For the purposes of the second paragraph of section 39 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), a tool is considered commonly available where

(*a*) it is provided free of charge not later than when the consumer takes possession of the goods;

(*b*) it can be obtained online or in-store at a reasonable price and within a reasonable time.

79.18. For the purposes of section 39.1 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), the manufacturer must disclose in a prominent and comprehensible manner, online, if he entirely, partially or in no way guarantees the availability of each of the following elements:

(*a*) replacement parts;

(*b*) repair services;

(*c*) information necessary to maintain or repair the goods.

If the manufacturer partially guarantees the availability of one of those elements, he must also disclose, in the same manner, a list of the replacement parts, repair services or information necessary to maintain or repair the goods, as the case may be, whose availability he does not guarantee.

The information disclosed pursuant to this section must be presented in a manner that allows it to be easily retained and printed in paper form. If a user or maintenance manual is provided with the goods, the manufacturer must include the said information in the manual in a prominent and comprehensible manner.

79.19. For the purposes of section 39.2 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), the merchant must, before entering into a contract, disclose in writing, in a prominent and comprehensible manner, if he entirely, partially or in no way guarantees the availability of each of the following elements:

(*a*) replacement parts;

(*b*) repair services;

(*c*) information necessary to maintain or repair the goods.

If the merchant partially guarantees the availability of one of those elements, he must also disclose, in the same manner, a list of the replacement parts, repair services or information necessary to maintain or repair the goods, as the case may be, whose availability he does not guarantee.

In addition, the merchant, before entering into a contract online, must publish in proximity of that information a hyperlink to the information disclosed by the manufacturer under the first and second paragraphs of section 79.18.

79.20. A merchant who publishes online the information prescribed in the first and second paragraphs of section 79.19 is exempt from the application of section 39.2 of the Act, as made by section 4 of the Act to protect consumers from planned obsolescence and to promote the durability, repairability and maintenance of goods (2023, chapter 21), provided that the merchant

(*a*) presents the information in a prominent and comprehensible manner;

(*b*) presents the information in a way that allows the consumer to easily retain and print it in paper form; and

(*c*) publishes the hyperlink to the information disclosed by the manufacturer under the first and second paragraphs of section 79.18 in proximity of that information.".

2. The Regulation is amended by inserting the following after section 91.20, as made by section 68 of the Act to protect consumers against abusive commercial practices and to offer better transparency with respect to prices and credit (2024, chapter 32):

"**SECTION VI**
TECHNIQUE THAT HAS THE EFFECT OF MAKING IT MORE DIFFICULT TO MAINTAIN OR REPAIR GOODS

91.21. A merchant or manufacturer who demonstrates that the use of a technique that has the effect of making it more difficult to maintain or repair goods does not contravene section 227.0.3 of the Act if the use of the technique is, as the case may be,

(*a*) the only way to protect the consumer or his or her mandatary from a grave, serious, direct and immediate risk to that person's safety, except if the mandatary is a person who provides services to repair or maintain goods as part of the operation of an enterprise; or

(*b*) required to ensure compliance with an Act or regulation.".

3. The Regulation comes into force on 5 October 2025.

107230