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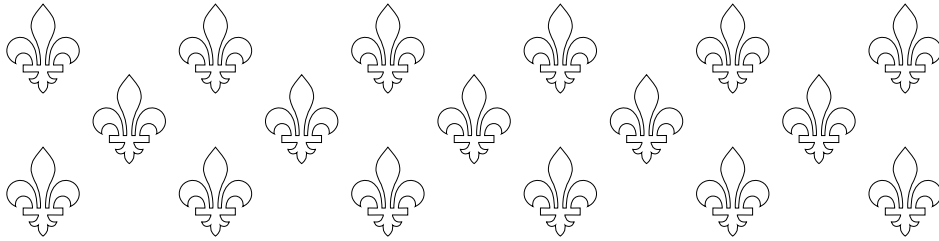
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 12
(2007, chapter 25)

An Act to amend the Professional Code and the Pharmacy Act

Introduced 15 June 2007
Passed in principle 6 November 2007
Passed 28 November 2007
Assented to 4 December 2007

Québec Official Publisher
2007

EXPLANATORY NOTES

This bill amends the Professional Code to set the minimum and maximum disciplinary fines at \$1,000 and \$12,500 and to double these amounts in the case of a subsequent offence. It also sets at \$1,500 and \$20,000 the minimum and maximum penal fines imposable on natural persons, and at \$3,000 and \$40,000 the minimum and maximum penal fines imposable on legal persons. Penal fines are also doubled in the case of a subsequent offence.

The bill provides that a person who knowingly helps or leads a member of a professional order to contravene the order's code of ethics is guilty of an offence.

The bill amends the Pharmacy Act to extend the regulatory powers of the Ordre des pharmaciens regarding certain contracts entered into by pharmacists in or for the practice of their profession. It also introduces rules applicable to the relocation of a pharmacy, and gives more flexibility to the rules relating to the control and supervision of pharmaceutical services provided in a pharmacy.

Finally, the bill establishes a transition period concerning certain rents accorded to physicians under agreements entered into prior to the coming into force of the Act.

LEGISLATION AMENDED BY THIS BILL:

- Professional Code (R.S.Q., chapter C-26);
- Pharmacy Act (R.S.Q., chapter P-10).

Bill 12

AN ACT TO AMEND THE PROFESSIONAL CODE AND THE PHARMACY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PROFESSIONAL CODE

1. Section 156 of the Professional Code (R.S.Q., chapter C-26) is amended

(1) by replacing “of not less than \$600 nor more than \$6,000” in subparagraph *c* of the first paragraph by “of not less than \$1,000 nor more than \$12,500”;

(2) by adding the following sentence at the end of the third paragraph: “In the case of a subsequent offence, the minimum and maximum fines prescribed in that subparagraph are doubled.”

2. Section 188 of the Code is amended

(1) by replacing “of not less than \$600 nor more than \$6,000” by “of not less than \$1,500 nor more than \$20,000 or, in the case of a legal person, of not less than \$3,000 nor more than \$40,000”;

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

“In the case of a subsequent offence, the minimum and maximum fines are doubled.”

3. The Code is amended by inserting the following section after section 188.2:

“188.2.1. Every person who knowingly helps or, by encouragement, advice or consent, or by an authorization or order, but otherwise than by soliciting or receiving professional services from a member of an order, leads a member of a professional order to contravene a provision of the code of ethics adopted under section 87 is guilty of an offence and is liable, for each day the code of ethics is contravened, to the fine prescribed in section 188.”

4. Section 188.3 of the Code is amended by replacing “188.1.2 or 188.2” by “188.1.2, 188.2 or 188.2.1”.

5. Section 189.1 of the Code is amended by adding “or 188.2.1” at the end.

6. Section 191 of the Code is amended

(1) by inserting “, 188.2.1” after “188.2” in the first paragraph;

(2) by replacing “officers, agents” in the first paragraph by “directors, officers, representatives, attorneys”.

PHARMACY ACT

7. Section 12 of the Pharmacy Act (R.S.Q., chapter P-10) is amended by replacing subparagraph *d* of the first paragraph by the following subparagraph:

“(d) determine standards for certain contracts that pharmacists may enter into in or for the practice of their profession, the cases in which a contract must be sent to the secretary of the Order, including at the secretary’s request, and the terms governing their sending, including the filing of a report or accompanying information.”

8. Section 31 of the Act is amended by replacing “unless every pharmaceutical service rendered therein is under the control and continuous supervision of a pharmacist” by “unless every pharmaceutical service provided in the establishment is rendered under the control and continuous supervision of a pharmacist or in accordance with the provisions of a regulation made under paragraph *h* of section 94 of the Professional Code”.

9. Section 32 of the Act is amended

(1) by replacing “or permanently closes” in the first sentence of subsection 1 by “, permanently closes or relocates” and “or closing” in that sentence by “, closing or relocation”;

(2) by inserting the following sentence after the first sentence of subsection 1: “In the case of a relocation, the person must also state where the pharmacy will be situated.”;

(3) by replacing paragraphs *a* and *b* of subsection 1 by the following paragraphs:

“(a) in the case of the opening, closing or relocation of a pharmacy, at least 30 days but not later than 90 days before the opening, closing or relocation;

“(b) in the case of the acquisition or sale of a pharmacy, not later than the date of possession.”;

(4) by inserting “or company” after “partnership” in the first line of subsection 2, “or shareholder” after “partner” in the second line of that subsection and “or shareholders” after “partners” in the fourth line of that subsection.

FINAL PROVISIONS

10. No penal proceeding based on section 188.2.1 of the Professional Code, enacted by this Act, nor any complaint lodged under section 128 of that Code, may be instituted or brought if all of the following conditions are met:

(1) the alleged contravention is a contravention of paragraph 3 of section 73 of the Code of Ethics of Physicians as it reads on (*insert the date of coming into force of this section*) with regard to a benefit defined in section 73.1 of that Code;

(2) the agreement under which the benefit is granted was entered into before (*insert the date of coming into force of this section*) and was not modified or renewed, with the same benefit, after that date.

11. This Act comes into force on 4 December 2007 except sections 3 to 6 and 10, which come into force on the date to be set by the Government but no later than 1 March 2008. However, section 10 ceases to have effect on 4 December 2008.

Regulations and other acts

M.O., 2007

Order number AM 2007-034 of the Minister of Natural Resources and Wildlife dated 14 December 2007

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the replacement of Schedule 55 to Order in Council 573-87 dated 8 April, 1987 concerning the designation and delimitation of land in the domain of the State

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that, by Order in Council 573-87 dated 8 April, 1987, as amended by Orders in Council 497-91 dated 10 April, 1991, 534-93 dated 7 April, 1993, 904-95 dated 28 June, 1995, 25-96 dated 10 January, 1996, 952-97 dated 30 July, 1997, 1439-97 dated 5 November, 1997, 98-98 dated 28 January, 1998, 245-98 dated 4 March, 1998 and 739-98 dated 3 June, 1998, the Government designated and delimited the areas on land in the domain of the State described in Schedules 1 to 201 to that Order in Council in view to increasing utilization of wildlife resources;

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may delimit areas on lands in the domain of the State in view of increased utilization of wildlife resources and the carrying on of recreational activities incidental there to;

CONSIDERING that it is expedient to replace schedule 55 of Order in Council 573-87 dated 8 April, 1987;

ORDER THAT:

Schedule 55, attached hereto be substituted for Schedule 55 to Order in Council 573-87 dated 8 April, 1987;

This Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 14 December 2007

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

M.O., 2007**Order number AM 2007-035 of the Minister of Natural Resources and Wildlife dated 14 December 2007**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Mastigouche Wildlife Sanctuary

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING that the Mastigouche Wildlife Sanctuary was established in accordance with section 81.2 of the Wildlife Conservation Act (R.S.Q., c. C-61), by the Regulation respecting the Mastigouche Wildlife Sanctuary (R.R.Q., 1981, c. C-61, r.66), modified by Orders 852-84 dated April 4, 1984, 1306-84 dated June 6, 1984, 1314-85 dated June 26, 1985, 581-92 dated April 15, 1992 and 859-99 dated July 28, 1999 and replaced by Order number 2003-022 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated October 3, 2003;

CONSIDERING that the Wildlife Conservation Act has been replaced by the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

CONSIDERING that under section 111 of the Act respecting the conservation and development of wildlife, the Minister may establish wildlife sanctuaries on land in the domain of the State and dedicate them to the conservation, development and utilization of wildlife and accessorially to the carrying on of recreational activities;

CONSIDERING that it is expedient to alter the territory of the Mastigouche Wildlife Sanctuary;

CONSIDERING that it is expedient to replace the Order number 2003-19 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated October 3, 2003;

ORDER THAT:

The territory, whose boundaries are shown on the map appended to the present order, be established as a Wildlife Sanctuary designated by the name of “Mastigouche Wildlife Sanctuary”;

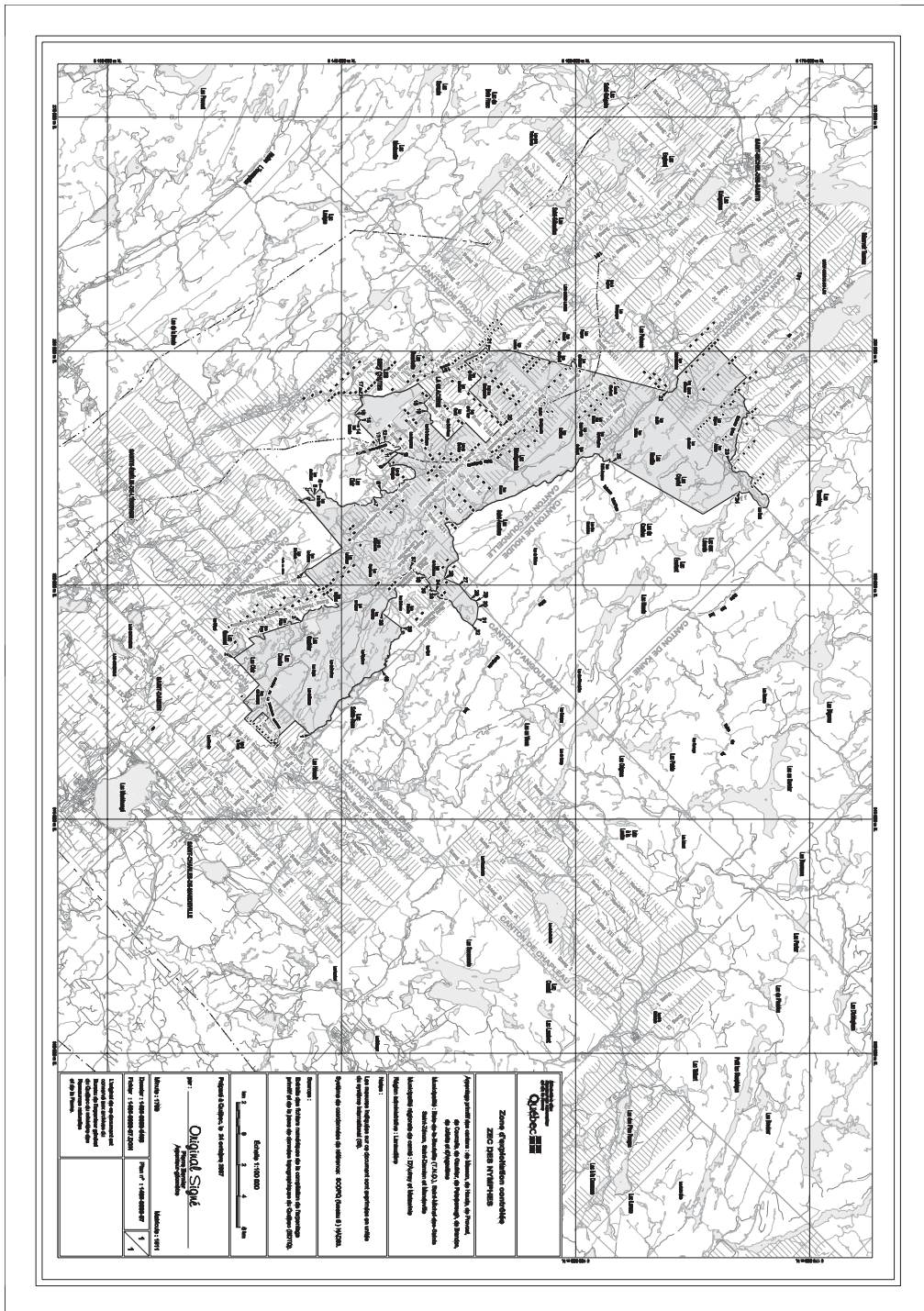
This Order replaces the Order number 2003-022 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated October 3, 2003;

This Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 14 December 2007

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

SCHEDULE



M.O., 2007**Order number AM 2007-036 of the Minister of Natural Resources, and Wildlife dated 14 December 2007**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Des Nymphes Controlled Zone

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE,

CONSIDERING the establishment of the Des Nymphes Controlled Zone in accordance with section 81.2 of the Wildlife Conservation Act (R.S.Q., c. C-61) made by the Regulation respecting the Des Nymphes Controlled Zone (R.R.Q., 1981, c. C-61, r.107), amended by Order in Council number 952-83 dated May 11, 1983 and replaced by Order number 2003-19 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated October 3, 2003;

CONSIDERING that the Wildlife Conservation Act has been replaced by the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1);

CONSIDERING that under section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), the Minister may establish controlled zones on land in the domain of the State for the development, harvesting and conservation of wildlife or a species of wildlife and accessorially for the practice of recreational activities;

CONSIDERING that it is expedient to alter the territory of the Des Nymphes Controlled Zone;

CONSIDERING that it is expedient to replace Order number 2003-19 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated October 3, 2003;

ORDER THAT:

The territory, whose boundaries are shown on the map appended to the present order, be established as a controlled hunting and fishing zone designated by the name of "Des Nymphes Controlled Zone";

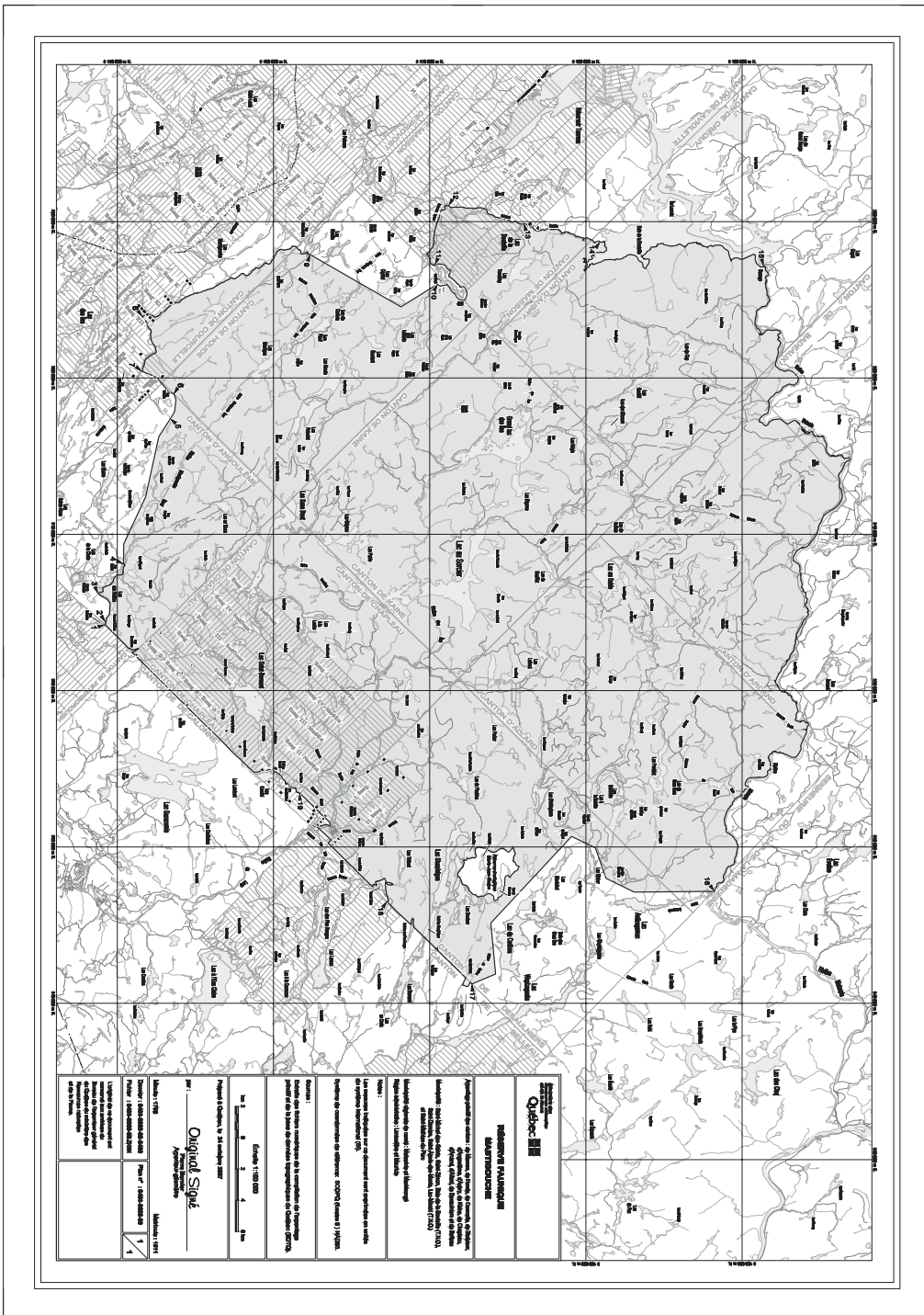
This Order replaces respecting the conservation and development of wildlife Order number 2003-19 of the Minister of Natural Resources, Wildlife and Parks and the Minister for Forests, Wildlife and Parks dated October 3, 2003;

This Order comes into force on the date of its publication in the *Gazette officielle du Québec*.

Québec, 14 December 2007

CLAUDE BÉCHARD,
*Minister of Natural Resources
and Wildlife*

SCHEDULE



Extract from the rules for the conduct of proceedings in the National Assembly

CHAPTER III RULES FOR THE CONDUCT OF PROCEEDINGS RESPECTING PRIVATE BILLS

32. Objects — A bill relating to private or local matters must be introduced by a Member of the Assembly.

33. Deposit with law clerk — A Member who sponsors a bill relating to private or local matters shall deposit such bill with the law clerk.

The said Member shall not be answerable for the contents of the bill, nor shall he be required to endorse anything that may be provided therein. (See S.O. 264 and 265)

34. Documents to be provided — Such bill shall be accompanied by a notice stating the name of the Member who is to introduce it and by a copy of every document mentioned therein and of every other document that may be pertinent thereto.

Any bill relating to a municipal corporation governed by the Cities and Towns Act, the Municipal Code, or a special charter shall likewise be accompanied by a certified true copy of the resolution authorizing its introduction. (See S.O. 265)

35. Introduction and passage during same sessional period — No bill deposited with the law clerk between the second Tuesday in March and the twenty-third day of June or between the second Tuesday in September and the twenty-first day of December may be passed within that same period. (See S.O. 265)

36. Notice in *Gazette officielle du Québec* — The applicant for a private bill shall cause to be published in the *Gazette officielle du Québec*, over his signature, a notice entitled “Avis de présentation d’un projet de loi d’intérêt privé.”

Such notice shall specify the objects of the bill and state that any party whose interest may be affected by it and who wishes to make submissions with respect thereto must so advise the law clerk. (See S.O. 265)

37. Notices in newspaper — The said notice shall likewise be published in a newspaper circulating in the judicial district wherein the applicant is domiciled; and if there be no newspaper circulating in that district, it shall be published in a newspaper circulating in the nearest district thereto.

Such notice shall be published once in each week for four weeks.

A copy of this notice shall accompany the bill upon its deposit with the law clerk. (See S.O. 265)

38. Reports from the law clerk — The law clerk shall submit to the President of the Assembly a report stating whether such notice has been drafted and published in accordance with these rules.

The President shall forward a copy of this report to the Government House leader and to the Member sponsoring the bill. (See S.O. 265)

39. Private bills register — The law clerk shall keep a register in which he shall enter the name, the occupation, and the place of residence of the applicant for a private bill and those of every party who has advised him that his interest is affected by such bill and that he wishes to make submissions with respect thereto.

The law clerk shall provide to the Government House leader and to the Member who is to introduce such bill a list of the parties who have advised him of their wish to make submissions with respect thereto. (See S.O. 265)

40. Notices to interested parties — The director of the Secrétariat des commissions shall convene the interested parties not less than seven days before such bill is to be considered in committee. (See S.O. 267)

41. Annual publication of rules — The law clerk shall publish in the *Gazette officielle du Québec*, in January of each year, the rules pertaining to private bills, together with Title III, Chapter IV, of the Standing Orders of the National Assembly.

Extract from the standing orders of the National Assembly

TITLE III

CHAPTER IV PRIVATE BILLS

264. Notice and introduction — Any Member may, at the request of an interested person or body of persons, introduce a bill relating to private or local matters.

He shall give notice of his intent not later than the sitting day preceding that on which such bill is to be introduced and shall provide a copy thereof to the President before the sitting at which it is to be introduced. (See R.C.P. 33)

265. Report from law clerk — Before such bill is introduced the President shall communicate to the Assembly the contents of the report from the law clerk thereon. (See R.C.P. 33 to 39)

266. Preamble — A private bill shall require no explanatory notes; but every such bill shall contain a preamble setting out the facts on which it is founded and the circumstances giving rise to the necessity for it.

267. Referral to committee — When a private bill has been introduced the Government House leader shall move, without notice, that it be referred to a committee; and such motion shall be decided without debate.

The committee shall hear the interested parties, examine the bill clause by clause, and report thereon to the Assembly. The question for concurrence in such report shall be put forthwith and decided without debate. (See R.C.P. 40)

268. Motions for passage in principle and passage — The passage in principle of the bill shall be set down for a future sitting day. No motion may be made to divide such bill or to defer its passage in principle.

A private bill when passed in principle shall not again be referred to a standing committee but may be passed during the same sitting day, and Standing Order 257 shall apply: Provided that the bill may not then be passed if opposition to its passage is taken by five Members.

269. Debate — During the debates on the passage in principle and the final passage of a private bill, each Member may speak for up to ten minutes: Provided that the Member sponsoring the bill and the leaders of the parliamentary groups may each speak for up to thirty minutes.

270. Procedure — Except as otherwise provided in this chapter of these Standing Orders, the general rules pertaining to bills shall apply to private bills.

Draft Regulations

Draft Regulation

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

Greenhouse gas emissions from motor vehicles and fees for excess emissions

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the draft Regulation respecting greenhouse gas emissions from motor vehicles and fees for excess emissions, appearing below, may be made by the Government on the expiry of 60 days following this publication.

To improve protection for the environment with regard to the increase in the greenhouse effect, while helping to preserve fossil fuels and other non-renewable energy sources, this draft Regulation targets a reduction in greenhouse gas emissions from motor vehicles used for the transportation of persons and goods.

The draft Regulation sets maximum greenhouse gas emission standards for vehicle fleets of new motor vehicles for the 2010 to 2016 model years. However, motor vehicle manufacturers with sales of fewer than 12,000 new motor vehicles per year, and that are in no manner part-owned by a manufacturer with sales of over 12,000 new motor vehicles per year, will be required to comply with the maximum 2012 greenhouse gas emission standards only by the 2016 model year. The Regulation also provides for the payment of fees if emission standards are not met, to assist in the achievement of those standards and ensure that the conditions for the marketing of motor vehicles are more closely aligned with the “polluter pays” principle, and to internalize all the costs that greenhouse gas emissions may cause for society.

The maximum greenhouse gas emission standards established by the draft Regulation are directly based on the standards adopted by the State of California and concern all fleets of new motor vehicles initially sold, leased or otherwise placed in service in Québec.

A study of the economic impact of the draft Regulation has not shown that it will have any major negative impact on the economy or the motor vehicle industry in Québec. The technological changes made to new vehicles will, in fact, help consumers reduce the cost of operating a motor vehicle thanks to reduced fuel consumption.

The impact of the draft Regulation on enterprises will be minimal in Québec, given the physical and technological integration of the motor vehicle market in Canada and the United States, and the fact that sales of new motor vehicles in the provinces and states that plan to adopt the California standards represent almost 40% of all motor vehicle sales in North America.

Additional information may be obtained from Marcel Gaucher, Direction des politiques de l’air, Ministère du Développement durable, de l’Environnement et des Parcs; telephone: 418 521-3828, extension 4358; fax: 418 646-4920.

Any person wishing to comment on the draft Regulation is requested to submit comments in writing to Charles Larochelle, Director, Direction des politiques de l’air, Ministère du Développement durable, de l’Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6^e étage, boîte 30, Québec (Québec) G1R 5V7, within the 60-day period.

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

Regulation respecting greenhouse gas emissions from motor vehicles and fees for excess emissions

Environment Quality Act
(R.S.Q., c. Q-2, ss. 31, 1st par., subpars. a, c, d, e, e.1, h and l, 109.1 and 124.1)

CHAPTER I OBJECT, SCOPE AND DEFINITIONS

1. This Regulation seeks to achieve the objective of reducing emissions of manmade greenhouse gases likely to cause climate change and threaten environment quality, and promotes a more rational use of non-renewable natural resources.

To that end, the Regulation specifies the maximum greenhouse gas emission standards that must be met, starting in 2010, by various categories of motor vehicles and, to assist in the achievement of the desired result, establishes a system of fees for emissions in excess of the maximum standards. The Regulation also recognizes

the possibility, for certain persons, of earning credits and trading them to achieve the target reduction.

To ensure as much flexibility as possible in the achievement of the desired result, and to make the required reductions progressive, this Regulation sets maximum emission standards for broad categories of motor vehicles covering a range of models, and bases the calculation of fees on the effort made to reduce the emissions of a vehicle fleet as a whole.

2. This Regulation applies to motor vehicles within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2) that

(1) are fuelled wholly or partly by gasoline or diesel fuel or, in the case of hybrid vehicles, partly by gasoline or diesel fuel and partly by electricity;

(2) belong to the 2009 model year or a later model year;

(3) are initially sold, leased or otherwise placed in service in Québec; and

(4) are intended for the transportation of up to 12 persons and have a gross vehicle weight not exceeding 4,535 kg, or for the transportation of goods and have a gross vehicle weight not exceeding 3,855 kg.

Mopeds, motorcycles, emergency vehicles, tool vehicles and off-highway vehicles within the meaning of section 4 of the Highway Safety Code are excluded.

3. The following definitions apply for the purposes of this Regulation:

“CO₂ equivalent” means a metric measurement used to compare emissions of various greenhouse gases based on their global warming potential (GWP). The CO₂ equivalent of a gas is calculated by multiplying the number of grams of the gas by its GWP; (*équivalent CO₂*)

“curb weight” means, for a new vehicle, the combined weight of the chassis with cab in running order and the bodywork, including tools, spare wheel, and fully-filled coolant, oil and fuel tanks; (*poids à vide*)

“global warming potential” (GWP) means a unit used to measure the effect of a greenhouse gas on global warming compared to carbon dioxide (CO₂), over a given period of time. Defined by the Intergovernmental Panel on Climate Change (IPCC), the GWP of CO₂ over a period of 100 years is equal to 1, that of methane (CH₄) is equal to 21, and that of nitrous oxide (N₂O) is equal to 310; (*potentiel de réchauffement de la planète*)

“greenhouse gas” (GHG) means a gas, such as carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O), the emission of which contributes to the greenhouse effect, measured in grams of CO₂ equivalent; (*gaz à effet de serre*)

“gross vehicle weight” means the gross vehicle weight rating specified by a motor vehicle manufacturer for a vehicle, including accessories, equipment and loads; (*poids maximal brut*)

“large volume manufacturer” means a vehicle manufacturer that, for the 2006 model year, placed at least 12,000 vehicles from its vehicle fleet in service in Québec or that, after the 2006 model year, places at least 12,000 vehicles from its vehicle fleet in service in Québec in each of three consecutive years, as well as any other manufacturer acquired in whole or in part by a manufacturer that has placed at least 12,000 vehicles from its vehicle fleet in service in Québec; (*grand constructeur*)

“loaded vehicle weight” means the curb weight plus 136 kg; (*poids avec charge*)

“other manufacturer” means a vehicle manufacturer that, for the 2006 model year, placed fewer than 12,000 vehicles from its vehicle fleet in service in Québec or that, after the 2006 model year, places fewer than 12,000 vehicles from its vehicle fleet in service in Québec in each of three consecutive years; (*autre constructeur*)

“vehicle fleet” means all the motor vehicles, of whatever make, placed in service in Québec by a vehicle manufacturer. (*parc automobile*)

For the purposes of this Regulation, “person” includes a municipality within the meaning of section 1 of the Environment Quality Act (R.S.Q., c. Q-2).

4. This Regulation applies in a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

CHAPTER II GREENHOUSE GAS EMISSION STANDARDS

DIVISION I MAXIMUM EMISSION STANDARDS

5. For the purposes of this Regulation, motor vehicles are divided into two categories, based on their characteristics and gross vehicle weight:

(1) category 1, which comprises vehicles designed for the transportation of up to 12 persons and having a

gross vehicle weight not exceeding 3,855 kg, as well as vehicles designed for the transportation of goods and having a loaded vehicle weight not exceeding 1,705 kg;

(2) category 2, which comprises vehicles designed for the transportation of up to 12 persons and having a gross vehicle weight exceeding 3,855 kg but not exceeding 4,535 kg, as well as vehicles designed for the transportation of goods and having a loaded vehicle weight exceeding 1,705 kg but a gross vehicle weight not exceeding 3,855 kg.

Motor vehicles are also distinguished by the fact that their make is, or is not, the make of a large volume manufacturer.

6. The fleet average emission requirement for a large volume manufacturer, for each category and for a given model year, is shown in the following table. The maximum is expressed in grams of CO₂ equivalent per kilometre:

Model year	Maximum greenhouse gas emission standards “large volume manufacturer”	
	Category 1	Category 2
	Grams of CO ₂ equivalent/km	Grams of CO ₂ equivalent/km
2009	201	273
2010	187	261
2011	166	242
2012	145	224
2013	141	221
2014	138	217
2015	132	212
2016	127	206

7. The fleet average emission requirement for an other manufacturer, for each category and for the 2016 model year, is the maximum average emission shown for the 2012 model year in the table in section 6.

DIVISION II CALCULATION OF EMISSIONS

8. The greenhouse gas emission of a motor vehicle of a given model year is calculated by establishing the average fuel consumption of the vehicle in litres per kilometre (A) and by converting the result into emission grams (B) using the following formula:

(1) (A): the average fuel consumption is calculated by adding 55% of the vehicle’s city fuel consumption to 45% of its highway consumption, and by dividing the result by 100 to express the result in litres per kilometre.

The fuel consumption figures used are the fuel consumption figures per 100 kilometres given in the “Fuel Consumption Guide” published by Natural Resources Canada for the model year and type of motor vehicle concerned.

The Fuel Consumption Guide is published annually by Natural Resources Canada; it is also available on the website <http://oee.nrcan.gc.ca/transportation/personal-vehicles-initiative.cfm?attr=8>, and at the address <http://oee.nrcan.gc.ca/transportation/tools/fuelratings/fuel-consumption.cfm?attr=8>. In the event of a discrepancy between the printed version of the Guide and the data available on-line, in particular following an update of the data on the website, the website data prevails;

(2) (B): the quantity of greenhouse gas (GHG) emission of a motor vehicle is calculated by multiplying the vehicle’s average fuel consumption obtained in (A) by the CO₂-equivalent emission factor for a fuel.

The CO₂-equivalent emission factor is the sum obtained after multiplying the direct GHG emission factors for each of the three gases (CO₂, CH₄, N₂O) by their respective global warming potential (GWP).

The CO₂-equivalent emission factors to be used by the persons referred to in section 9 are as follows:

(1) for motor vehicles powered wholly or partly by gasoline:

(a) 2,412 g/l for vehicles in Category 1;

(b) 2,440 g/l for vehicles in Category 2;

(2) for motor vehicles powered wholly or partly by diesel:

(a) 2,799 g/l for motor vehicles in Category 1;

(b) 2,800 g/l for motor vehicles in Category 2.

CHAPTER III VEHICLES INITIALLY SOLD, LEASED OR OTHERWISE PLACED IN SERVICE IN QUÉBEC

DIVISION I EMISSIONS ASSESSMENT AND CALCULATION OF CREDITS AND FEES

§1. *Person responsible*

9. The responsibility for assessing compliance with the maximum emission standard prescribed by section 6 or section 7 falls to the vehicle manufacturer or to the person who is entitled to use, in Québec, the trademark, name or distinctive sign that identifies or is used to market the type of motor vehicle concerned.

If that person has no domicile or establishment in Québec, the person responsible is,

(1) where a point of retail sale or leasing of motor vehicles is supplied or operated under a franchise, chain, banner or other similar type of affiliation or grouping of businesses or business establishments, the person who offers the franchise or owns the chain, banner or group; if that latter person has no domicile or establishment in Québec, the person responsible is that person's representative in Québec; or

(2) if there is no such person, or if the vehicle is placed in service otherwise than in a manner covered by subparagraph 1, the retailer.

The person responsible is required to pay fees, is entitled to earn credits, and is required to file the annual report under Division II.

10. Compliance with the maximum emission standards in sections 6 and 7 must be assessed by the person responsible under section 9, separately for each category of motor vehicle.

Compliance is assessed by the person for the entire fleet of motor vehicles initially sold, leased or otherwise placed in service in the year in a given category, by adding all the emissions attributable to the motor vehicles per given model year, expressed in grams and calculated pursuant to section 8, and by dividing the result by the total number of vehicles of that model year in that category.

The resulting average emission value is expressed in grams per vehicle and compared to the applicable maximum standard. If the value is lower than the prescribed maximum standard, the person may be allocated a credit; if not, a fee is charged for the excess, according to the

timeframe and conditions set out in the following provisions.

§2. *Allocation of credits*

11. Credits allocated pursuant to section 10 are expressed in grams.

For each person responsible under section 9, the total of the credits for each category of motor vehicles is calculated by determining the difference between the average emission value calculated pursuant to section 10 and the applicable maximum standard under section 6 or 7, and by multiplying the result by the total number of vehicles taken into account in establishing the average emission value of the vehicles in the category.

12. Credits may be allocated to a person responsible under section 9 who, for the 2006, 2007 or 2008 model year, complies with the standards set for the 2012 model year for the motor vehicle category. The person must prove compliance to the Minister of Sustainable Development, Environment and Parks. The credits are considered as if they had been allocated in 2011 and retain their full value until 2012. They then lose 50% of their value in 2013 and 75% in 2014. In 2015, the credits expire.

Credits may be allocated to a person responsible under section 9 if the fleet average greenhouse gas emission for the 2009 model year is lower than the standard set for that year for the vehicle category.

Beginning with the 2009 model year, credits retain their full value for five years after the year in which they are allocated. They lose 50% of their value in the sixth year, and 75% in the seventh year. In the eighth year, the credits expire.

13. A person to whom credits have been allocated by the Minister may trade all or any of them, with or without charge, to another person responsible under section 9, if a written notice is sent to the Minister and to the beneficiary of the trade. The notice must specify the credits traded and their period of validity.

No positive balance or credit obtained by a person pursuant to this Regulation may be sold or traded otherwise than for the purposes of this Regulation.

§3. *Fees payable for excess emissions*

14. Beginning with the 2010 model year for large volume manufacturers and the 2016 model year for other manufacturers, a fee of \$5,000 per vehicle

equivalent is payable for any excess over the maximum emission standards.

15. For the purposes of section 14, the number of vehicle equivalents is calculated

(1) by multiplying the total number of motor vehicles in the category by the number of grams difference between the average emission calculated pursuant to section 10 and the applicable maximum emission standard; and

(2) by dividing the result of the calculation in subparagraph 1 by the maximum emission standard prescribed for the model year under section 6 or 7.

Any fraction gives rise to the payment of a proportional fee.

16. Fees for the vehicles of a given model year are paid annually, on 31 May of the year following the year in which the motor vehicles were sold, leased or otherwise placed in service. The payment must accompany the annual report to be filed pursuant to Division II.

Where applicable, an adjustment is made and an additional payment sent to the Minister at the time a supplementary report for a later year is filed in accordance with Division II.

Fees are paid to the Minister.

Fees not paid within the prescribed time bear interest, from the due date, at the rate determined as provided in section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

In addition to interest, a penalty of the 15% of the amount of unpaid fees is charged if the fees remain unpaid for over 60 days.

17. Every person required under this Chapter to pay fees may offset all or part of the debt for a given year by using the credits allocated to the person or to another person responsible under section 9 for either category.

DIVISION II

ANNUAL EMISSION REPORTS

18. The persons referred to in section 9 are required to file with the Minister, on or before 31 May each year, a report containing the following information and documents:

(1) the name and address of the person;

(2) the establishments where the motor vehicles covered by the report were sold, leased or otherwise placed in service in the context of the person's responsibility under section 9 or, in other cases, details or a statement of the person's capacity as a retailer;

(3) for each category of motor vehicle and for each model year of vehicles initially sold, leased or otherwise placed in service during the year covered by the report:

(a) the total number of vehicles concerned;

(b) for the vehicles concerned,

i. their curb weight,

ii. their gross vehicle weight, and

iii. their city and highway fuel consumption figures based on the latest calculation criteria used by Transport Canada;

(c) the makes, characteristics (vehicle class, engine size, transmission, number of speeds, fuel type, hybrid capacity) and the model years of the vehicles covered by the report, specifying the respective numbers for each type;

(d) the average emission value for the vehicles concerned, calculated using the Fuel Consumption Guide in accordance with sections 8 and 10;

(e) the total emission grams in excess of the maximum emission standard in section 6;

(f) the total, in grams, of emissions lower than the prescribed maximum emission standards for which the person requests a positive account and the allocation of a credit by the Minister;

(g) beginning in 2010 for the vehicles of large volume manufacturers and in 2017 for other manufacturers, the total amount of fees payable; and

(4) where applicable, if vehicles from a model year covered by a previous report have been sold, leased or otherwise placed in service since the previous 31 May:

(a) the same information as that required by subparagraph 3, for the previous model year, for the purposes of filing a revised report and supplementing the information previously provided; and

(b) the amount of additional fees paid, or a revision of the positive account and credits claimed.

If no fees are payable for a given year, the person is required to so advise the Minister within the same period and state the reason.

The person preparing the report must date and sign it and certify the accuracy of the information it contains.

The information required under subparagraphs 3 and 4 must be certified by an independent third party who is a member of a professional order. The certification must be submitted with the document to the Minister.

19. All supporting documents concerning the payment of fees and the annual records of the sales, leases or placing in service of vehicles of each category must be stored on paper or using an electronic medium by the person responsible under section 9, or by the establishments concerned, and must be kept in Québec and made available to the Minister for a period of at least five years after the date of the last entry.

CHAPTER IV OFFENCE, TRANSITIONAL AND FINAL PROVISIONS

20. Every person who contravenes the provisions of section 13, 16, 18 or 21 is liable,

(1) in the case of a natural person, to a fine of \$2,000 to \$25,000;

(2) in the case of a legal person, to a fine of \$5,000 to \$250,000.

The fines are doubled for a second or subsequent offence.

21. The persons referred to in section 9 are required to file with the Minister, on or before 31 May 2009, information concerning the number of motor vehicles for the 2006, 2007 and 2008 model years in their vehicle fleet that were initially sold, leased or otherwise placed in service in Québec in order to determine the class of manufacturer to which they belong.

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

Parliamentary Committees

Committee on Labour and the Economy

General consultation

Rapport du ministre du Travail sur la mise en œuvre de la Loi sur l'équité salariale

The Committee on Labour and the Economy has been instructed to hold public hearings beginning on 19 February 2008 in pursuance of a general consultation on the paper entitled “ Rapport du ministre du Travail sur la mise en œuvre de la Loi sur l'équité salariale”. This document can be obtained from the clerk or by visiting the Committee's web site at the following address: www.assnat.qc.ca

Individuals and organizations who wish to express their views on this matter must submit a brief to the Committees Secretariat not later than 31 January 2008. The Committee will select the individuals and organizations it wishes to hear from among those who have submitted a brief.

Every brief must be accompanied by a concise summary of its contents, and both documents must be submitted in 25 copies printed on letter-size paper. Those who wish to have their brief forwarded to the Press Gallery must provide an additional 20 copies. You may also add an electronic version of your brief by e-mailing it to the Clerk of the Committee. Please note that unless otherwise decided by the Committee, briefs will be made public, as well as all personal information contained therein, and will be placed on the Internet site of the Committee.

Please note that the dates for the reception of briefs or the beginning of the hearings could be modified. Where applicable, information will be published on the website of the National Assembly and no further notice will be published in newspapers.

Briefs, correspondence, and requests for information should be addressed to: Mrs. Catherine Grétras, Clerk of the Committee on Labour and Economy, édifice Pamphile-LeMay, 1035, rue des Parlementaires, 3rd floor, Québec (Québec) G1A 1A3.

Telephone: 418 643-2722
Facsimile: 418 643-0248
E-mail: cet@assnat.qc.ca

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

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