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LAWS AND REGULATIONS

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Summary

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Part 2 – LAWS AND REGULATIONS

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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

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Gouvernement du Québec

O.C. 38-2025, 23 January 2025

Professional Code
(chapter C-26)

Code of ethics of dietitians

Code of ethics of dietitians

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft Code of ethics of dietitians was sent to every member of the Ordre des diététistes-nutritionnistes du Québec at least 30 days before its adoption by the board of directors of the Order on 6 July 2024;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Code of ethics of dietitians was published as a draft in Part 2 of the *Gazette officielle du Québec* of 28 August 2024 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 15 November 2024 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Code of ethics of dietitians, attached to this Order in Council, be approved.

DAVID BAHAN
Clerk of the Conseil exécutif

Code of ethics of dietitians

Professional Code
(chapter C-26, s. 87).

CHAPTER I
GENERAL

1. This Code determines the duties and obligations of all dietitians.

2. Dietitians may not exempt themselves, even indirectly, from a duty or obligation set out in this Code.

CHAPTER II
DUTIES AND OBLIGATIONS TOWARDS PATIENTS, THE PUBLIC AND THE PROFESSION

DIVISION I
GENERAL DUTIES

3. Dietitians must take reasonable steps to ensure that every person they employ or who collaborates with them in the practice of the profession, and every organization within which they practise, complies with the Professional Code (chapter C-26) and the regulations under it and with any other law or regulation governing the practice of the profession.

4. Dietitians must not, in the practice of the profession, commit acts which are contrary to a law or regulation or advise, recommend or induce any person to do so.

5. Dietitians have an overriding duty to protect and promote the health and well-being of the patients to whom they provide professional services both individually and collectively. They must in particular, for that purpose, promote measures that support education and information in their field of professional practice.

6. Dietitians must, in the practice of the profession, take into account all the consequences that their research, work and interventions may have on public health.

7. Dietitians must conduct themselves with dignity, courtesy, respect and integrity in their relations with others. They must, in particular,

(1) collaborate in the provision of professional services and seek to establish and maintain harmonious relations;

(2) give their opinion and recommendations as soon as possible after being consulted;

(3) refrain from denigrating others, abusing their trust, voluntarily misleading them, betraying their good faith or engaging in unfair practices;

(4) refrain from taking credit for work not performed by them;

(5) give fair, honest and substantiated opinions;

(6) avoid discriminating against, harassing, bullying or threatening others.

8. Dietitians may not do anything or behave in any way that is contrary to professional practice or generally recognized scientific information, or that is likely to compromise the honour, dignity or integrity of the profession or to break the link of trust between the public and the profession.

9. Dietitians must, in the practice of the profession, take into account their abilities and knowledge, their limitations and the means at their disposal.

10. Dietitians must not commit an act involving collusion, corruption, malfeasance, breach of trust or influence peddling or participate in the commission of any such act.

11. Dietitians must not, with respect to a patient's record or any report, register, receipt or other document connected with the practice of the profession,

(1) falsify a record, report, register, receipt or document, in particular by altering any notes already entered or by inserting any notes under a false signature;

(2) fabricate a false record, report, register, receipt or document;

(3) enter false information in a record, report, register, receipt or document; or

(4) amend a record, report, register, receipt or document or destroy it in whole or in part without justification.

12. Dietitians must use the title or initials reserved for dietitians in their practice of the profession.

13. When dietitians perform activities that are unrelated to the profession, in particular in connection with an employment, function or responsibility or the operation of an enterprise, they must ensure that such activities do not compromise their compliance with this Code, in particular as regards the honour, dignity and integrity of the profession, and are consistent with generally recognized professional standards and scientific information.

14. Practice in the field of naturopathy is incompatible with practice of the profession of dietitian.

15. Dietitians who work in another trade or profession must indicate clearly to their patients in which capacity they are providing professional services.

16. Dietitians may not evade or attempt to evade their professional liability. In particular, they are prohibited from

(1) accepting a waiver relieving them from all or some of their professional liability for a fault committee in the practice of the profession;

(2) accepting a waiver relieving the organization within which they perform professional activities from all or part of its liability for a fault committed by them;

(3) invoking the liability of the organization within which they perform professional activities against their patient.

17. Dietitians must ensure that the name of an organization within which they practise does not derogate from the honour or dignity of the profession.

18. Dietitians may not reproduce the graphic symbol of the Ordre des diététistes-nutritionnistes du Québec. However, they may use the logo designed by the Order specifically for dietitians.

Dietitians must ensure that an organization within which they practise does not reproduce the graphic symbol of the Order.

DIVISION II
QUALITY OF THE PROFESSIONAL RELATIONSHIP

19. Dietitians must seek to establish a relationship of trust with their patient.

20. Dietitians must avoid any conduct that may harm their patient's physical or mental integrity.

21. Dietitians must respect their patient's privacy, in particular by refraining from collecting information on and exploring aspects of their patient's private life that have no connection with the practice of the profession.

22. Dietitians must refrain from intervening in their patient's personal affairs in areas that have no connection with the practice of the profession.

23. Dietitians must refrain from abusing the professional relationship they establish with their patient.

More specifically, they must, for the duration of their professional relationship, refrain from having sexual relations with their patient, or making sexual gestures or comments.

The duration of the professional relationship is established on the basis, in particular, of the nature of the professional services provided and their duration, the patient's vulnerability and the likelihood of the provision of professional services in the future.

24. Dietitians must, in the practice of the profession, be reasonably available and diligent.

25. Dietitians must inform their patient as soon as possible of any action taken while providing a professional service that may be prejudicial to the patient. They must note the action in the patient's record and take the necessary steps to limit the consequences of the action.

26. Dietitians may not, except for just and reasonable cause, refuse or cease to provide professional services. Just and reasonable cause includes

(1) an inability to establish or maintain a relationship of trust with the patient;

(2) a risk that the ongoing provision of professional services may, in the dietitian's view, cause the patient more harm than good;

(3) a situation of real or apparent conflict of interest or a context in which the dietitian's professional independence could be questioned;

(4) incitement by the patient or a person in the patient's close circle to perform an illegal, unjust or fraudulent act;

(5) abusive behaviour by the patient, which may include harassment, threats or aggressive or sexual actions;

(6) a failure by the patient to respect the agreed conditions for the provision of professional services, including the payment of fees, and the impossibility of negotiating a reasonable agreement with the patient to re-establish them;

(7) a decision by the dietitian to reduce or terminate his or her practice.

Before ceasing to provide professional services to a patient, dietitians must send the patient prior notice of their intention, and ensure that the cessation of services will not be prejudicial to the patient. Where applicable, they must offer to help the patient look for another dietitian. This paragraph does not apply in a situation referred to in one of subparagraphs 4 to 6 of the first paragraph.

27. Dietitians must, at all times, recognize the patient's right to consult another dietitian, a member of another professional order or any other competent person.

DIVISION III
CONSENT

28. Except in an emergency dietitians must, before beginning to provide professional services, obtain free and informed consent from their patient or from their patient's legal representative or, in the case of a child aged under 14, from the holder of parental authority or tutor.

29. Dietitians must ensure that the patient, the patient's legal representative, the holder of parental authority or the tutor receives a relevant explanation of the means by which professional services will be provided and the nature, aim and possible consequences of the assessment and nutritional treatment, including the feeding route. When several nutritional treatments are possible, dietitians must explain them to the patient. Dietitians must help the patient make an informed decision, and respect the decision made.

30. Dietitians must inform their patient and ensure that the patient understands that it is possible to refuse all or some of the professional services offered and to cease receiving them at any time. They must ensure that the patient understands the possible consequences of such a refusal or cessation. Where applicable, they must present alternative nutritional care options and respect the patient's decision.

31. For the duration of the professional services provided, dietitians must ensure that the patient's free and informed consent is ongoing. Dietitians must, at all times, recognize the patient's right to withdraw consent.

DIVISION IV
QUALITY OF PRACTICE

32. Dietitians must discharge their professional obligations with integrity and loyalty.

33. Dietitians must refrain from practising in conditions or states that compromise the quality of the professional services provided or the dignity of the profession.

34. Dietitians must practise their profession in accordance with professional standards and generally recognized scientific information. They must, in particular, enhance and update their knowledge and skills.

35. Dietitians must refrain from expressing an opinion, giving advice or making a decision without having full knowledge of the facts.

36. Dietitians must assess the nutritional state of the patient and ensure that they have all the necessary information before determining, extending or changing an intervention plan or a nutritional treatment plan. They may not omit or exaggerate a need in their assessment of a patient's needs.

37. Dietitians who have assessed a patient's nutritional state and determined an intervention plan or nutritional treatment plan, including the appropriate feeding route, must take the necessary steps to monitor it, unless they have ensured that it will be monitored by another dietitian or authorized person.

38. If required in the patient's interest, dietitians must consult or refer the patient to another dietitian or a member of another professional order for treatment or monitoring.

39. Dietitians must refrain from conducting examinations, investigations or treatments that are insufficiently tested, except when taking part in a research project in accordance with section 62.

40. When using tools, measuring instruments, materials and tests, dietitians must interpret the data obtained with care and in accordance with professional standards and generally recognized scientific information. They must take into account the factors that may affect their validity and reliability, including their inherent limits, the patient's specific characteristics, and the context for the assessment.

41. Dietitians may not use products or methods that may have a harmful effect on health or dispense treatments that are insufficiently tested or do not comply with professional standards and generally recognized scientific information.

They may not consult, collaborate with, or refer a patient to a person who uses or promotes such products, methods or treatments.

42. When a patient wishes to rely on a treatment that is insufficiently tested, dietitians must inform the patient of the lack of scientific proof concerning the treatment, of the possible risks or consequences, and of the potential advantages of scientifically proven treatments, if any.

43. Dietitians must refrain from making false claims about their competence, the products or methods they use, or the extent and efficacy of their professional services or those generally provided by dietitians or, where applicable, by the persons collaborating with them.

DIVISION V
PROFESSIONAL SECRECY

44. Dietitians must respect the secrecy of all confidential information brought to their attention in the practice of the profession.

45. To preserve professional secrecy, dietitians

(1) must apply reasonable protection measures at all times, in particular when they, or other persons collaborating with them, use information technologies such as artificial intelligence;

(2) refrain from conducting indiscrete conversations, in particular on social media, concerning a patient or the professional services provided to a patient, from participating in such conversations, or from revealing the fact that a person has had recourse to their services, including by providing information that allows that person to be identified;

(3) take reasonable steps to ensure that every collaborator, every person under their supervision and every organization within which they practise respects professional secrecy;

(4) must not use information of a confidential nature to the detriment of a patient or with a view to gaining an undue advantage, directly or indirectly, for themselves or for others;

(5) limit the transmission of confidential information within an interdisciplinary team to the information that is useful, relevant and necessary to the achievement of the objectives defined;

(6) inform the members of the group of patients they serve of the possibility that an aspect of their private life or of the private life of a third person may be revealed and that they must commit to respecting the confidential nature of such information.

46. Dietitians who communicate information protected by professional secrecy in order to ensure the protection of a person or a group of people in accordance with the third paragraph of section 60.4 of the Professional Code (chapter C-26) must

(1) communicate only the information needed for the purpose targeted by the communication;

(2) mention, when communicating the information,

(*a*) their name and their membership in the Order;

(*b*) that the information to be communicated is protected by professional secrecy;

(*c*) the nature of the threat that it is necessary to prevent;

(*d*) the identity and, if possible, the contact information of the person or persons exposed to the threat, when the information is communicated to their representative or to the persons able to provide assistance;

(3) record the following information as soon as possible in the record of the patient concerned:

(*a*) the ground for the decision to communicate the information;

(*b*) the information communicated and the mode of communication used;

(*c*) the name and contact information of any person to whom the information has been communicated and the date and time of communication.

DIVISION VI
ACCESS TO RECORDS AND RECTIFICATION

47. When dietitians practise in a setting governed by a law that provides specific rules about access by patients to their records and the rectification of their contents, they must comply with those rules and facilitate their enforcement.

In other cases, they must comply with the provisions of sections 27 to 41 of the Act respecting the protection of personal information in the private sector (chapter P-39.1) and help patients exercise the rights set out in the Act. Those provisions are complemented by the provisions of this Division.

48. Dietitians who refuse to agree to an application for access or rectification must enter the reasons for the refusal in the patient's record and file, in the record, a copy of the decision forwarded to the patient.

49. Dietitians must, as soon as possible and not later than 30 days after receiving it, follow up on an application from a patient requesting

(1) that any document entrusted to them by the patient be returned;

(2) to have all or part of the patient's record transferred to another dietitian or to a member of another professional order.

DIVISION VII
INDEPENDENCE, IMPARTIALITY AND CONFLICT OF INTEREST

50. Dietitians must remain objective and subordinate their personal interest and that of their employer, their collaborators, the organization within which they practise or the third party paying their fees, to the interest of their patient.

51. Dietitians must safeguard their professional independence at all times, in particular

(1) by ignoring any intervention by a third person that could influence their professional judgment, the scientific content they publish, or the performance of their professional activities to the detriment of their patient, a group of patients or a population group;

(2) by avoiding using their professional relationship to obtain benefits of any nature for themselves or a third person;

(3) by informing their patients or the public, as the case may be, of their ties to an enterprise working in a field connected with the professional services they provide for patients or with the information they provide to the public.

The information referred to in subparagraph 3 of the first paragraph must be communicated to patients and the public without ambiguity.

52. Dietitians must avoid placing themselves in a position of real or apparent conflict of interest. They must take appropriate steps to identify potential conflicts of interest and avoid any resulting situation of conflict of interest.

In particular, they are in a conflict of interest when the interests are such that they may tend to favour certain of them over those of their patient, or where their integrity and loyalty towards the patient may be affected.

53. As soon as they realize that they are in a conflict of interest, dietitians must refuse to act, refuse to take part in a decision or cease to act, except if they are able to resolve the conflict through safeguarding measures with the consent of their patient or patients.

When practising within an organization, situations of conflict of interest must be assessed with respect to all the patients of the organization.

54. To rule on any matter relating to a situation of conflict of interest or to assess the effectiveness of safeguarding measures, the following aspects must be taken into account:

(1) compliance with the duties and professional obligations of dietitians;

(2) protection of the public and the maintaining of public trust in the profession;

(3) the nature of the professional services provided;

(4) the nature of the situation of conflict of interest;

(5) the nature of the interests involved.

55. Dietitians must, when they become aware of a situation of conflict of interest and take safeguarding measures, ensure that the following information and documents remain in the record:

(1) the nature of the situation of conflict of interest identified;

(2) the safeguarding measures applied and the way in which they are expected to remedy the conflict of interest;

(3) the date and a description of the disclosure made to each patient concerned and the document confirming the consent obtained.

56. Dietitians must not urge a person insidiously, pressingly or repeatedly to retain their professional services or to participate in a research project.

57. Dietitians must avoid performing unwarranted professional acts or unnecessarily increasing the number of such unwarranted acts, and must refrain from performing acts that are inappropriate or disproportionate to the patient's needs.

58. Dietitians who provide professional services to a patient in the course of their practice within a public body or a non-profit organization must not incite the patient to become their private patient.

59. Dietitians who are authorized to prescribe may only write a prescription if it is clinically necessary. In addition, they must respect the patient's right to have the prescription filled at the place and by the person of the patient's choice.

60. Except for the remuneration to which they are entitled, dietitians must refrain from receiving, paying or offering to pay any benefit, rebate or commission relating to the practice of the profession except for customary tokens of appreciation and gifts of small value.

61. When dietitians provide services to several persons with divergent interests, they must state their obligation of impartiality and the specific actions they will take to provide professional services.

DIVISION VIII
RESEARCH

62. Dietitians who participate in any way in a research project involving persons must ensure that the project has been approved and is monitored by a recognized research ethics committee. They must refer to and comply with the methodology approved by the committee and ensure that the project complies with generally recognized standards in the fields of research ethics and scientific integrity.

63. Dietitians must ensure that a person participating in a research project or, where applicable, the person's legal representative,

(1) has been informed about the objectives of the project and the manner in which it will be conducted, and about the advantages, risks or disadvantages connected with participation;

(2) has been informed about the project's reliance on an insufficiently tested treatment or technique;

(3) has given free and informed consent;

(4) has been informed that the consent given may be withdrawn at any time;

(5) has been informed about the measures taken to protect the confidentiality of the information collected for the project.

64. Where the carrying out of a research project may cause prejudice to persons or the community, dietitians who participate in the project must advise the research ethics committee or another appropriate authority.

65. After advising the research ethics committee or another appropriate authority, dietitians must cease all participation or collaboration in a research project if the disadvantages for the participants appear to outweigh the expected benefits.

DIVISION IX
FEES

66. Dietitians must charge and accept fair and reasonable fees. To determine their fees, they must consider, in particular,

(1) their experience and expertise;

(2) the time required to provide the professional services;

(3) the nature and complexity of the professional services provided;

(4) the competence or celerity needed to deliver professional services.

67. Dietitians must inform their patient in advance of the nature and approximate cost of their professional services, and the terms of payment.

Dietitians must produce an intelligible, detailed statement of fees setting out the terms of payment.

Dietitians must provide all the explanations necessary to understand the statement of fees.

68. Dietitians may, after first informing their patient,

(1) charge administrative fees for an appointment missed or cancelled by the patient according to predetermined and agreed-upon conditions, those fees not to exceed the amount of the lost fees;

(2) charge fees supplementary to those reimbursed by a third person.

69. Dietitians may share their fees only to the extent that such sharing corresponds to a distribution of the professional services provided and the responsibilities assumed and does not affect their professional independence.

70. Dietitians must not propose or agree to produce a false receipt for any person or to provide, in any way whatsoever, information that is false or unverified, in particular to obtain insurance coverage.

71. Dietitians who practise within an organization must ensure that the fees and costs for the professional services they provide are always indicated separately on any invoice or statement of fees that the organization sends to the patient.

72. Except for legal interest, dietitians may charge interest on overdue accounts only at the rate agreed on with the patient in writing. The rate agreed on must be reasonable.

DIVISION X
ADVERTISING AND PUBLIC STATEMENTS

73. For the purposes of this Division, the term "advertising" includes any sponsored content produced by dietitians.

"Sponsored content" means the communication by a dietitian, in particular in the form of an article, blog post, educational tool, image or recipe, of content developed in return for remuneration, a grant or another recompense paid by an enterprise working directly or indirectly in the field of food or nutrition.

74. Dietitians may not make or allow to be distributed, by any means, advertising that is false, misleading, incomplete or likely to deceive or that contains information that is contrary to professional standards or generally recognized scientific information.

75. Dietitians may not use their professional title in advertising or a public statement that is not connected to the practice of the profession.

76. In advertising or a public statement, dietitians

(1) must demonstrate professionalism and not denigrate the profession, the Order or its members;

(2) must use clear language that ensures that the target audience receives suitable information, in particular when addressing persons with no particular knowledge of the subject;

(3) may not use, or allow to be used, any supporting testimony or testimonial concerning them that is false, misleading or intended to raise false hope;

(4) must refrain from giving a mercantile image of the profession, in particular by allowing their professional title to be used in association with a product or service with the goal of selling or promoting its sale by a third person;

(5) must declare the nature of any connection they have with an enterprise with which they have established an agreement concerning the product or service and ensure that the declaration is made unambiguously;

(6) may not associate their professional title, or allow it to be associated, with the promotion of the sale or use of a medication, natural health product, nutritional formula, medical product, laboratory test or any other product or method that is not scientifically recognized.

In addition to the above, in connection with sponsored content, dietitians must ensure that only educational information is presented that allows the public to make an informed choice, promotes access to nutritional care and promotes the health of individuals, communities and population groups.

77. Dietitians who act as representatives for a product or service may not act in a way that misleads the public or creates a false impression.

78. Dietitians must not falsely present a product as an integral part of a nutritional treatment or nutritional intervention.

79. Dietitians who state their professional fees in advertising must specify

(1) the nature and scope of the professional services included in the fees;

(2) the period during which the fees and professional services advertised are valid.

The information must be of a nature to inform members of the public with no particular knowledge about nutrition.

80. Dietitians are responsible for the content of the advertising or public statements concerning nutritional services made by an organization within which they practise, unless they establish that the advertising or declaration was made without their knowledge and consent and despite the specific steps they have taken to comply with the rules of this Code and, where applicable, the other laws and regulations referred to in section 3.

81. Dietitians must keep a copy of every advertisement for a period of one year following the date on which it was last published or broadcast. The copy must be given on request to the syndic, an inspector, the director of professional inspection or a member of the professional inspection committee.

82. Dietitians may not allow their professional title or their membership of the Order to be displayed on product packaging or containers.

DIVISION XI
PROFESSIONAL COMMITMENT AND COLLABORATION

83. To the extent of their possibilities, qualifications and experience, dietitians must contribute to the development and quality of the professional by sharing their knowledge and experience, in particular by acting as placement supervisors, clinical instructors or mentors, participating in training activities and maintaining a dialogue with colleagues.

DIVISION XII
RELATIONSHIP WITH THE ORDER

84. Dietitians must collaborate with Order in upholding its mandate to protect the public. For that purpose, they must, in particular,

(1) inform the Order, as soon as possible, that a person is appropriating the titles or initials reserved for dietitians, using a title, abbreviation or initials that lead to the belief that the person is a dietitian, or unlawfully pursuing activities reserved for dietitians;

(2) report to the syndic of the Order when they have reason to believe in the existence of a situation likely to affect the competence or integrity of another dietitian;

(3) report to the syndic of the Order when they have reason to believe that a dietitian has contravened the Professional Code (chapter C-26), a regulation under it, including this Code, or any other law or regulation governing the practice of the profession;

(4) report to the syndic of the Order when they have reason to believe that an organization within which dietitians practise is not ensuring appropriate conditions that allow them to comply with the Professional Code or a regulation under it, including this Code;

(5) respond promptly to any verbal or written request from the secretary of the Order, a syndic, a member of the review committee, the director of professional inspection, a member of the professional inspection committee, an inspector of the committee, an investigator or an expert;

(6) respect any agreement made with one of the persons referred to in paragraph 5.

85. To the extent possible, dietitians must accept a request from the Order to sit on its disciplinary council, review committee, professional inspection committee or council of arbitration of accounts, or to perform any other function needed to protect the public.

86. When they are served with a complaint or informed that an investigation is being held into their conduct or professional competency, or into that of persons who collaborate with them or perform activities within the same organization, dietitians may not contact the person with whom the complaint originated or any other person involved, without prior written permission from the syndic.

CHAPTER III
FINAL PROVISIONS

87. This Code replaces the Code of ethics of dietitians (chapter C-26, r. 97).

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

107240

Gouvernement du Québec

O.C. 40-2025, 23 January 2025

Archives Act
(chapter A-21.1)

Accreditation of private archival agencies

Regulation to amend the Regulation respecting accreditation of private archival agencies

WHEREAS, under subparagraph 4 of the first paragraph of section 37 of the Archives Act (chapter A-21.1), the Government may, by regulation, determine the classes of persons or bodies that may apply for accreditation of a private archival agency, the conditions of qualification for accreditation, the form and tenor of the documents required to be sent upon an application for accreditation, the duration of accreditation and the procedures for its maintenance and renewal;

WHEREAS, under section 38 of the Act, after obtaining the advice of the Conseil du patrimoine culturel, the Minister of Culture and Communications must publish a draft regulation in the *Gazette officielle du Québec* with a notice that it may be adopted, with or without amendment, on the expiry of 60 days from that publication;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 38 of the Archives Act, a draft Regulation to amend the Regulation respecting accreditation of private archival agencies was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2024 with a notice that it could be made by the Government, with or without amendment, on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Culture and Communications:

THAT the Regulation to amend the Regulation respecting accreditation of private archival agencies, attached to this Order in Council, be made.

DAVID BAHAN
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting accreditation of private archival agencies

Archives Act
(chapter A-21.1, s. 37, 1st par., subpar. 4).

1. The Regulation respecting accreditation of private archival agencies (chapter A-21.1, r. 1) is amended in section 5 by replacing “2” by “5”.

2. The Regulation is amended by replacing “Minister of Culture, Communications and the Status of Women” and “Minister” wherever they appear by “Bibliothèque et Archives nationales”, with the necessary modifications.

3. The validity period of a certificate of accreditation issued before 20 February 2025 and that is still valid on that date is increased to 5 years.

4. This Regulation comes into force on 20 February 2025.

107241

Gouvernement du Québec

O.C. 43-2025, 23 January 2025

Educational Childcare Act
(chapter S-4.1.1)

Control of lead in water in facilities and private residences where educational childcare is provided

Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided

WHEREAS, under subparagraph 3.1 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), the Government may, by regulation, for part or all of Québec, prescribe standards aimed at ensuring the health of children that are applicable to educational childcare providers, their facilities or their residence, as applicable, and require educational childcare providers to send the Minister of Families the results of any analysis that may be required by the Minister regarding such matters;

WHEREAS, under subparagraph 4 of the first paragraph of section 106 of the Act, the Government may, by regulation, for part or all of Québec, establish the standards of hygiene, salubrity and safety to be met by educational childcare providers;

WHEREAS, under subparagraph 12 of the first paragraph of section 106 of the Act, the Government may, by regulation, for part or all of Québec, determine the information and documents that an educational childcare provider or home educational childcare coordinating office must update and communicate;

WHEREAS, under subparagraph 30 of the first paragraph of section 106 of the Act, the Government may, by regulation, for part or all of Québec, determine, from among the provisions of a regulation made under that section, those whose infringement constitutes an offence punishable under section 117 of the Act;

WHEREAS, under subparagraph 31 of the first paragraph of section 106 of the Act, the Government may, by regulation, for part or all of Québec, specify which provisions of a regulation give rise to the imposition of an administrative penalty, and specify, or give the calculation methods to be used to determine, the amount of the penalty;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided was published in Part 2 of the *Gazette officielle du Québec* of 28 August 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided, attached to this Order in Council, be made.

DAVID BAHAN
Clerk of the Conseil exécutif

Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided

Educational Childcare Act
(chapter S-4.1.1, s.106, 1st par., subpars. 3.1, 4, 12, 30 and 31).

CHAPTER I
GENERAL

1. Educational childcare providers must ensure that the water used for drinking or preparing food or beverages that they make available to persons as part of the educational childcare services they provide in a facility or private residence, as applicable, meets the drinking water quality standard relating to lead, specifically the maximum concentration of lead set out in section 2 of Schedule 1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40).

Educational childcare providers whose facility or residence, as applicable, is situated north of the 55th parallel, may, instead of complying with Chapters II and III and sections 22 and 23, choose to install a filter or other water treatment system for lead removal, to be used and maintained according to the manufacturer's instructions, on any tap, the water from which is used for drinking or preparing food or beverages that they make available to persons as part of providing educational childcare services.

For the purposes of this Regulation, the word "tap" includes fountains.

2. Permit holders whose facility where they provide educational childcare is situated in an Indian reserve or settlement and who certify to the Minister, in the manner determined by the Minister, that they are applying measures to control lead in water, in partnership with the federal government, aimed at achieving the objective prescribed by the first paragraph of section 1, are considered to comply with the provisions of this Regulation.

The same applies with respect to home educational childcare providers whose residence where they provide educational childcare is situated in such an Indian reserve or settlement. In that case, childcare providers must send the certification referred to in the first paragraph to the home educational childcare coordinating office that granted their recognition. The coordinating office must send a copy of the certification to the Minister as soon as possible.

CHAPTER II
INITIAL SAMPLE COLLECTION, METHOD, ANALYSIS AND DOCUMENTS

DIVISION I
INITIAL SAMPLE COLLECTION

3. In order to verify compliance with the drinking water quality standard relating to lead, educational childcare providers must collect samples from the water used for drinking or preparing food or beverages that they make available to persons, as part of providing childcare services, during the July to September quarter after

(1) the date of issue of their permit, the date of adding a new facility to their permit or the effective date of recognition as an educational childcare provider, as applicable;

(2) the date of the change of address of a facility that appears on the permit or the change of the address of the residence where the childcare is provided that appears on the notice of acceptance of the person who applied for recognition.

In the case of a permit issued in the July to September quarter, the educational childcare provider must instead carry out the sample collection referred to in the first paragraph during the July to September quarter of the year that follows the issue of the permit. The same applies, with the necessary modifications, in the case where the addition of a new facility on a permit, the effective date of recognition or the change of address of a facility or residence occurs in the July to September quarter.

4. The number of samples required for the sampling carried out pursuant to section 3 is one sample from

(1) each tap in a permit holder's facility, the water from which is used for drinking or preparing food or beverages that the permit holder makes available to persons as part of providing childcare services; or

(2) the main tap in the residence of a home educational childcare provider.

For the purposes of applying this Regulation, a "main tap" is the tap, the water from which is most often used for drinking or preparing food or beverages that the educational childcare provider makes available to persons as part of providing childcare services.

5. In addition to the situations referred to in section 3, educational childcare providers must also collect samples of the water used for drinking or preparing food or beverages that they make available to persons as part of providing childcare services, in order to verify compliance with the drinking water quality standard relating to lead, at the request of the Minister when the Minister has reasonable cause to believe that the water may contain lead or that a childcare provider has failed to comply with the provisions of this Regulation, in which case the Minister may carry out the sample collection.

The number of samples required for sampling carried out pursuant to the first paragraph is one sample per tap in the facility or residence, as applicable.

DIVISION II
METHOD AND ANALYSIS

6. Educational childcare providers must collect and keep any water sample required under this Regulation in compliance with the provisions of section 1 of Schedule 4 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40), except the provisions of subparagraphs 2, 3 and 5 of the first paragraph of that section, and in compliance with sections 2.1 and 12 of Schedule 4, with the necessary modifications.

7. Educational childcare providers must, as soon as possible after the collection of a water sample required under this Regulation, send the sample to a laboratory accredited under section 118.6 of the Environment Quality Act (chapter Q-2) in order to verify the sample's compliance with the drinking water quality standard relating to lead.

Educational childcare providers must also certify, in the manner prescribed by the Minister, that the water sample was collected, kept and sent to an accredited laboratory in compliance with the provisions of this Regulation and send a copy of the certification to the accredited laboratory.

DIVISION III
TRANSMISSION AND RETENTION OF DOCUMENTS

8. An educational childcare provider must send a copy of the certification referred to in the second paragraph of section 7 along with a copy of the results of the analysis of the concentration of lead in the water carried out by an accredited laboratory

(1) to the Minister, if the childcare provider is a permit holder; or

(2) to the home educational childcare coordinating office that granted recognition if the childcare provider is a home educational childcare provider.

The home educational childcare coordinating office must keep at its principal establishment a copy of the documents the office receives pursuant to subparagraph 2 of the first paragraph for as long as the childcare provider is recognized and for 6 years after the cessation of the childcare provider's operations.

The educational childcare provider must keep in the facility or residence where the educational childcare services are provided, as applicable, for as long as services are provided, a copy of the documents sent pursuant to the first paragraph.

CHAPTER III
MONITORING AND CORRECTIVE MEASURES

DIVISION I
OBLIGATIONS AIMED AT ENSURING MONITORING OF THE CONCENTRATION OF LEAD IN THE WATER

§1. Permit holders

9. If all the water samples collected pursuant to section 3 and referred to in subparagraph 1 of the first paragraph of section 4 meet the drinking water quality standard relating to lead, the permit holder must ensure the monitoring of the concentration of lead in the water in accordance with the second and third paragraphs.

During the July to September quarter of the fifth year following the year during which the permit holder carried out the sample collection referred to in the first paragraph, the permit holder must collect a new water sample only from the facility's main tap.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

10. If among the water samples collected pursuant to section 3 and referred to in subparagraph 1 of the first paragraph of section 4, at least one sample fails to meet the drinking water quality standard relating to lead, the permit holder must verify whether the water sample taken from the facility's main tap meets that standard.

If so, the permit holder must collect a new water sample from the main tap during the July to September quarter of the fifth year following the year during which the permit holder carried out the sample collection referred to in section 3.

If not, if at least one other water sample collected from a tap pursuant to section 3 meets the drinking water quality standard relating to lead, the permit holder must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the childcare provider carried out the sample collection referred to in section 3.

That sample collection must be carried out every five years in the cases where water was sampled pursuant to the second or third paragraphs, provided it meets the drinking water quality standard relating to lead.

11. If a water sample collected pursuant to the second or third paragraphs of section 9 or the second, third or fourth paragraphs of section 10 fails to meet the drinking water quality standard relating to lead, the permit holder must ensure the monitoring of the concentration of lead in the water in accordance with the second, third, fourth and fifth paragraphs.

Within 30 days of being informed of the non-compliance with the drinking water quality standard relating to lead, the permit holder must collect samples from all the water taps in the facility that have not yet been the subject of corrective measures or have not been taken out of service under section 16, the water from which is used for drinking or preparing food or beverages that the permit holder makes available to persons as part of providing educational childcare services.

If at least one water sample collected from a tap pursuant to the second paragraph meets the drinking water quality standard relating to lead, the permit holder must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the childcare provider carried out the sample collection referred to in the second paragraph.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

If a water sample collected pursuant to the third or fourth paragraph fails to meet the drinking water quality standard relating to lead, the permit holder must repeat the steps described in the second, third and fourth paragraphs.

§2. *Home educational childcare providers*

12. If a water sample collected pursuant to section 3 and referred to in subparagraph 2 of the first paragraph of section 4 meets the drinking water quality standard relating to lead, the home educational childcare provider must ensure the monitoring of the concentration of lead in the water in accordance with the second and third paragraphs.

During the July to September quarter of the fifth year following the year during which the home educational childcare provider carried out the sample collection referred to in the first paragraph, the home educational childcare provider must collect a new water sample from the main tap.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

13. If a water sample collected pursuant to the second or third paragraph of section 12 fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must ensure the monitoring of the concentration of lead in the water pursuant to the second, third, fourth and fifth paragraphs.

Within 30 days of being informed of the noncompliance with the drinking water quality standard relating to lead, the home educational childcare provider must collect samples from all the water taps in the residence that have not yet been the subject of corrective measures or have not been taken out of service under section 16, the water from which is used for drinking or preparing food or beverages that the childcare provider makes available to persons as part of providing educational childcare services.

If at least one water sample collected from a tap pursuant to the second paragraph meets the drinking water quality standard relating to lead, the home educational childcare provider must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the home educational childcare provider carried out the sample collection referred to in the second paragraph.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

If a water sample collected pursuant to the third or fourth paragraph fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must repeat the steps described in the second, third and fourth paragraphs.

14. If the water sample collected pursuant to section 3 and referred to in subparagraph 2 of the first paragraph of section 4 fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must, within 30 days of being informed of the noncompliance with the standard, collect a new water sample from all the other taps in the residence, the water from which is used for drinking or preparing food or beverages that the home educational childcare provider makes available to persons as part of providing educational childcare services.

If at least one water sample collected from a tap pursuant to the first paragraph meets the drinking water quality standard relating to lead, the home educational childcare provider must collect a new water sample from such a tap during the July to September quarter of the fifth year following the year during which the home educational childcare provider carried out the sample collection referred to in the first paragraph.

That sample collection must be carried out every five years provided the concentration of lead in the water meets the drinking water quality standard relating to lead.

If a water sample collected pursuant to the second or third paragraph fails to meet the drinking water quality standard relating to lead, the home educational childcare provider must repeat the steps provided in this section, with the necessary modifications.

DIVISION II
CORRECTIVE MEASURES IN CASES OF LEAD CONCENTRATION ABOVE THE DRINKING WATER QUALITY STANDARD RELATING TO LEAD

15. If an educational childcare provider is informed that a water sample collected from a tap pursuant to this Regulation has failed to meet the drinking water quality standard relating to lead, the childcare provider must, without delay, make sure that the water from that tap is not used for drinking or preparing food or beverages that the childcare provider makes available to persons as part of providing educational childcare services.

16. The educational childcare provider must, within 30 days of being informed that a water sample has failed to meet the drinking water quality standard relating to lead, take all appropriate corrective measures, temporary or permanent, to ensure that the water used for drinking or preparing food or beverages that the childcare provider makes available to persons as part of providing educational childcare services meets the drinking water quality standard relating to lead at the time the water is made available to those persons. The childcare provider may, however, instead of taking such measures, choose to take out of service the tap referred to in section 15 or to remove the tap from the childcare provider's facility or residence.

For the purposes of applying the first paragraph, an appropriate temporary corrective measure is a measure such as installing a filter or other lead removal system that is used and maintained in accordance with the manufacturer's instructions, and an appropriate permanent corrective measure is a measure such as carrying out plumbing work.

17. Within 30 days of being informed that a water sample has failed to meet the drinking water quality standard relating to lead, the educational childcare provider must also state, in the manner prescribed by the Minister, the corrective measures taken by the provider or the provider's choice to take out of service the tap referred to in section 15, or to remove the tap from the provider's facility or residence.

The childcare provider must also send a copy of the document stating the measures or choice referred to in the first paragraph

(1) to the Minister, if the childcare provider is a permit holder; or

(2) to the home educational childcare coordinating office that granted recognition if the childcare provider is a home educational childcare provider.

The home educational childcare coordinating office must keep at its principal establishment a copy of the document the office received pursuant to subparagraph 2 of the second paragraph for as long as the childcare provider is recognized and for six years after the cessation of the childcare provider's operations.

The childcare provider must keep evidence of the corrective measures taken to remedy the situation, or of taking out of service the tap referred to in section 15 or of removing the tap from the childcare provider's facility or residence. The childcare provider must keep the evidence in the facility or residence where educational childcare is provided, as applicable, for as long as services are provided.

18. The precautionary measure taken under section 15 must be maintained until one of the following conditions is met:

(1) the educational childcare provider has taken all appropriate corrective measures, temporary or permanent, referred to in section 16 or work has been carried out in the public water distribution network and the result of the analysis of lead concentration in a water sample collected after the measure was implemented or the work carried out from any tap referred to in section 15, regardless of when in the year the sample was collected, has shown that the concentration of lead in the sample meets the drinking water quality standard relating to lead; or

(2) the educational childcare provider has taken the tap referred to in section 15 out of service or removed the tap from the childcare provider's facility or residence.

In the event of a change of the corrective measure taken, the educational childcare provider must implement again the precautionary measure referred to in section 15 until the conditions of subparagraph 1 of the first paragraph of this section are met in respect of the new corrective measures.

CHAPTER IV
ADMINISTRATIVE PENALTY

19. A person designated by the Minister for that purpose may impose an administrative penalty on a permit holder after ascertaining that the permit holder has failed to comply with a non-compliance notice given under section 65 of the Act with respect to the failure to comply with any of the provisions of sections 1, 3 to 11 or 15 to 18.

The amount of the administrative penalty is $500 in the case of a natural person and $1,000 in other cases.

CHAPTER V
PENAL PROVISION

20. A permit holder or a home educational childcare provider that contravenes any of sections 1, 6 or 15 to 18 is guilty of an offence under section 117 of the Act.

CHAPTER VI
AMENDING PROVISION

21. Section 75 of the Educational Childcare Regulation (chapter S-4.1.1, r. 2), as amended by section 58 of the Access to Educational Childcare Services Regulation made by Order in Council 863-2024 dated 22 May 2024, is amended again by inserting the following after paragraph 3.1:

"(3.2) the childcare provider has committed, authorized, consented to or participated in the commission of an offence under any of sections 1, 6 or 15 to 18 of the Regulation respecting the control of lead in water in facilities and private residences where educational childcare is provided (*insert the reference to the Compilation of Québec Laws and Regulations*);".

CHAPTER VII
TRANSITIONAL AND FINAL PROVISIONS

22. In order to verify compliance with the drinking water quality standard relating to lead, educational childcare providers who cannot avail themselves of the first paragraph of section 23 must collect samples from the water used for drinking or preparing food or beverages that they make available to persons, as part of providing childcare services, during the July to September quarter after 20 February 2025, provided the date of issue of their permit or effective date of recognition as an educational childcare provider, as applicable, is before that date.

Educational childcare providers who have collected a sample under this section are presumed to have carried out a sample collection under subparagraph 1 of the first paragraph of section 3.

23. An educational childcare provider that has collected water samples from any tap referred to in subparagraph 1 or 2 of the first paragraph of section 4 for the purpose of lead control in the period from 28 November 2019 to 19 February 2025, regardless of when in the year the sample was collected, is presumed to have carried out that sample collection under subparagraph 1 of section 3 insofar as the analysis of any sample so collected was carried out by an accredited laboratory.

A childcare provider referred to in the first paragraph that has carried out water sample collection in 2020 has an additional period of one year, from the date on which the childcare provider collected the water sample, to perform the first sample collection that the provider is required to carry out under Division I of Chapter III.

A childcare provider referred to in the first paragraph that has carried out a sample collection in the period from 28 November 2019 to 31 December 2019 has an additional period of two years, from the date on which the childcare provider collected the sample, to carry out the first sample collection that the provider is required to perform under Division I of Chapter III.

In addition, an educational childcare provider referred to in the first paragraph is presumed to comply with sections 15 to 18 in respect of any tap, the water from which contained lead in a concentration greater than 0.005 mg/L, inasmuch as the tap was the subject of a temporary corrective measure referred to in section 16 or was taken out of service.

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

107242

Gouvernement du Québec

O.C. 46-2025, 23 January 2025

Securities Act
(chapter V-1.1)

Securities

CONCERNING the Regulation to amend the Securities Regulation

WHEREAS, under subparagraph 9 of the first paragraph of section 331 of the Securities Act (chapter V-1.1), the Autorité des marchés financiers may, by regulation, prescribe the fees payable for any formality provided for in the Act or the regulations and for services rendered by the Authority, and the terms and conditions of payment;

WHEREAS the second paragraph of section 331 of the Act provides that a regulation made under that section is to be submitted to the Government for approval, with or without amendment;

WHEREAS the Autorité des marchés financiers made the Regulation to amend the Securities Regulation by the decision no. 2024-PDG-0038 of 20 August 2024;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft regulation to amend the Securities Regulation was published in Part 2 of the *Gazette officielle du Québec* of 4 September 2024, with a notice that it could be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Securities Regulation, attached to this Order in Council, be approved.

DAVID BAHAN
Clerk of the Conseil exécutif

Regulation to amend the Securities Regulation

Securities Act
(chapter V-1.1, s. 331, 1st par., subpar. 9).

1. Section 267 of the Securities Regulation (chapter V-1.1, r. 50) is amended:

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

"(1) except in the case of a mutual fund, at the time of filing a draft prospectus or a preliminary prospectus in order to get a receipt in accordance with section 11, 12 or 20 of the Act, $1,343;

"(1.1) at the time of filing a fund facts document or an ETF facts document concurrently with the prospectus in its final form in order to get a receipt in accordance with section 11 or 12 of the Act, or of filing a fund facts document in accordance with subparagraph 2.5(3)(a) of *Regulation 81-101 respecting Mutual Fund Prospectus Disclosure* (chapter V-1.1, r. 38), as enacted by section 3 of the Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure approved by order number V-1.1-2025-02 of the Minister of Finance dated 16 January 2025, or of filing an ETF facts document in accordance with subparagraph 17.3(4)(a) of *Regulation 41-101 respecting General Prospectus Requirements* (chapter V-1.1, r. 14), as enacted by section 5 of the Regulation to amend Regulation 41-101 respecting General Prospectus Requirements approved by order number V-1.1-2025-03 of the Minister of Finance dated 16 January 2025, $1,209 per issuer in the case of a mutual fund or $6,043 per issuer in the case of a money market fund and, as the case may be, for the group of holders distributing securities;";

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

"Where an amendment to a prospectus is filed concurrently with a fund facts document in accordance with subparagraph 2.5(3)(a) of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure, or an ETF facts document in accordance with subparagraph 17.3(4)(a) of Regulation 41-101 respecting General Prospectus Requirements, only the fees provided for in subparagraph 1.1 of the first paragraph are payable."

2. Section 268 of the Regulation is amended by replacing paragraph 1 with the following:

"(1) in the case of a continuous distribution, except in the case of the distribution of medium term notes or the distribution of mutual funds, the fee to be paid at the time of filing the prospectus in its final form is equal to the amount by which 0.04% of the gross value of the securities distributed in Québec during the last financial year exceeds $1,278;

"(1.1) at the time of filing the fund facts document concurrently with the prospectus in its final form in order to get a receipt under section 11 or 12 of the Act, or under subparagraph 2.5(3)(a) of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure (chapter V-1.1, r. 38), as enacted by section 3 of the Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure approved by order number V-1.1-2025-02 of the Minister of Finance dated 16 January 2025, the fee to be paid per issuer is equal to the amount by which 0.04% of the gross value of the securities distributed in Québec during the last financial year exceeds $1,150 in the case of a continuous distribution of mutual funds or $5,750 in the case of a money market fund, except in the case of a money market fund where the calculation of the fees is made pursuant to the net distribution, that is, the purchases less the redemptions;

"(1.2) in the case where an issuer decides not to file a new prospectus, the fees payable with respect to securities distributed during the last financial year, in accordance with paragraphs 1 or 1.1, are paid at the time of filing the report prescribed in section 98;".

3. This Regulation comes into force on 3 March 2025.

107243

Gouvernement du Québec

O.C. 62-2025, 23 January 2025

Act respecting collective agreement decrees
(chapter D-2)

Internal Regulation of the Comité paritaire des boueurs de la région de Montréal

Internal Regulation of the Comité paritaire des boueurs de la région de Montréal

WHEREAS, under the first paragraph of section 18 of the Act respecting collective agreement decrees (chapter D-2), the Comité paritaire des boueurs de la région de Montréal is to adopt regulations for its formation, the number of its members, their admission, their replacing, the appointing of substitutes and the administration of funds; fix its head office; determine the name under which it is to be designated and, generally, draw up regulations for its internal management and the exercise of the rights conferred upon it by law;

WHEREAS, under the first paragraph of section 19 of the Act, the regulations referred to in section 18 of the Act are to be transmitted to the Minister and are approved, with or without amendment by the Government; and notice of such approval is to be published in the *Gazette officielle du Québec*;

WHEREAS, under subparagraph *l* of the second paragraph of section 22 of the Act, from the mere fact of its formation, the committee may, as of right, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the board of directors of the committee made the Internal Regulation of the Comité paritaire des boueurs de la région de Montréal at its meeting held on 21 November 2024;

WHEREAS it is expedient to approve the Internal Regulation of the Comité paritaire des boueurs de la région de Montréal, without amendment;

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

THAT the Internal Regulation of the Comité paritaire des boueurs de la région de Montréal, attached to this Order in Council, be approved.

DAVID BAHAN
Clerk of the Conseil exécutif

Internal Regulation of the Comité paritaire des boueurs de la région de Montréal

Act respecting collective agreement decrees
(chapter D-2, s. 18, 1st par. and s. 22, 2nd par., subpar. *l*).

DIVISION I
SCOPE

1. **Application** — This Regulation applies to contracting parties of the Comité paritaire des boueurs de la région de Montréal, to members of the board of directors of the parity committee and to employees and, if applicable, to consultants of the parity committee.

This Regulation supplements the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17). In the event the provisions of this Regulation are inconsistent or raise a doubt in their interpretation with those of the General Regulation, the latter provisions prevail.

DIVISION II
CONSTITUTION AND MISSION OF THE PARITY COMMITTEE

2. **Name** — The name of the parity committee is: "Comité paritaire des boueurs de la région de Montréal".

In this Regulation, it is hereafter designated under the name "Parity Committee".

3. **Head office** — The head office of the Parity Committee is situated in the Montréal region. Its address is posted on the Parity Committee's website.

4. **Mission** — The Parity Committee oversees the application of and ascertains compliance with the Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5), in accordance with the Act respecting collective agreement decrees (chapter D-2). To that end, it must, in particular,

(1) advise and inform the employees and professional employers of the conditions of employment determined in the Decree;

(2) exercise all recourses arising out of the Decree or the Act respecting collective agreement decrees; and

(3) hear and consider written complaints relating to the Decree from professional employers and from employees and, if necessary, initiate the appropriate procedures.

5. **Rights, powers and obligations** — The Parity Committee has the rights, powers and obligations conferred on it by the Act respecting collective agreement decrees (chapter D-2).

DIVISION III
BOARD OF DIRECTORS OF THE PARITY COMMITTEE

§1. Composition and appointment of the members of the board of directors

6. **Composition** — The Parity Committee is administered by a board of directors composed of 6 members appointed by the contracting parties as follows:

(1) for the employer party:

(*a*) 3 members from Réseau environnement inc.;

(2) for the union party:

(*a*) 2 members from Teamsters Québec, local 106;

(*b*) 1 member from TUAC, local 501.

7. **Substitution** — Each contracting party may appoint one or more substitutes to sit if a member it has appointed is absent or unable to act. A substitute has the same rights and privileges as the member being replaced.

Reasons for absence or inability to act may include an illness, a family or professional obligation, a personal leave or a conflict of interest.

8. **Attestation and training** — On a new member or a substitute being appointed, the appointing contracting party must inform the secretary in writing as soon as possible. On taking office, the member or substitute must send the secretary a document attesting to the appointment; the document must be signed by a person authorized by the appointing contracting party.

Each member or substitute must also receive training from the general manager, or the person designated by the general manager, that deals with the functions and responsibilities of members of the board of directors. The training must take place in a timely manner after the appointment.

9. **Term of appointment** — The members of the board of directors are appointed for a term of 2 years, which is renewable, consecutively or not, for the same duration. The total duration of the terms must not exceed 12 years.

A contracting party may replace a member at any time. The person appointed as the replacement completes the term of the member being replaced. The secretary is to give written notice of the replacement to the contracting parties and the Ministère du Travail.

At the end of their term, members remain in office until they are replaced or re-appointed.

10. **Replacement** — A vacancy on the board of directors is filled in the manner set out for the appointment of the member to be replaced, for the remainder of the term. Despite section 9, where a member is appointed to sit on the board of directors in consideration of the position held within a contracting party and the member is removed from office, the member is replaced by the successor to that position, for the remainder of the term.

Despite section 9, a contracting party must replace a member it has appointed if the member is no longer qualified to exercise the function following a decision of the board of directors that acknowledged, at a special meeting convened for the purpose, that the member has not complied with an obligation under sections 33 to 36, 38, 39 and 41 to 46 of the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17).

The secretary is to inform the contracting parties in writing when a member is replaced.

11. **Absence** — If a member is absent from 3 consecutive regular meetings without valid reason, the member's office automatically becomes vacant and the secretary is to immediately inform the appointing contracting party accordingly in writing.

12. **Vacancy** — A vacancy on the board of directors is filled by the relevant contracting party before the next regular meeting is held.

13. **Election** — The board of directors elects, from among its members, a chair and a vice-chair. If the chair is a representative of the employer contracting party, the vice-chair is a representative of the union contracting party and vise versa.

The chair and vice-chair are elected for a one-year term. Their terms are renewable, consecutively or not, without exceeding a total duration of 12 years.

The chair and vice-chair are elected each year on an alternating basis by the members of the contracting party they represent.

§2. Meetings of the board of directors

14. **Regular meeting** — A regular meeting must be held at least 6 times per year, without exceeding 12 regular meetings in the same year.

15. **Special meeting** — The holding of a special meeting may be decided by the board of directors at a regular meeting or by the chair acting alone or, in the chair's absence, by the vice-chair. The secretary must also convene a special meeting if at least 2 members so request.

The notice of convocation is to be sent by the secretary at least 3 days before the date of the special meeting, along with the agenda for the special meeting.

16. **Annual meeting** — The board of directors holds an annual meeting in November of each year.

At the meeting, it elects the chair and vice-chair and designates an independent auditor to prepare the Parity Committee's financial statements.

17. **Chairing of meetings** — Meetings are chaired by the chair or, in the absence of the chair, the vice-chair. If both the chair and the vice-chair are unable to act, at the beginning of each meeting the board of directors designates a member to chair the meeting.

The chair and the vice-chair also exercise the functions and powers conferred on them by the board of directors.

18. **Place of meetings** — Meetings of the board of directors are held at the head office of the Parity Committee or elsewhere in Québec if a resolution to that effect was passed at the previous meeting.

The members of the board of directors may, however, pursuant to the consent of a majority of the members, participate in a meeting using technological means allowing all participants to immediately communicate with each other.

19. **Notice of convocation** — At least 3 working days before a meeting is to be held, a written notice of convocation stating the date, time and place of the meeting and, if applicable, the technological means for participating in the meeting, must be sent to each member of the board of directors.

The meeting agenda and all documents relating to the subjects entered on the agenda must be sent with the notice of convocation. The meeting agenda must specify all the subjects that will be discussed at the meeting.

If a decree or a regulation under the Act respecting collective agreement decrees (chapter D-2) is to be made, amended or revoked, the notice of convocation must be sent at least 3 working days before the meeting and state the draft decree or regulation involved.

Despite the foregoing, this section does not apply in the case of an emergency or if the meeting has been adjourned.

The members of the board of directors may waive the notice of convocation to a meeting. Their mere attendance constitutes a waiver of the notice, unless beforehand they contested the legality of the convocation.

20. **Quorum** — The quorum at a meeting of the board of directors is 4 members, at least 2 of whom are representatives of the employer contracting party and 2 are representatives of the union contracting party.

21. **Vote** — At a meeting, decisions are made by a majority vote of the members present, including the chair.

In the case of a tie vote, the chair has a casting vote.

22. **Subcommittee** — The board of directors may, by resolution, form one or more subcommittees to contribute to the carrying out of its administrative responsibilities.

Sections 18 and 19 apply to the meetings of a subcommittee.

23. **Procedure** — For procedures not provided for in this Regulation, the Code de procédure des assemblées délibérantes by Victor Morin, applies.

DIVISION IV
APPOINTMENT AND FUNCTIONS OF CERTAIN EMPLOYEES OF THE PARITY COMMITTEE

24. **Appointment of a general manager, a secretary and an ethics officer** — The board of directors must appoint a general manager, a secretary and an ethics officer. It may also appoint one or more assistant general managers whose duties the Parity Committee determines in a resolution. The same person may hold more than one function.

25. **Functions of the general manager** — The general manager manages and administers the day-to-day affairs of the Parity Committee in compliance with the applicable rules of law, the orientations of the board of directors and sound and prudent management practices.

The function of general manager is a full-time function.

In addition to the functions set out in sections 27 to 30 of the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17), the functions of the general manager include

(1) supervising personnel members of the Parity Committee, including, with the board of director's approval, hiring, assessing, imposing disciplinary measures or terminating the employment of any personnel member, in accordance, as applicable, with the staffing plan or the directives of the board of directors;

(2) overseeing the keeping of the books, archives and documents of the Parity Committee, which are kept at the head office of the Parity Committee. The general manager may not dispose of any of those documents without permission from the board of directors or an order of a court, the Minister or an authorized public servant;

(3) attending the meetings of the board of directors and carrying out the decisions made at the meetings;

(4) seeing to the preparation of the reports, statistics and financial statements requested by the board of directors or the Minister pursuant to the Act respecting collective agreement decrees (chapter D-2) and the Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5);

(5) collecting money owing to the Parity Committee, depositing it in a banking institution, a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3) or a financial institution authorized under the Trust Companies and Savings Companies Act (chapter S-29.02) designated by the board of directors, and retaining all amounts so collected until they are disposed of in accordance with the purposes authorized by the board of directors;

(6) keeping the accounting records of the Parity Committee, in particular, the accounts of

(*a*) all amounts of money received and disbursed, itemized and supported by vouchers;

(*b*) the assets and liabilities of the Parity Committee; and

(*c*) any other transaction affecting the financial situation of the Parity Committee.

The accounts are kept according to generally accepted accounting principles. The general manager must obtain and keep receipts of all payments made by the Parity Committee, produce them for audit and inspection purposes and file them in the archives of the Parity Committee;

(7) providing security in the form of an insurance policy approved beforehand by the Minister, for which the insurance premium is paid by the Parity Committee;

(8) developing, at the request of the board of directors, the strategic orientations and governance rules of the Parity Committee, in particular a strategic plan, a statement of services, a code of ethics and conduct applicable to members of the board of directors and another applicable to the employees of the Parity Committee, a complaint processing policy and a decision review policy;

(9) developing, at the request of the board of directors, draft regulations and projects dealing with policies, system implementation and work methods or means conducive to enhancing administrative efficiency, and seeing to their application; advising the board of directors on any measure to be taken regarding the carrying out of its terms of reference;

(10) reviewing the mail and communications addressed to the Parity Committee and ensuring prompt processing;

(11) examining accounts for which payment is claimed and, if they are accurate, submitting them to the Parity Committee for approval;

(12) examining procurement requests and the other expenditures incurred in the normal course of the Parity Committee's business, authorizing them if they are accurate and comply with the decisions of the Parity Committee, and reporting to the Parity Committee;

(13) studying the Parity Committee's draft regulations and providing observations and suggestions to the Parity Committee regarding the provisions the draft regulations intend to bring into effect;

(14) advising the board of directors on measures to take to foster compliance with the regulations;

(15) seeing that the amounts of money voted by the board of directors are used for the purposes for which they were voted;

(16) examining complaints and claims and reporting on them to the board of directors; and

(17) performing any other task the board of directors may entrust to the general manager.

26. Functions of the secretary — The functions of the secretary are as follows:

(1) convening and preparing the agenda for meetings of the board of directors in accordance with the directives of the chair and the general manager;

(2) attending the meetings of the board of directors and drawing up the minutes of the discussions and decisions; and

(3) acting as custodian of the seal of the Parity Committee and certifying any extract or true copy from the minute book of the meetings of the board of directors.

27. **Functions of the ethics and conduct officer** — The function of the ethics and conduct office is to raise awareness, train and advise the members of the board of directors and the employees of the Parity Committee and to answer their questions in those fields.

The ethics and conduct officer must undergo adequate training in ethics and conduct and keep the knowledge current.

DIVISION V
DELEGATION OF AUTHORITY AND SIGNING

28. **Absence of the general manager or the secretary** — If the general manager or the secretary is absent or unable to act for an extended period of time, namely more than two weeks, the board of directors must appoint a person to temporarily perform their duties.

29. **Bank bills** — Payment orders are signed by the chair and by the general manager. If the chair or the general manager is unable to act, the vice-chair is authorized to sign in the chair's place and the assistant general manager is authorized to sign in the general manager's place.

The receipts and bank bills relating to every payment made by the Parity Committee are kept at the head office of the parity committee and must be produced for audit and inspection purposes.

30. **Filing with the board of directors** — The general manager files with the board of directors a list of the orders of payment signed since the previous filing.

31. **Approval of accounts** — Unless otherwise provided by another regulation, every payment made outside the normal course of business of the Parity Committee must first have been approved by the board of directors.

32. **Approval and signing of contracts** — Contracts are approved by the board of directors and signed by the chair and by the general manager. If the chair or the general manager is unable to act, the vice-chair is authorized to sign in the chair's place and the assistant general manager is authorized to sign in the general manager's place.

33. **Draft regulations submitted to the Government** — Every draft regulation required to be submitted to the Government must be sent to the secretary and bear the signature of at least 2 members of the parity committee.

Every resolution dealing with the making, amending or revoking of a regulation may be passed only at a meeting of the members convened for that purpose, in accordance with section 22 of the Act respecting collective agreement decrees (chapter D-2).

DIVISION VI
ATTENDANCE ALLOWANCE AND TRAVELLING EXPENSES

34. **No remuneration** — The members of the Parity Committee are not remunerated. They are, however, entitled to an attendance allowance and to be reimbursed for actual travelling expenses.

35. **Allowance** — The attendance allowance and travelling expenses are granted to a member who participates in a meeting of the board of directors or one of its subcommittees.

36. **Amount of the allowance** — The Parity Committee pays an attendance allowance of $200 per day to its members following their participation in a meeting of the board of directors or one of its subcommittees.

The total amount of allowances paid to a member may not exceed $5,000 per year.

37. **Costs** — The Parity Committee reimburses the actual travelling expenses incurred by its members to participate in person in a meeting of the board of directors or one of its subcommittees.

Actual travelling expenses are composed of the costs for transportation, meals and accommodation and are reimbursed on submission of vouchers and in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603, 2000-03-30).

No expenses are reimbursed for the virtual participation of a member in a meeting of the board of directors or one of its subcommittees.

DIVISION VII
MISCELLANEOUS AND FINAL

38. **Fiscal year** — The fiscal year of the Parity Committee ends on 31 December each year.

39. **Replacement** — This Regulation replaces the Règlement concernant la constitution du Comité paritaire des boueurs de la région de Montréal, approved by Order in Council 3432-80 dated 29 October 1980, as amended, and the Règlement sur l'allocation de présence et sur les frais de déplacement des membres du Comité paritaire des boueurs de la région de Montréal, approved by Order in Council 608-2015 dated 30 June 2015.

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

107244

Gouvernement du Québec

O.C. 63-2025, 23 January 2025

Act respecting occupational health and safety
(chapter S-2.1)

Safety Code for the construction industry

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraphs 7 , 9 , 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where he makes premises available to workers for lodging, meal service or leisure activities;

— determining, by category of establishments or construction sites, the individual and common protective means and equipment that the employer must put at the disposal of the workers, free of charge;

— prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code for the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 3 July 2024 with a notice that it could be made by the Commission and then submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 14 November 2024;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Safety Code for the construction industry, attached to this Order in Council, be approved.

DAVID BAHAN
Clerk of the Conseil exécutif

Regulation to amend the Safety Code for the construction industry

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7 , 9 , 19 and 42, and 3rd par.).

1. The Safety Code for the construction industry (chapter S-2.1, r. 4) is amended in section 1.1.

(1) by inserting the following after paragraph 32:

"(33) "fragile surface" means a surface not intended to support the weight of a worker, in particular a skylight, a canopy, a sunshade or a drywall ceiling;";

(2) by replacing "liaison antichute" wherever it appears in the French text by "liaison d'arrêt de chute".

2. Section 2.4.4 is amended by replacing "and rescue on water" by ", rescue on water, rescue following a fall".

3. Section 2.9.1 is replaced by the following:

"**2.9.1. Installation of guardrails:** Whether or not workers are present, guardrails must be placed at a maximum distance of 300 mm from the open sides of every area, including the sides of a floor or a roof, from which workers could fall

(1) into a dangerous liquid or substance;

(2) onto a moving component;

(3) on equipment or material that constitute a danger;

(4) from a height of 1.2 m or more where they use a vehicle;

(5) from a height of 1.5 m or more where handling a load; or

(6) from a height greater than 3 m in other cases.

This section applies, with the necessary modifications, where a worker is at risk of falling through a fragile surface.

The use of a guardrail as a means of protection against falls is prohibited on a work surface with an incline greater than 19° (4/12).".

4. Section 2.9.2 is replaced by the following:

"**2.9.2. Exception:** Despite the foregoing, where a guardrail is installed and a portion thereof must be removed during work because it is a nuisance or where it is prohibited or unachievable to install one, in particular on a ladder or a step-ladder, every worker must be protected using one of the following means of protection in the order of precedence below:

(1) by changing the process or the work position so that workers may work on the ground or on another surface from which they are not at risk of falling;

(2) by using a travel restraint system in accordance with section 2.10.16;

(3) by installing a safety net in accordance with section 2.9.3;

(4) by the worker wearing a safety harness secured to an anchorage system by a fall arrest connecting device, in accordance with sections 2.10.12 and 2.10.15.

The work area must then be delimited by a continuous barrier or trestles of a minimum height of 0.7 m, located at a distance varying between 0.9 m and 1.2 m from the place where workers are at risk of falling, or by a warning line complying with the requirements of section 2.9.4.1, to prevent access to the work area by persons not working therein.

In the case referred to in subparagraph 4 of the first paragraph, where the worker cannot remain in position without the help of the fall arrest connecting device, a means of positioning, such as a plank on brackets, a positioning tether or a strap, a suspension cable or a platform must be used.".

5. Section 2.9.3 is replaced by the following:

"**2.9.3. Safety net:** Where a safety net is installed, it must :

(1) be installed in accordance with the manufacturer's instructions and so that, when used, the person who falls therein will not hit an obstacle under or above the net or be hit by an object;

(2) be placed as close as possible vertically to the work surface and so as to prevent a free fall of more than 3 m;

(3) be selected based on the environment in which it will be used so that it can resist damage that could be caused in particular by corrosion, welding or cutting operations, or weather-related conditions;

(4) be free of all foreign matter;

(5) have a notice indicating the manufacturer's name or trademark, the serial number, the year of manufacture and the minimum resistance;

(6) comply and be used in accordance with ANSI/ASSE Standard A10.11 Safety Requirements for Personnel and Debris Nets or standards NF EN 1263-1 Temporary Works Equipment - Safety Nets – Part 1: Safety Requirements, Test Methods and NF EN 1263-2 Safety Nets - Part 2: Safety Requirements for the Positioning Limits.

In case of conflict between the requirements provided for in the standards referred to in subparagraph 6 of the first paragraph and those provided for in this Regulation, the stricter standard applies.".

6. Section 2.9.4.0 is amended :

(1) in the first paragraph :

(*a*) by replacing "2.9.2" by "2.9.1";

(*b*) by inserting "complying with section 2.9.4.1" after "line";

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

"In such a case, a means of protection against falls, in compliance with the hierarchy prescribed in the first paragraph of section 2.9.2, must be used by the worker outside the area delimited by the warning line.".

7. Section 2.9.4.1 is amended by replacing "2.9.2" in paragraph 6 by "2.9.1".

8. The following is inserted after section 2.9.4.1:

"**2.9.5.** Any worker who, after a fall, is suspended in a safety harness or retained in a safety net must be rescued within a maximum of 15 minutes. The rescue procedures must prioritize the use of personnel hoists.

To that end, the principal contractor must develop a rescue procedure in cooperation with employers before the start of work requiring the use of a fall arrest safety harness or a safety net. The procedure must cover all activities on the construction site and be updated according to the evolution of the work on the site.

2.9.5.1. Before the start of the work referred to in the second paragraph of section 2.9.5, a training course on the rescue procedure provided for in that paragraph must be dispensed to the workers who will be required to carry it out.

The rescue procedure must be tested with drills that allow in particular for workers to become familiar with their roles, the communication protocol and the use of the determined rescue equipment. The complexity of the drills must vary according to the complexity of the work and the rescue to be performed.

The drills must be carried out before the start of the work referred to in the second paragraph of section 2.9.5 and repeated every 6 months for the duration of the work.

2.9.5.2. The principal contractor must ensure the availability on the construction site of the equipment necessary to perform a rescue following a fall for the duration of the work referred to in the second paragraph of section 2.9.5. The principal contractor must also ensure that at least 1 rescue attendant who was trained to rescue a worker suspended in a safety harness or retained in a safety net is present at all times on the work premises.

The training referred to in the first paragraph must be adapted to the complexity of the rescue to be performed.

The nature of the rescue attendant's work on the construction site must allow that person to intervene quickly and efficiently during a rescue. The rescue attendant may also act as first-aider if so provided in the rescue procedure.

2.9.5.3. Where the rescue is performed on ropes, the equipment must comply with standards NFPA 2500, ANSI Z359.4 or sections 2.10.12 and 2.10.15 and be available at all times on the construction site for the duration of the work referred to in the second paragraph of section 2.9.5.".

9. Section 2.10.12 is amended

(1) in paragraph 1 :

(*a*) by replacing "CAN/CSA" in the first paragraph by "CSA";

(*b*) by replacing "CAN/CSA Standard Z259.11 Energy Absorbers and Lanyards" in subparagraph *a* of the second paragraph by "CSA Standard Z259.11 Personal Energy Absorbers and Lanyards";

(*c*) by replacing "CAN/CSA Standard Z259.2.2 Self-Retracting Devices for Personal Fall-Arrest System" in subparagraph *b* of the second paragraph by "CSA Standard Z259.2.2 Self-Retracting Devices";

(*d*) by replacing "antichutes" wherever it appears in the French text in subparagraphs *c* and *d* of the second paragraph by "d'arrêt de chute";

(*e*) by replacing "Accessoires de raccordement pour les systèmes personnels de protection contre les chutes CAN/CSA-Z259.12" in the French text in subparagraph *e* of the second paragraph by "Composants de raccordement pour les systèmes individuels d'arrêt de chute CSA Z259.12";

(2) by striking out paragraph 2.

10. Section 2.10.15 is amended :

(1) by replacing "antichute" in the French text in the portion before paragraph 1 of the first paragraph by "d'arrêt de chute";

(2) by replacing "CAN/CSA" in subparagraph ii of subparagraph *b* of paragraph 1 of the first paragraph by "CSA";

(3) by replacing "Flexible Horizontal Lifeline Systems" in subparagraph *b* of paragraph 2 of the first paragraph by "Manufactured Horizontal Lifeline Systems".

11. The following is inserted after section 2.10.15:

"**2.10.16. Travel restraint system:** A travel restraint system must include :

(1) a safety harness complying with section 2.10.12 or a safety belt complying with section 2.10.14;

(2) a fall arrest connecting device without a shock absorber whose length does not allow the wearer to get any closer than 0.9 m from the open side and complying with section 2.10.12;

(3) an anchorage system complying with section 2.10.15, except as concerns the minimum resistance of the single anchorage, which can be 8 kN;

If the conditions provided for in the first paragraph are not complied with, the travel restraint system must be designed and installed in accordance with the plans and specifications of an engineer and comply with CSA Standard Z259.16 Design of Active Fall-Protection Systems.

Where the resistance of the anchorage system provided for in the plans and specifications of the engineer or in subparagraph 3 of the first paragraph does not comply with section 2.10.15, a mark is required on the anchorage system indicating that the use must be limited to travel restraint.

The travel restraint system cannot be used on surfaces with an incline greater than 15° (3/12).".

12. Section 2.15.12, made by section 7 of the Regulation to amend the Safety Code for the construction industry, the Regulation respecting occupational health and safety and the Regulation respecting occupational health and safety in mines, approved by Order in Council 1393-2024 dated 3 September 2024, is amended by replacing "antichute" in the French text of paragraph 6 by "d'arrêt de chute".

13. Section 3.9.4 is amended by replacing paragraph 5 by the following:

"(5) Any worker who erects or dismantles scaffolding must be protected against falls in accordance with subdivision 2.9 of Division II.".

14. Section 3.10.9 is amended by replacing paragraph 3 by the following:

"(3) Any worker who pulls loads onto a floor at platform level must be protected against falls in accordance with subdivision 2.9 of Division II.".

15. Section 3.24.4 is revoked.

16. The French text is amended by replacing "liaison antichute" wherever it appears by "liaison d'arrêt de chute".

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

107245

Notice

Code of Penal Procedure
(chapter C-25.1)

Court of Appeal of Quebec in penal matters

In accordance with article 368 of the Code of Penal Procedure (chapter C-25.1), the judges of the Court of Appeal of Quebec have agreed to replace the Regulation of the Court of Appeal of Quebec in Penal Matters, chapter C-25.1, r. 0.1, with the Regulation of the Court of Appeal of Quebec in Penal Matters, set out hereinafter, as attested by my signature. This Regulation will come into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

January 17, 2025

The Honourable MANON SAVARD,
Chief Justice of Quebec

Regulation of the Court of Appeal of Quebec in Penal Matters

PRELIMINARY AND DEFINITION

1. ***Interpretation.*** This Regulation is supplemental to the Code of Penal Procedure (CQLR, c. C-25.1); it shall be interpreted and applied in the same manner.

2. ***Working days.*** Working days are from Monday to Friday, excluding the holidays listed in article 18 of the Code of Penal Procedure.

I – PUBLIC HEARINGS AND DECORUM

3. ***Sitting days.*** The dates on which the Court, a judge or the clerk sits are published on the Court's website.

4. ***Court usher.*** A court usher shall be present during all hearings. The usher is responsible for the opening and closing of each sitting and the orderly conduct thereof.

5. ***Decorum.*** Whether the hearing is held in person or by technological means, the presiding judge shall take all necessary measures to ensure the maintenance of decorum and respectful behaviour.

6. ***Use of technology during hearings.*** Subject to the Court's guidelines on the subject, no electronic or other device shall be turned on or used during the hearing (except for devices that accommodate a disability) and, except for the official court recording, any recording of the hearing is prohibited, whether the hearing is held in person or by technological means.

7. ***Dress.*** Before the Court, the following dress is required:

(*a*) for counsel: a gown, bands, white collared shirt and dark garment;

(*b*) for articling students: a gown and dark garment;

(*c*) for clerks and court ushers: a gown and dark garment;

(*d*) for any other person: simple and unadorned attire that respects the Court's decorum.

Upon notice given to the clerk of the Court before the hearing, the requirements set out in the first paragraph may be waived due to a particular physical condition. In such a case, simple and unadorned attire that respects the Court's decorum shall suffice.

Simple and unadorned attire that respects the Court's decorum is sufficient before a judge or clerk.

The same requirements shall apply when a hearing is held using technological means.

II – CONFIDENTIALITY

8. ***Express reference.*** The notice of appeal and the application for leave to appeal shall include an express reference that the file contains no confidential information.

If any part of a file is confidential, the pleadings shall call attention to this by including the word "CONFIDENTIAL" beneath the court file number, and clearly indicate which aspects of the file are confidential and set out the legal provision or order that is the basis of the confidentiality. In the latter case, a copy of the order shall be filed with the office of the Court at the same time as the notice of appeal or the application for leave to appeal; when a copy of the order is not available on that date, it must be filed within the deadline stipulated by the clerk.

Any other party must indicate, in writing, any correction or addition it considers necessary and attach a copy of the order, if any.

Each subsequent pleading which refers to something confidential shall call attention to confidentiality with the word "CONFIDENTIAL" appearing beneath the court file number.

9. ***Red binding.*** The confidential portion of a brief or memorandum shall be presented in a separate volume. To indicate the confidential nature of said volume (or of the file, as applicable), when it is filed on paper, the spine (spiral or tape) of the volume shall be red and the cover shall be marked with the word "CONFIDENTIAL" in red lettering. The confidential nature of the technological version of said volume must likewise be clearly indicated.

10. ***Sealed content.*** Any confidential item or other confidential content filed on paper shall be placed in a sealed container or envelope, as the case may be, duly identified and marked "CONFIDENTIAL". When it is filed on technological media, its confidentiality shall be clearly indicated.

11. ***Restricted access.*** Access to a confidential file or to confidential content in a file shall be restricted. When access to files or documents is restricted by law or by a court order, only the parties or persons authorized by law, a court order, the Court or one its judges may consult them or make copies thereof.

III – TECHNOLOGICAL MEANS

12. ***Technological version.*** The parties shall send to the office of the Court a technological version of the paper version of their pleadings, their briefs or memoranda, or any other document.

In addition to the requirements of this Regulation, the formatting, filing or transmission of this technological version shall be governed by the Chief Justice's directives and the clerk's practice directions or by the orders of the Court or a judge.

13. ***Digital office of the Court.*** The filing or transmission of pleadings, briefs or memoranda or any other document by means of the digital office of the Court shall be governed by the Chief Justice's directives and the clerk's practice directions, which shall also provide for the formatting standards for such documents.

14. ***Remote hearing.*** The Court or a judge may, of their own initiative, give the parties the choice of proceeding by videoconference or in person and may also order that a hearing be held by videoconference or, where that is impossible, by audioconference.

In other cases, the party who wishes to be heard by videoconference shall, as soon as possible, request such hearing by writing to the clerk. The judge who is to preside over the hearing decides the request, taking into account, in particular, the technological means available to the Court and the parties. Where it is impossible to proceed by videoconference, the judge may authorize that a hearing be held by audioconference.

The first and second paragraphs apply, with the necessary modifications, to a hearing to be held before the clerk.

The parties shall cooperate on the necessary steps so that such a hearing can be held.

IV – OFFICE OF THE COURT

15. **Office hours.** Unless provided otherwise, the office of the Court is open Monday to Friday, from 8:30 a.m. to 4:30 p.m., local time. The days on which it is open are published on the Court's website.

16. ***Register.*** The clerk shall maintain a computerized register (docket) which shall include all relevant information for each file, including the contact information of the parties and their counsel, the receipt of documents and matters arising during the appeal.

17. ***Contact.*** The clerk shall use the last known contact information of the parties and their counsel to contact them. The parties and their counsel must immediately advise the clerk of any change to their contact information.

In each pleading, a party not represented by counsel shall include their contact information.

In each pleading, counsel shall include their name, that of their firm or organization and all contact information (including email address, permanent code and locker number, where applicable).

Change of counsel or withdrawal of mandate. A party may change counsel by serving on the other parties, the clerk, and former counsel, a notice of the name, address, telephone number and email address of new counsel. A party who no longer wishes to be represented by counsel must so inform the other parties, the party's own counsel, and the clerk by serving on them a notice that also sets out its complete contact information (including email, if available).

The decision to change counsel or to cease being represented by counsel has no impact on the hearing date unless a judge decides otherwise.

Leave to cease representing a party. To obtain leave to cease representing a party, counsel must file an application to that effect before a judge, whether a hearing date has been set or not.

18. ***Access to a file.*** The clerk shall supervise the consultation of files and the removal of documents.

Copies of non-confidential documents can only be delivered upon payment of the applicable fees.

V – PLEADINGS

19. ***Format.*** Pleadings filed on paper shall be printed on good quality white paper in letter format (21.5 cm by 28 cm). Pleadings and their schedules shall be paginated consecutively.

Handwritten pleadings shall not be accepted unless they are easily legible and intelligible.

The text shall be reproduced on one side only of each sheet, with a minimum of one and one-half spaces between the lines, except for quotations which shall be single-spaced and indented. The typeface shall be 12-point Arial font for the entire text. Exceptionally, 11-point Arial font may be used for quotations and 10-point Arial font may be used for footnotes. The margins shall be no less than 2.5 cm.

Signature. All pleadings shall be signed by the party or that party's counsel.

20. ***Designation of parties.*** The following shall be indicated beneath the name of each party: their status in appeal in upper case letters, followed by the party's status in Superior Court as well as that in first instance in lower case letters.

An intervener in first instance is designated as APPELLANT, RESPONDENT or IMPLEADED PARTY, depending on the circumstances. The designation "INTERVENER" is reserved for the party who intervenes only during the appeal.

In an appeal, the status of a decision-maker contemplated by an application for judicial review shall be IMPLEADED PARTY.

21. ***Heading.*** The heading, contained on the first page of the pleading, shall indicate the filing party, the nature of the pleading, its date and, if the pleading includes a request, the provision on which it is based.

22. ***Amendment.*** If a pleading is amended, additions and substitutions shall be underlined and indicated by a vertical line in the margin; deletions shall be indicated either by struckout text or dots in brackets and indicated by a vertical line in the margin. The heading of the pleading shall indicate that it is an amended version thereof.

23. ***Service.*** The parties shall serve their pleadings and documents attached thereto in the manner set forth in the Code of Penal Procedure.

Failure to appear. In appeals by the prosecution, if the respondent fails to file an appearance, any pleading or document filed in the Court record must be served on the respondent.

VI – NOTICE OF APPEAL, APPLICATION FOR LEAVE TO APPEAL, APPLICATION TO EXTEND THE TIME LIMIT TO APPEAL AND PREPARATION OF THE FILE

24. ***Time limit.*** The notice of appeal for an appeal by operation of law under the third paragraph of article 292 of the Code of Penal Procedure shall be served and filed within ten days from the appealed judgment. The time limit for serving and filing the application for leave to appeal shall be that set out in article 296 of the Code of Penal Procedure.

Where the appellant or the applicant is not represented by counsel, the clerk shall send a copy of the pleading initiating the appeal to the respondent, which shall constitute valid service.

The notice given to the Attorney General pursuant to arts. 76 to 78 of the Code of Civil Procedure (CQLR, c. C-25.01) shall be delivered in accordance with the procedure set out in those articles.

25. ***Content.*** In addition to the endorsements provided in section 8, the notice of appeal and the application for leave to appeal shall contain the following information:

(*a*) the offence;

(*b*) the sentence imposed, if applicable;

(*c*) the date of the appealed judgment, of the judgment in first instance and of the sentence, where applicable;

(*d*) in the case of a sentence appeal, an endorsement indicating whether the judgment as to guilt has been appealed or not and, as applicable, indicating the file number;

(*e*) the place and duration of the trial in days;

(*f*) the trial court and, where applicable, the court having rendered the decision on appeal or on judicial review, as well as the file number(s);

(*g*) the facts and the grounds of appeal stated concisely, in a maximum of 10 pages (the designation of the parties and the conclusions sought being excluded from the page count);

(*h*) the contact information and, if available, the email address of the appellant or applicant and the appellant's or applicant's counsel;

(*i*) the name, contact information and, if available, the email address of the respondent and, if applicable, of the other parties and their counsel in the proceedings below.

26. ***Number of copies.*** The following number of copies of the notice of appeal, the application for leave to appeal or the application to extend the time limit to appeal shall be filed:

(*a*) one copy in the case of a notice of appeal;

(*b*) two copies in the case of an application presented to a judge;

(*c*) four copies in the case of an application presented to a panel.

27. ***Attestation.*** Within 15 days of the filing of the notice of appeal or the date on which the application for leave to appeal was granted or referred, the appellant shall serve on the other parties and file into the office of the Court an attestation certifying, as the case may be:

(*a*) that no additional transcript of depositions is required for the purposes of the appeal; or

(*b*) that it has filed into the office of the court which rendered the appealed judgment an application to obtain the required transcript and exhibits; or

(*c*) that it has retained a stenographer to prepare the transcript and that an application, if applicable, to obtain the exhibits has been filed into the office of the court which rendered the appealed judgment.

28. ***Required transcript and exhibits.*** At the appellant's request, the clerk of the court that rendered the appealed judgment shall take the necessary steps to obtain, as soon as possible, the required transcript and exhibits. For the purposes of that request, the appellant shall use the application form available at the office of the Court or on the Court's website.

Upon receipt, the appellant shall make the transcripts available to the other parties. The latter may, in turn, request an additional transcript at their expense.

If the parties agree to a joint statement of facts instead of a transcript, they shall inform as soon as possible the clerk of the Court of appeal.

29. ***Payment of costs.*** Where the preparation of a transcript or its translation incurs costs, the clerk of the court that rendered the appealed judgment may require payment in advance and, in any event, the appellant shall not be entitled to the transcript until those costs have been paid. The prosecution shall pay the costs of whatever portion of the transcript that it alone requires.

VII – APPLICATION FOR RELEASE FROM CUSTODY PENDING AN APPEAL

30. ***Content.*** An appellant seeking his or her release from custody under article 298 or 314 of the Code of Penal Procedure shall indicate the conditions that were imposed by the court who rendered the appealed judgment, as applicable, as well as those that he or she considers appropriate on appeal and shall attach to his or her application an affidavit certifying:

(*a*) the appellant's places of residence in the three years prior to conviction as well as the place the appellant intends to reside if released;

(*b*) if applicable, the appellant's employment before conviction, the appellant's employer, as well as the appellant's intended employment if released;

(*c*) if applicable, his or her prior convictions, including convictions outside Canada, in a clear and concise manner;

(*d*) if applicable, any charges pending against the appellant, in Canada and elsewhere, at the time of the application;

(*e*) whether or not the appellant holds a Canadian or foreign passport or has submitted a passport application that is pending;

(*f*) whether or not the appellant is a Canadian citizen.

Exemption from affidavit. The judge to whom the application is presented may waive the filing of an affidavit and rely on a statement of facts signed by the appellant's counsel and respondent's counsel.

Release from custody pending an appeal to Supreme Court. An application for release from custody pending an appeal to the Supreme Court of Canada under article 314 of the Code of Penal Procedure shall be accompanied by written proof certifying that an application for leave to appeal or a notice of appeal has been filed.

VIII – APPEAL MANAGEMENT

31. ***Leave to appeal.*** A judge granting or referring an application for leave to appeal may, to ensure efficient conduct of the appeal, decide that the appeal will proceed on the fast track, which is the procedure used in an appeal with memoranda within a reduced timeframe. In such a case, the judge shall manage the proceedings, and may, among other things set the date and length of the hearing and establish the timetable for the filing of memoranda and other documents that are to be produced.

32. ***Request for case management.*** A party requesting an appeal management conference shall, as soon as possible, so inform the clerk in writing, setting out the grounds for the request. A judge may also decide of his or her own initiative to convene at such a conference.

Orders. The Court or the managing judge may make any order required in the interests of justice.

33. ***Discontinuance and death of a party.*** An appellant who wishes to discontinue the appeal or an applicant who wishes to discontinue the application for leave to appeal shall file a notice of discontinuance signed by the party itself or the party's counsel. If the discontinuance is signed by the party itself, that signature shall be certified by affidavit or endorsed by a lawyer, or, if the appellant or applicant is detained, by an officer of the detention facility. If the appellant or applicant is subject to interim release from custody under article 298 of the Code of Penal Procedure, the appellant or applicant must surrender to the appropriate custodial authorities within three days of filing the discontinuance.

In the event of death of a party, a declaration of death shall by filed forthwith in the Court file. An application may be presented to the Court for the appeal to continue, nevertheless. In the event that there is no application, the case may be placed on the special roll (art. 310 of the Code of Penal Procedure).

IX – BRIEFS

34. ***Content.*** The appellant's brief shall include its argument and three schedules; that of the respondent or that of the impleaded party or intervener, if any, shall include its argument and, if necessary, elements in addition to those in the appellant's schedules.

35. ***Argument.*** Each argument shall be divided into five parts:

(*a*) Part I (Facts): the appellant shall succinctly state its position and recite the facts. The respondent may comment and relate additional facts.

(*b*) Part II (Issues in dispute): the appellant shall concisely state the issues in dispute. The appellant who wishes to raise questions not stated in its pleadings initiating an appeal shall state and clearly set forth those grounds. The respondent shall respond to the questions raised by the appellant and may raise any further questions that the respondent intends to debate, including those questions that the court that rendered the judgement under appeal rejected or did not consider.

(*c*) Part III (Grounds): each party shall develop its submissions, with specific reference to the content of the schedules. If a party seeks the application of the second or third paragraph of article 286 of the Code of Penal Procedure, it shall refer to that section and set forth its submissions to that effect.

(*d*) Part IV (Conclusions): each party shall state the precise conclusions it seeks.

(*e*) Part V (Authorities): each party shall prepare a list of authorities in the order in which they appear in the argument, making specific reference to the paragraphs at which they are cited.

36. ***Joint statement of facts.*** The parties may agree to a joint statement of facts in place of transcripts of the depositions and exhibits, or of a part thereof. The appellant shall produce this joint statement of facts immediately after Part V of its argument, unless a judge directs otherwise.

37. ***Number of pages.*** Parts I to IV of the argument may not exceed 30 pages, unless a judge decides otherwise, in particular when the nature and complexity of the appeal demands a more extensive argument.

When the intervention is that of the Attorney General of Quebec, the Attorney General of Canada, the Director of Criminal and Penal Prosecutions or the Public Prosecution Service of Canada, Parts I to IV of the argument of the intervener shall not exceed 30 pages, unless a judge decides otherwise. In any other case, the number of pages of the argument of the intervener shall be determined by the judge who authorizes the intervention.

38. ***Schedules.*** The schedules to the appellant's brief shall include:

(*a*) Schedule I: the appealed judgment as well as the judgment in first instance; if only a handwritten version of the judgment and the reasons thereof exist, a typed transcript must be provided;

(*b*) Schedule II:

(i) the notice of appeal and, if applicable, the application for leave to appeal and the judgment granting leave or referring it to a panel;

(ii) the statement of offence and the pleadings relevant to the appeal before the trial court and the Superior Court, as well as the minutes of the hearing on the merits in first instance and in Superior Court;

(iii) all applicable statutory and regulatory provisions, in French and English, if available, other than those in the Constitution Act, 1982 (being Schedule B to the Canada Act 1982 (U.K.), 1982, c. 11), the Code of Penal Procedure, the Criminal Code (R.S.C. 1985, c. C- 46), the Controlled Drugs and Substances Act (S.C. 1996, c. 19), the Canada Evidence Act (R.S.C. 1985, c. C-5), the Interpretation Act (R.S.C. 1985, c. I-21), and the Youth Criminal Justice Act (S.C. 2002, c. 1);

(*c*) Schedule III: those exhibits and depositions or extracts thereof necessary for the Court to decide the issues in dispute.

39. ***Final endorsements.*** On the last page of the brief, the author shall:

(*a*) attest that the brief is in accordance with this Regulation and that its technological version fully complies with the applicable requirements;

(*b*) undertake to make available to any other party, at no cost, the depositions obtained in paper or technological format;

(*c*) indicate the time requested for oral argument or, if applicable, the time allotted by a judge or the Court, including, in the case of the appellant, the reply; and

(*d*) sign the brief.

40. ***Format.*** The brief shall be formatted in compliance with the following rules:

(*a*) ***Colour.*** The cover page shall be yellow for the appellant, green for the respondent and grey for any other party.

(*b*) ***Cover page.*** The following shall be indicated on the cover page:

(i) the file number in appeal;

(ii) the court that rendered the appealed judgment, the judicial district, the name of the judge, the date of the judgment and the file number;

(iii) the designation of the parties (see section 20 of this Regulation);

(iv) the brief heading with a reference to the status of the party in appeal;

(v) the name and contact information of the brief's author (who signs the attestation) as well as those of counsel for the other parties. If there is insufficient space, the names and contact information of other counsel shall be indicated on the following page;

(*c*) ***Table of contents.*** The first volume of the brief shall begin with a general table of contents and each subsequent volume shall begin with a table of its contents;

(*d*) ***Pagination.*** Brief page numbers shall be consecutive and shall be centered at the top of the page;

(*e*) ***Spacing, typeface and margins.*** The text of the argument shall have at least one and one-half spaces between the lines, except for quotations, which shall be singlespaced and indented, and the footnotes, which shall be singlespaced. The typeface shall be 12-point Arial font for the entire text. Exceptionally, 11-point Arial font may be used for quotations and 10-point Arial font may be used for footnotes. The margins shall be no less than 2.5 cm;

(*f*) ***Numbering of paragraphs.*** The paragraphs of the argument shall be numbered;

(*g*) ***Printing.*** The argument and Schedule I shall be printed on the lefthand side of the volume and the other schedules shall be printed on both sides, the whole on paper in letter format (21.5 cm x 28 cm);

(*h*) ***Number of pages.*** Each volume shall be composed of a maximum of 225 sheets;

(*i*) ***Volumes.*** Each volume shall be numbered on the cover page and its bottom edge. The sequence of pages it contains shall also be printed thereon.

(*j*) ***Exhibits.*** All exhibits reproduced in the brief shall meet the following requirements:

(i) all exhibits shall be reproduced legibly. A handwritten document that is not must be accompanied by a typed transcript, unless the clerk gives a total or partial exemption following a written request served on the other parties;

(ii) evidence reproduced on technological media (sound or video recording, for example), must be legible and intelligible; for that purpose, the clerk shall publish a notice indicating the types of files that are legible by the means available to the Court. For other types of files, the clerk's authorization must be obtained in order to produce such files with the brief. A typed transcript of the audio or video recordings must be attached thereto, unless the clerk gives a total or partial exemption following a written request served on the other parties;

(iii) copies of photographs must be clear; and

(iv) the exhibits shall be reproduced consecutively as they are numbered. Each exhibit shall be reproduced beginning on a new page that includes the exhibit number, date and nature of the exhibit;

(*k*) ***Depositions.*** Each deposition shall begin on a new page and mention in the title the surname of the witness in upper case letters, followed by the witness' given name in lower case letters as well as the following information in abbreviated form in parentheses:

(i) the status of the party who called the witness;

(ii) the stage of the trial (case in chief, defence, rebuttal);

(iii) the stage of the examination (examination-in-chief, crossexamination, re-examination);

The title of each following page shall restate the witness's name and the information in abbreviated form.

(*l*) "***Four-in-one format".*** Upon the clerk's permission obtained prior to the filing of the brief following a written request based on serious access to justice concerns and served on the other parties, depositions may be reproduced on paper with four pages printed on one page, using 10-point Arial font or its equivalent. The four pages shall contain a maximum of 25 lines, numbered on the left-hand side of the page, and be in vertical sequence. The entire page itself shall have only one title (corresponding to the commencement of the text).

41. ***Number of copies.*** The parties shall file their brief referred to in article 304 and 305 of the Code of Penal Procedure at the office of the Court in five copies on paper and, in accordance with section 12 of this Regulation, shall send to the office of the Court a technological version of the paper version. Within that same time limit, they shall serve on the other parties a paper copy. Proof of service shall be filed with the office of the Court no later than three working days following the filing.

Within 90 days from the filing of the appellant's brief, the impleaded party and intervener shall do likewise.

The technological version of the brief must be served on the other parties at the same time that it is sent to the Court or earlier.

With the consent of the parties or their counsel, service may be made by technological means only, without a paper copy being provided or with a paper copy to be provided within such time limit as the parties or their counsel determine together. In such a case, the written consent of the recipient to either means of proceeding shall be attached to the proof of service of the brief by technological means within the time limit provided in this section.

42. ***Non-compliance.*** If a brief does not comply with the requirements of this Regulation, the clerk shall advise its author of the corrections required and establish a time limit within which a corrected brief may be filed. The clerk shall so advise the other parties.

Failing correction within the prescribed time limit, the brief shall be refused. The clerk's decision may be reviewed by a judge upon an application filed within 10 days of the refusal.

X – MEMORANDA

43. ***Content and format.*** A memorandum is a document prepared in lieu of a brief in the case of a fast-track appeal.

Subject to the third paragraph, sections 34 to 36 as well as sections 38 to 42 of this Regulation apply to memoranda.

Parts I to IV of the argument shall not exceed ten pages, unless the Court or a judge decides otherwise, in particular when the nature and complexity of the appeal demands a more extensive argument.

XI – BOOK OF AUTHORITIES

44. ***Book of authorities.*** Each party may file a book of authorities containing the case law or legal literature it considers relevant. It may also include in this book statutory or regulatory provisions not already included in Schedule II of its brief or memorandum.

Relevant extracts of those sources shall be identified by underlining, highlighting or by vertical lines in the margin.

The text of judgments of the Supreme Court of Canada shall be that which is published in its reports or, failing that, that which is available prior to such publication.

Case law or legal literature may be limited to relevant extracts, along with the preceding and succeeding page, together with the headnote, if available.

The cover page of each volume of the book of authorities shall indicate: the appeal file number, the designation of the parties, the title and the status of the filing party.

When filed on paper, the book of authorities shall be printed on both sides of each page, in letter format (21.5 cm x 28 cm), and all authorities shall be separated by numbered tabs.

45. ***Judgments deemed to be included in a book of authorities.*** The Court shall publish a list of judgments that the parties need not reproduce in their book of authorities. The list may be consulted at the office of the Court and on its website.

46. ***Filing.*** The book of authorities shall be filed with the Court on technological media, unless the clerk requires or authorizes one or more paper copies.

In the case of an appeal on the merits, the book of authorities shall be served and filed by the appellant 40 days prior to the hearing of the appeal and by the respondent, the impleaded party or the intervener 30 days prior to the hearing.

In the case of an application presented to the Court, the book of authorities must be served and filed at least five working days prior to the hearing of the application.

In the case of an application presented to a judge, the book of authorities must be served and filed no later than two working days prior to the hearing of the application or as soon as possible in the case of an application for interim release from custody.

In the case of an application presented to the clerk, it must be served and filed as soon as possible prior to the hearing of the application.

The filing formalities applicable to the book of authorities may be supplemented by the clerk's practice directions or by an order made by the Court or a judge.

XII – APPLICATIONS

47. ***Presentation and content.*** Applications shall not exceed 10 pages, excluding the designation of the parties and the conclusions sought. Applications presented to the Court shall be filed in four paper copies, applications presented to a judge or to the clerk shall be filed in two paper copies and, in accordance with section 12 of this Regulation, the party shall send to the office of the Court a technological version of the paper version.

A party may apply to be excused from filing paper copies of the documents that accompany the application, or certain of those documents, if all the parties to the application consent to their being filed as a technological version. The request shall be made in writing and addressed to the office of the Court, with a copy to the other parties, and decided upon by a judge in the case of an application presented to the Court or to a judge, or by the clerk in the case of an application presented to the clerk.

48. ***Affidavit.*** Any application alleging facts that do not appear in the record shall be supported by the affidavit of a person who has personal knowledge of those facts.

49. ***Calendar of presentation dates.*** The clerk shall post on the Court's website the calendar of hearing dates for applications before the Court, a judge or the clerk.

50. ***Date of presentation and time limits.*** An application shall be accompanied by a notice stating the date and time it is to be presented and the courtroom in which it will be presented.

The application shall be served on the other parties and shall be filed with the office of the Court:

(*a*) at least 10 working days prior to the date of presentation when addressed to the Court;

(*b*) at least five working days prior to the date of presentation when addressed to a judge, except for applications for release from custody and to amend the terms of release under articles 298 or 314 of the Code of Penal Procedure, for which the time limit for presentation shall be that set out in article 298 of the Code of Penal Procedure;

(*c*) at least two working days prior to the date of presentation when addressed to the clerk.

Proof of service must be attached to the application filed with the office of the Court.

In order for the application to be heard on the date indicated in the notice of presentation, all documents necessary for its consideration must be attached thereto, within the time limits set out in the second paragraph. Failing that, the application shall be postponed to a date determined by the clerk, who shall inform the parties. If the date thus determined is not suitable, the applicant shall notify a new notice of presentation, failing which the application shall be heard on that date.

For an application before the Court, the applicant shall reserve a presentation date with the clerk and file the application within five working days of the date on which this reservation was made. Failure to submit the application within this time limit will result in the reservation being cancelled without further notice. However, a new reservation can be made.

Application to dismiss. Where an application to dismiss an appeal is presented by the prosecution, it shall be served on the appellant, and to the appellant's counsel, if applicable, unless a judge orders otherwise.

51. ***Attached documents.*** Each copy of an application must be accompanied by a copy of all the documents necessary for its consideration, separated by numbered tabs, except for applications heard jointly, provided that the attachments to one may be used for the adjudication of the others. If only a handwritten version of the judgment exists, a typed transcript must be provided.

The documents thus attached to the application must be preceded by a table of contents referring to the numbers of the tabs and pages. The application and its schedules must be presented as a unit. Their paper version must be stapled or bound with a spiral binding or other type of binding.

The Court, a judge or the clerk may require the filing of a document not attached to the application. The clerk shall thereupon notify the applicant and give the latter a time limit to file the requested document. If such document is not filed within the stipulated time limit, the clerk shall postpone the application to a later date and so advise the parties. If the date thus determined is not suitable, the applicant shall serve on the other parties a new notice of presentation, failing which the application shall be heard on that date.

Subject to section 58 of this Regulation, a party who wishes to file complementary documents in support of its oral contestation of the application shall do so within the time limits provided for in section 46, as the case may be. It shall likewise serve a copy thereof on the other parties.

52. ***Time of presentation.*** An application presented to the Court or a judge shall be presentable at 9:30 a.m., and that to the clerk at 9:00 a.m. The parties may, however, be convened at another time.

53. ***Irregular application.*** Before the hearing, the Court or a judge, as the case may be, may strike an application from the roll if it is irregular on its face. The clerk shall thereupon so notify the parties.

54. ***Party excused from attendance.*** Except in the case of interim release from custody, a party who declares in writing that an application will not be contested may request to be excused from attending the hearing of the application.

55. ***Absence.*** If a party fails to attend on the day and at the time set for the hearing of the application, the Court, the judge or the clerk may choose to hear only the parties in attendance and adjudicate the matter, if circumstances so warrant, without hearing the duly notified absent party or, alternatively, to adjourn the hearing subject to specified conditions.

56. ***Request for adjournment.*** A party seeking an adjournment shall, as soon as possible, request it by writing to the clerk. The Court, the judge or the clerk, as applicable, shall grant or dismiss the request or postpone the decision until the beginning of the hearing. In the request, the party shall indicate the reason the adjournment is sought and whether or not the other parties consent thereto. It shall also suggest a new hearing date when all parties are available, should the request for adjournment be granted.

57. ***Application for leave to adduce new evidence.*** A party seeking leave to adduce new evidence in accordance with the second paragraph of article 312 of the Code of Penal Procedure shall first present an application and explain in what manner the party has exercised due diligence in obtaining the evidence, in what respect it is relevant, credible and, if believed, could be expected to affect the result.

Notice and terms. A party presenting such an application shall inform the other parties as soon as possible, and shall attempt to reach an agreement with them regarding the timetable and terms that will govern the exchange of

relevant documents and cross-examinations, if applicable. The proposed timetable and terms shall be submitted to the Court or to the managing judge, as applicable.

Two-stage determination. Once seized of the application, the Court shall first authorize or refuse the filing of fresh evidence and determine, if applicable, the terms and timetable according to which the evidence will be gathered and, if applicable, cross-examinations undertaken. The Court shall determine the admissibility of this evidence once seized of the appeal on the merits.

58. ***Submissions.*** Applications shall be contested orally, unless, prior to the hearing, the Court, the judge or the clerk, as the case may be, grants permission to proceed otherwise.

In the case of an application presented to a judge or the clerk, the other parties must notify the clerk of their intention to contest the application or not. In the case of an application for release from custody, the respondent shall indicate the terms that it considers appropriate.

At the hearing of an application only one counsel shall be permitted to make representations on behalf of each party, unless the Court, the judge or the clerk, as the case may be, grants permission to proceed otherwise.

59. ***Recording.*** The recording of proceedings at the hearing of an application is provided only on technological media, solely in audio format, upon payment of the applicable fee; in the case of a judgment rendered at the hearing, such recording is subject to the authorization of the Court, the judge or the clerk, as the case may be, and shall be provided only on technological media, solely in audio format.

The application form is available at the office of the Court and on the Court's website.

XIII – INEFFECTIVE ASSISTANCE OF COUNSEL

60. ***Allegation of ineffective assistance of counsel.*** An appellant or an applicant who alleges the ineffective assistance of counsel who acted on its behalf at trial or before the Superior Court shall inform that counsel by service of a copy of the written pleadings containing the allegation. The parties must complete the required form, available at the office of the Court and on the Court's website, within the time limit indicated on the document.

Response from counsel. If counsel in question wishes to respond, that counsel shall inform the clerk in writing, with a copy to the parties, and shall describe the means counsel considers appropriate to respond to the allegations.

Case management. At a management conference, a judge may endeavour to secure the parties' agreement on the means by which evidence will be adduced or, if necessary, impose such means and a timetable.

New evidence. The parties shall present the appropriate applications in order to be authorized to adduce new evidence in accordance with the second paragraph of article 312 of the Code of Penal Procedure.

XIV – FACILITATION CONFERENCE IN PENAL MATTERS

61. ***Request form.*** Parties represented by counsel who wish to hold a facilitation conference in penal matters must complete the form available at the office of the Court and on the Court's website. The judge who presides at the conference may require the parties to furnish any necessary documents. Filing the completed form suspends the time limits applicable to the appeal proceedings, including those set out in articles 304 and 305 of the Code of Penal Procedure.

Participation. Only counsel shall participate in the conference unless the judge, with the consent of the parties, has authorized another person to participate. The judge shall facilitate the discussion and encourage dialogue, neither of which shall be recorded.

Confidentiality. Counsel shall undertake in writing to keep the content of the discussions confidential. If the conference results in a solution, the judge presiding at the facilitation conference may be a member of the panel of the Court that renders judgment. Where no solution is reached, the judge presiding at the conference shall not participate in a hearing of the appeal.

XV – ROLLS

62. ***Declaration of readiness.*** When a hearing date has not been previously set by the Court, a judge or the clerk, and the appeal file is ready to be heard, the clerk shall issue a declaration of readiness and transmit it to counsel and parties not represented by counsel.

63. ***Rolls.*** The clerk shall prepare hearing rolls following, to the extent possible, the chronological order of such declarations of readiness, subject to preferences set by law or by order. On the roll, the clerk shall indicate the time allocated to each party for oral argument, including the reply.

64. ***Preferences enacted by law.*** The clerk shall publish the preferences prescribed by law on the Court's website.

65. ***Preferences granted by order.*** The Chief Justice or the judge the Chief Justice designates for this purpose may order, of his or her own initiative or upon an application, that a case be heard by preference. The application to that effect shall be presented at the date and time agreed to with the clerk. It shall be served on the other parties and filed at the office of the Court at least five working days before its presentation.

66. ***Notice of hearing.*** The clerk shall inform counsel and unrepresented parties of the date set for a hearing by sending them a copy of the roll at least 60 days in advance, subject to any change required thereto. The roll shall also be available at the office of the Court and on the Court's website.

67. ***Request for adjournment.*** A party seeking an adjournment shall, as soon as possible, request it by writing to the clerk. The judge presiding the panel shall grant or dismiss the request or postpone the decision until the beginning of the hearing. In the request, the party shall indicate the reason the adjournment is sought and whether the other parties consent thereto.

XVI – HEARINGS OF THE COURT

68. ***Order of hearing.*** Hearings of the Court begin at 9:30 a.m. The clerk may convene the parties at a different time for the hearing of their appeal. Cases are heard in the sequence in which they appear on the roll. If circumstances so warrant, a case may proceed in a duly notified party's absence.

69. ***Oral argument.*** A party's oral argument (excluding the reply) may be divided between two counsels.

70. ***Outline of oral argument and condensed book.*** A party may produce an outline of its oral argument not exceeding two pages and may attach to it a condensed book reproducing only the extracts, with numbered tabs, from its brief or memorandum and from the authorities to which it intends to refer during oral argument.

The party may produce the outline and the condensed book prior to or at the beginning of the hearing. It must provide four copies to the Court and one to the other party. However, if the party participates in the hearing by technological means, the required copies of said documents must be delivered to the Court and served on the other parties no later than the last working day prior to the hearing.

71. ***Recording.*** The recording of oral arguments is provided only on technological media, solely in audio format, upon payment of the applicable fee; in the case of a judgment rendered at the hearing, such recording is subject to the authorization of the Court and is provided only on technological media, solely in audio format.

The application form is available at the office of the Court and on the Court's website.

72. ***Waiver of hearing.*** By consent, the parties may request that an appeal be decided on the face of the record. The Court may require that the defendant personally consent to the waiver.

The clerk shall inform the parties of the date on which the appeal is taken under advisement and the names of the judges of the panel.

The latter may, at any time while the appeal is under advisement, if they consider that a hearing is necessary, refer the matter back to the clerk so that it be set down for hearing.

73. ***Deposit of judgment.*** When a judgment is deposited, the clerk shall send a copy thereof to the parties or their counsel as well as to the judge who rendered the appealed judgment and the office of that court and, if applicable, to the judge who rendered judgment in first instance and the office of that court.

XVII – MISCELLANEOUS

74. ***Application of the Regulation.*** This Regulation shall apply, with such modifications as the circumstances require, to all proceedings brought before the Court that are contemplated by the provisions of Chapter XII of the Code of Penal Procedure.

75. ***Time limit.*** Any time limit set by this Regulation may be extended or shortened by the Court, by a judge or by the clerk, either before or after the expiry thereof, if so warranted by the ends of justice, in particular to promote access to justice. The clerk's decision may be reviewed by a judge upon an application filed within 10 days of the decision date.

76. ***Exemption.*** The clerk may excuse a party from compliance with a provision of this Regulation dealing with presentation formalities for pleadings if the circumstances so justify, in particular to promote access to justice. In such a case, the clerk shall make a note in the file or on the document subject to the exemption.

77. ***Closure of an inactive file.*** If a file has been inactive for more than one year, the clerk may, after giving the parties an opportunity to be heard, declare the file closed.

Upon an application, a judge may determine the conditions for its reactivation.

78. ***Clerk's practice direction.*** The clerk may publish practice directions to explain or clarify this Regulation or its practice before the Court.

79. ***Different application.*** Where warranted by the circumstances, the chief justice may ask counsel to apply the rules dealing with formalities in a manner that differs from the manner provided in this Regulation.

80. ***Application of the Code of Civil Procedure.*** Except where incompatible with the Code of Penal Procedure or this Regulation, the provisions of the Code of Civil Procedure (CQLR, c. C-25.01) and the Regulation of the Court of Appeal of Quebec in Civil Matters (CQLR, c. 25.01, r. 0.2.01) shall apply to appeals in penal matters.

XVIII – TRANSITIONAL PROVISION

81. ***Transitional provision.*** The rules applicable before the coming into force of this Regulation shall continue to apply, except for those that concern applications, books of authorities, as well as those of Chapter 3 (technological means) to all proceedings for which the notice of appeal, the application for leave to appeal or the application to extend the time limit to appeal was filed before the date of the coming into force of this Regulation. The parties may nevertheless agree to have their appeal be governed by this Regulation.

XIX – COMING INTO FORCE

82. ***Coming into force.*** This regulation replaces the Regulation of the Court of Appeal of Quebec in Penal Matters (chapter C25.1, r. 0.1). It comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

107238

M.O., 2025-03

Order number V-1.1-2025-03 of the Minister of Finance dated 16 January 2025

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 41-101 respecting General Prospectus Requirements

WHEREAS paragraphs 1, 3, 6, 6.1, 6.2, 8 and 14 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 41-101 respecting General Prospectus Requirements was approved by ministerial order no. 2008-05 dated 4 March 2008 (2008, G.O. 2, 810);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft regulation to amend Regulation 41-101 respecting General Prospectus Requirements was published for consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 19, no. 3 of 27 January 2022;

WHEREAS the *Autorité des marchés financiers* made, on 7 January 2025, by the decision no. 2025-PDG-0004, Regulation to amend Regulation 41-101 respecting General Prospectus Requirements;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 41-101 respecting General Prospectus Requirements appended hereto.

January 16, 2025

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 41-101 RESPECTING GENERAL PROSPECTUS REQUIREMENTS

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (3), (6), (6.1), (6.2), (8) and (14))

1. Section 2.3 of Regulation 41-101 respecting General Prospectus Requirements (chapter V-1.1, r. 14) is amended:

(1) by inserting, in paragraphs (1) and (1.1) and after "An issuer", ", other than an investment fund,";

(2) by inserting, in paragraph (1.2) and after "If an issuer", ", other than an investment fund,".

2. The Regulation is amended by inserting, after section 3C.7, the following part:

"**PART 3D FILING OF ETF FACTS DOCUMENTS WITHOUT A PROSPECTUS**

3D.1. Required documents for filing an ETF facts document

An ETF that files an ETF facts document without a preliminary, pro forma or final prospectus must

(a) file, with that ETF facts document, the following documents if there has been a material change to the ETF and if that material change relates to information disclosed in the most recently filed ETF facts document:

(i) an amendment to the corresponding prospectus, certified in accordance with Part 5;

(ii) a copy of any material contract, and any amendment to a material contract, that have not previously been filed, and

(b) at the time that ETF facts document is filed, deliver or send to the securities regulatory authority

(i) a copy of that ETF facts document, blacklined to show changes, including the text of deletions, from the most recently filed ETF facts document, and

(ii) if there has been a material change to the ETF and if that material change to information disclosed in the most recently filed ETF facts document, the following documents:

(A) if an amendment to the prospectus is filed, a copy of the prospectus blacklined to show changes, including the text of deletions, from the most recently filed prospectus, and

(B) details of any changes to the personal information required to be delivered under subparagraph 9.1(1)(b)(ii), in the form of the personal information form, since the delivery of that information in connection with the filing of the prospectus of the ETF or another ETF managed by the manager.".

3. Section 10.1 of the Regulation is amended by replacing "or the amendment to the final prospectus is filed or," , in subparagraph (a) of paragraph (2), by "is filed, the amendment to the final prospectus is filed, or for the purposes of any ETF facts document referred to in section 3D.1 that has been filed, no later than the time the ETF facts document is filed or,".

4. Section 17.2 of the Regulation is amended:

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

"(1.1) This section does not apply to an ETF.";

(2) by replacing « de l'inobservation », in the French text of paragraph (6), by « du non-respect ».

5. The Regulation is amended by adding, after section 17.2, the following:

"**17.3. Lapse date of an ETF**

(1) This section applies only to an ETF.

(2) In this section, "lapse date" means, with reference to the distribution of a security that has been qualified under a prospectus, the date that is 24 months after the date of the previous prospectus relating to the security.

(3) An ETF must not continue the distribution of a security to which the prospectus requirement applies after the lapse date unless the ETF files a new prospectus that complies with securities legislation and a receipt for that new prospectus is issued by the regulator or, in Québec, the securities regulatory authority.

(4) Despite subsection (3), a distribution may be continued for a further 24 months after a lapse date if

(a) the ETF files an ETF facts document for each class or series of securities of the ETF no earlier than 13 months and no later than 11 months before the lapse date of the previous prospectus,

(b) the ETF delivers a pro forma prospectus not less than 30 days before the lapse date of the previous prospectus,

(c) the ETF files a new prospectus not later than 10 days after the lapse date of the previous prospectus, and

(d) a receipt for the new prospectus is issued by the regulator or, in Québec, the securities regulatory authority within 20 days after the lapse date of the previous prospectus.

(5) For greater certainty, the continued distribution of securities after the lapse date does not contravene subsection (3) unless and until any of the conditions of subsection (4) are not complied with.

(6) Subject to any applicable extension granted under subsection (7), if a condition in subsection (4) is not complied with, a purchaser may cancel a purchase made in a distribution after the lapse date in reliance on subsection (4) within 90 days after the purchaser first became aware of the failure to comply with the condition.

(7) The regulator or, in Québec, the securities regulatory authority may, on an application of an ETF, extend, subject to such terms and conditions as it may impose, the times provided by subsection (4) where in its opinion it would not be prejudicial to the public interest to do so.

"**17.4. Lapse date of an ETF – Ontario**

In Ontario, the lapse date prescribed by securities legislation for a prospectus for an ETF is extended to the date that is 24 months after the date of issuance of the previous prospectus relating to the ETF in accordance with section 17.3.".

6. Form 41-101F2 of the Regulation is amended:

(1) by inserting, in item 17.2 and after the heading, the following paragraph:

"(0.1) This section does not apply to an investment fund in continuous distribution.";

(2) in item 19.1:

(a) by replacing "during the most recently completed financial year", in paragraphs (12), by "during each of the two most recently completed financial years";

(b) by replacing "during the most recently completed financial year", in paragraphs (13), by "during each of the two most recently completed financial years".

7. Form 41-101F4 of the Regulation is amended by adding, at the end of instruction (1) of item 1, the following:

"*The date for an ETF facts document filed in accordance with paragraph 3D.1(b)(i) of the Regulation must be the date within three business days of filing. The date for an ETF facts document filed in accordance with paragraph 3D.1(b)(ii) of the Regulation must be the date on which it is filed.*".

Transition

8. (1) Except in Ontario, if an ETF has filed a prospectus and a receipt for that prospectus was issued before 3 March 2025,

(a) sections 17.2(1.1) and 17.3 of Regulation 41-101 respecting General Prospectus Requirements, as enacted by this Regulation, do not apply, and

(b) for greater certainty, section 17.2 of Regulation 41-101 respecting General Prospectus Requirements, as it was in force on 2 March 2025, applies.

(2) In Ontario, if an ETF has filed a prospectus and a receipt for that prospectus was issued before 3 March 2025,

(a) sections 17.3 and 17.4 of Regulation 41-101 respecting General Prospectus Requirements, as enacted by this Regulation, do not apply, and

(b) for greater certainty, the lapse date prescribed by securities legislation in Ontario for a prospectus for an ETF, as that legislation was in force on 2 March 2025, applies.

Effective Date

9. (1) This Regulation comes into force on 3 March 2025.

(2) In Saskatchewan, despite paragraph (1), if this Regulation is filed with the Registrar of Regulations after 3 March 2025, this Regulation come into force on the day on which it is filed with the Registrar of Regulations.

107247

M.O., 2025-02

Order number V-1.1-2025-02 of the Minister of Finance dated 16 January 2025

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure

WHEREAS paragraphs 1, 3, 6, 6.1, 6.2, 8 and 14 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 81-101 respecting Mutual Fund Prospectus Disclosure was made by the decision no. 2001-C-0283 dated 12 June 2001 (Bulletin de la Commission des valeurs mobilières du Québec, vol. 32, no. 26 of 29 June 2001);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure was published for consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 19, no. 3 of 27 January 2022;

WHEREAS the *Autorité des marchés financiers* made, on 7 January 2025, by the decision no. 2025-PDG-0002, Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 81-101 respecting Mutual Fund Prospectus Disclosure appended hereto.

January 16, 2025

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 81-101 RESPECTING MUTUAL FUND PROSPECTUS DISCLOSURE

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (3), (6), (6.1), (6.2), (8) and (14))

1. Section 2.1 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure (chapter V-1.1, r. 38) is amended:

(1) by adding, after subparagraph (e) of paragraph (1), the following:

"(f) that files a fund facts document without a simplified prospectus must file the fund facts document, for each class or series of securities of the mutual fund, prepared in accordance with Form 81-101F3.";

(2) by striking out paragraph (2).

2. Section 2.3 of the Regulation is amended by inserting, after paragraph (5.1), the following:

"(5.2) A mutual fund that files a fund facts document without a preliminary, pro forma or simplified prospectus must

(a) file, with that fund facts document, the following documents if there has been a material change to the mutual fund and if that material change relates to information disclosed in the most recently filed fund facts document:

(i) an amendment to the corresponding simplified prospectus, certified in accordance with Part 5.1;

(ii) a copy of any material contract, and any amendment to a material contract, that have not previously been filed, and

(b) at the time that fund facts document is filed, deliver or send to the securities regulatory authority

(i) a copy of the fund facts document for each class or series of securities of the mutual fund, blacklined to show changes, including the text of deletions, from the most recently filed fund facts document, and

(ii) if there has been a material change to the mutual fund and if that material change related to information disclosed in the most recently filed fund facts document, the following documents:

(A) if an amendment to the simplified prospectus is filed, a copy of the simplified prospectus blacklined to show changes, including the text of deletions, from the most recently filed simplified prospectus, and

(B) details of any changes to the personal information required to be delivered under subparagraph (1)(b)(ii), (2)(b)(iv) or (3)(b)(iii), in the form of the Personal Information Form and Authorization, since the delivery of that information in connection with the filing of the simplified prospectus of the mutual fund or another mutual fund managed by the manager.".

3. Section 2.5 of the Regulation is replaced with the following:

"**2.5. Lapse Date**

(1) In this section, "lapse date" means, with reference to the distribution of a security that has been qualified under a simplified prospectus, the date that is 24 months after the date of the previous simplified prospectus relating to the security.

(2) A mutual fund must not continue the distribution of a security to which the prospectus requirement applies after the lapse date unless the mutual fund files a new simplified prospectus that complies with securities legislation and a receipt for that new simplified prospectus is issued by the regulator or, in Québec, the securities regulatory authority.

(3) Despite subsection (2), a distribution may be continued for a further 24 months after a lapse date if

(a) the mutual fund files a fund facts document for each class or series of securities of the mutual fund no earlier than 13 months and no later than 11 months before the lapse date of the previous simplified prospectus,

(b) the mutual fund delivers a pro forma simplified prospectus not less than 30 days before the lapse date of the previous simplified prospectus,

(c) the mutual fund files a new simplified prospectus not later than 10 days after the lapse date of the previous simplified prospectus, and

(d) a receipt for the new simplified prospectus is issued by the regulator or, in Québec, the securities regulatory authority within 20 days after the lapse date of the previous simplified prospectus.

(4) For greater certainty, the continued distribution of securities after the lapse date does not contravene subsection (2) unless any of the conditions of subsection (3) are not complied with.

(5) Subject to any applicable extension granted under subsection (6), if a condition in subsection (3) is not complied with, a purchaser may cancel a purchase made in a distribution after the lapse date, in reliance on subsection (3), within 90 days after the purchaser first became aware of the failure to comply with the condition.

(6) The regulator or, in Québec, the securities regulatory authority may, on an application of a mutual fund, extend, subject to such terms and conditions as it may impose, the times provided by subsection (3) where in its opinion it would not be prejudicial to the public interest to do so.".

4. The Regulation is amended by inserting, after section 2.5, the following:

"**2.5.1. Lapse Date – Ontario**

In Ontario, the lapse date prescribed by securities legislation for a simplified prospectus for a mutual fund is extended to the date that is 24 months after the date of the previous simplified prospectus relating to the mutual fund in accordance with section 2.5.".

5. Form 81-101F1 of the Regulation is amended:

(1) in item 4.16 of Part A:

(a) by replacing "during the most recently completed financial year", in paragraphs (2), by "during each of the two most recently completed financial years";

(b) by replacing "during the most recently completed financial year", in paragraphs (3), by "during each of the two most recently completed financial years";

(2) in Part B:

(a) by replacing all occurrences of "12-month", in paragraph (7) of item 5 and in paragraph (8) of item 9, by "24-month";

(b) by replacing "in the last year", in paragraph (7) of item 6, by "in each of the last two years".

6. Form 81-101F3 of the Regulation is amended by adding, at the end of the Instruction of item 1 of Part I, the following:

"*The date for a fund facts document filed in accordance with subparagraph 2.3(5.2)(b)(i) of the Regulation must be the date within three business days of filing. The date for a fund facts document filed in accordance with subparagraph 2.3(5.2)(b)(ii) of the Regulation must be the date of the certificate contained in the related amended simplified prospectus*.".

Transition

7. (1) Except in Ontario, if a mutual fund has filed a simplified prospectus and a receipt for that simplified prospectus was issued before 3 March 2025,

(a) section 2.5 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure, as enacted by this Regulation, does not apply, and

(b) for greater certainty, section 2.5 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure, as it was in force on 2 March 2025, applies.

(2) In Ontario, if a mutual fund has filed a simplified prospectus and a receipt for that simplified prospectus was issued before 3 March 2025,

(a) sections 2.5 and 2.5.1 of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure, as enacted by this Regulation, do not apply, and

(b) for greater certainty, the lapse date prescribed by securities legislation in Ontario for a simplified prospectus for a mutual fund, as that legislation was in force on 2 March 2025, applies.

Effective Date

8. (1) This Regulation comes into force on 3 March 2025.

(2) In Saskatchewan, despite paragraph (1), if this Regulation is filed with the Registrar of Regulations after 3 March 2025, this Regulation come into force on the day on which it is filed with the Registrar of Regulations.

107246

M.O., 2025-04

Order number V-1.1-2025-04 of the Minister of Finance dated 16 January 2025

Securities Act
(chapter V-1.1)

CONCERNING the Regulation to amend Regulation 81-106 respecting Investment Fund Continuous Disclosure

WHEREAS paragraphs 1, 6 and 14 of section 331.1 of the Securities Act (chapter V-1.1) provide that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act provide that a draft regulation shall be published in the *Bulletin de l'Autorité des marchés financiers*, accompanied with the notice required under section 10 of the Regulations Act (chapter R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section provide that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date specified in the regulation;

WHEREAS the Regulation 81-106 respecting Investment Fund Continuous Disclosure was approved by ministerial order no. 2005-05 dated 19 May 2005 (2005, G.O. 2, 1601);

WHEREAS there is cause to amend this Regulation;

WHEREAS the draft regulation to amend Regulation 81-106 respecting Investment Fund Continuous Disclosure was published for consultation in the *Bulletin de l'Autorité des marchés financiers*, vol. 19, no. 3 of 27 January 2022;

WHEREAS the *Autorité des marchés financiers* made, on 7 January 2025, by the decision no. 2025-PDG-0001, Regulation to amend Regulation 81-106 respecting Investment Fund Continuous Disclosure;

WHEREAS there is cause to approve this Regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment the Regulation to amend Regulation 81-106 respecting Investment Fund Continuous Disclosure appended hereto.

January 16, 2025

ERIC GIRARD
Minister of Finance

REGULATION TO AMEND REGULATION 81-106 RESPECTING INVESTMENT FUND CONTINUOUS DISCLOSURE

Securities Act
(chapter V-1.1, s. 331.1, par. (1), (6) and (14))

1. Section 9.2 of Regulation 81-106 respecting Investment Fund Continuous Disclosure (chapter V-1.1, r. 42) is replaced with the following:

"**9.2. Requirement to File Annual Information Form**

(1) An investment fund must file an annual information form if the investment fund has not obtained a receipt for a prospectus during the last 12 months preceding its financial year end.

(2) Subsection (1) does not apply to an investment fund in continuous distribution that, during the 12 months preceding its financial year end, filed

(a) an ETF facts document under section 3D.1 of Regulation 41-101 respecting General Prospectus Requirements (chapter V-1.1, r. 14), or

(b) a fund facts document under subsection 2.3(5.2) of Regulation 81-101 respecting Mutual Fund Prospectus Disclosure (chapter V-1.1, r. 38).".

2. (1) This Regulation comes into force on 3 March 2025.

(2) In Saskatchewan, despite paragraph (1), if this Regulation is filed with the Registrar of Regulations after 3 March 2025, this Regulation come into force on the day on which it is filed with the Registrar of Regulations.

107248

Draft Regulation

Act respecting labour standards
(chapter N-1.1)

Labour standards
— 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 labour standards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases, as of 1 May 2025, the general rate of the minimum wage to $16.10 per hour and the rate of the minimum wage payable to an employee who receives gratuities or tips to $12.90 per hour. It also increases, as of the same date, the minimum wage payable to raspberry and strawberry pickers.

The regulatory impact analysis shows that the proposed minimum wage increases respect businesses' ability to pay and increase the purchasing power of minimum-wage earners, while preserving the balance between improving the remuneration of low-income earners and the competitiveness of Quebec enterprises.

Further information on the draft Regulation may be obtained by contacting Vincent Huot, labour policy adviser, Direction des politiques du travail, Ministère du Travail, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 418 528-9135, extension 81068, or 1 833-705-0399, extension 81068 (toll free); email: vincent.huot@travail.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1; email: ministre@travail.gouv.qc.ca.

JEAN BOULET
Minister of Labour

Regulation to amend the Regulation respecting labour standards

Act respecting labour standards
(chapter N-1.1, s. 40, 1st par., s. 89, par. 1, and s. 91, 1st par.).

1. The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing "$15.75" by "$16.10".

2. Section 4 is amended by replacing "$12.60" by "$12.90".

3. Section 4.1 is amended in the first paragraph

(1) by replacing "$4.68" in subparagraph 1 by "$4.78";

(2) by replacing "$1.25" in subparagraph 2 by "$1.28".

4. This Regulation comes into force on 1 May 2025.

107249

Draft Regulation

Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1)

Training of elected officers

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the training of elected municipal officers, appearing below, may be made by the Minister of Municipal Affairs, with or without amendment, on the expiry of 45 days following this publication.

The purpose of this draft Regulation, in accordance with section 8 of the Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1), is to prescribe the training that members of municipal councils must undergo and prescribe any condition and procedure concerning participation in such training.

Further information on the draft Regulation may be obtained by contacting Chantal Dinel, 10, rue Pierre-Olivier-Chauveau, Aile Chauveau, 3e étage, Québec (Québec), G1R 4J3; telephone: 418 691-2015, extension 83823; email: chantal.dinel@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Chantal Dinel at the above contact information.

ANDRÉE LAFOREST
Minister of Municipal Affairs

Regulation respecting the training of elected municipal officers

Act respecting the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire (chapter M-22.1, s. 8).

1. Every member of a council of a municipality must, within nine months after the beginning of the member's term, participate in eligible training, the compulsory content and minimum duration of which are provided for in Schedule I.

2. Every member of a council of a municipality who has already fulfilled the training requirement provided for in section 1 must, within nine months after the beginning of any subsequent term, participate in eligible training, the compulsory content and minimum duration of which are provided for in Schedule II.

Within that period, the member must also participate in eligible training of the member's choice, of a minimum duration of 60 minutes, on a subject relevant to the exercise of the function of elected municipal officer.

3. Training is eligible within the meaning of sections 1 and 2 where the training instructor is recognized by the Minister and the content of the training is approved by the Minister.

The Minister recognizes training instructors on the basis of their experience and competence. The Minister approves the content of the training on the basis of its quality and adequacy.

The first and second paragraphs do not apply as regards training referred to in the second paragraph of section 2. Such training is eligible, as regards a member of a municipal council, where the council of which he or she is a member so decides after evaluating the criteria provided for in the second paragraph and the relevance of the training to the exercise of the function of elected municipal officer.

4. The Minister may require that the content of any training the Minister approved be modified or updated, by notifying the training instructor and granting the training instructor reasonable time. The Minister may withdraw the approval if the training instructor does not respond to the Minister's request within the time granted.

The Minister may, where the Minister considers it justified, revoke the recognition granted to a training instructor.

5. Registration fees for eligible training are to be paid by the municipality, as well as the costs incurred for participating in training.

6. A training instructor must issue a training certificate to a member of a council of a municipality who has participated in eligible training.

7. The training requirement provided for in section 1 applies as of the 2025 municipal general election.

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

SCHEDULE I
(Section 1)

The training must concern the following subjects and have a duration of at least 7 hours and 30 minutes, apportioned as follows:

(*a*) Functioning of the local and regional municipality and the municipal council, including the following subtopics (90 minutes):

- Internal management by-laws;
- Prior transmission of documents useful in making decisions;
- The making of decisions;
- The regulatory process;
- Public notices;
- The question period;
- Special sittings;
- Intermunicipal agreements.

(*b*) Relations between the political and administrative actors in the municipality, including the following subtopics (120 minutes):

- Roles and responsibilities of elected officers and political interference in the municipal administration;
- Roles and responsibilities of the principal officers and employees;
- Hiring of officers and employees;
- Powers of the mayor and the warden as regards monitoring, investigation and control;
- Remuneration;
- Conflict prevention and management;
- Role of the Commission municipale du Québec;
- Role of the Ministère des Affaires municipales, des Régions et de l'Occupation du territoire and the Minister of Municipal Affairs, Regions and Land Occupancy.

(*c*) Municipal budget management, finances and taxation, including the following subtopics (120 minutes):

- Budget;
- Triennial program of capital expenditures;
- Authorization of an expenditure;
- Financing of an expenditure;
- Awarding and management of contracts;

- Financial report;
- Sources of revenue of the municipality;
- The assessment roll.

(*d*) Land use planning and development, including the following subtopics (120 minutes):

- Functioning of the land use planning regime in Québec, and government policy directions concerning land use development;
- Land use and development plan and planning program;
- Planning by-laws;
- Role of the advisory planning committee;
- Role of the demolition committee;
- Public consultation and approval by way of referendum.

SCHEDULE II
(Section 2)

The training must concern the following subjects and have a duration of at least two hours, apportioned as follows:

(*a*) Relations between the political and administrative authorities in the municipality, including the following underlying subjects (60 minutes):

- Political interference in the municipal administration;
- Powers of the mayor and the warden as regards monitoring, investigation and control;
- Conflict prevention and management.

(*b*) Overview of new developments relevant to the function of elected municipal officer with regard to legislation, regulations and jurisprudence (60 minutes).

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M.O., 2025

Order 2024-028 of the Minister of Health dated 12 December 2024

Act respecting the governance of the health and social services system
(chapter G-1.021)

Regulation respecting certain conditions of employment of certain executive officers and other employees of Santé Québec

Gazette officielle du Québec, Part 2, January 29, 2025, Volume 157, No. 5, page 515.

On page 515, the title of the Ministerial Order should read:

"**M.O.,** 2024

Order 2024-028 of the Minister of Health dated 12 December 2024".

instead of:

"**M.O.,** 2025

Order 2024-028 of the Minister of Health dated 12 December 2024".

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M.O., 2024

Order 2025-0001 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 8 January 2025

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Regulation respecting an outfitter's licence

Gazette officielle du Québec, Part 2, January 29, 2025, Volume 157, No. 5, page 519.

On page 519, the title of the Ministerial Order should read:

"**M.O.,** 2025

Order 2025-0001 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 8 January 2025".

instead of:

"**M.O.,** 2024

Order 2025-0001 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 8 January 2025".

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