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**Summary**

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## Regulations and other acts

Gouvernement du Québec

### O.C. 179-2009, 4 March 2009

Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01)

#### Wind energy — 250 MW block from community projects — Amendment

Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects

WHEREAS, under subparagraph 2.2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting a 250 MW block of wind energy from community projects by Order in Council 1045-2008 dated 29 October 2008;

WHEREAS, under section 2 of that Regulation, the electric power distributor must solicit public tenders for each portion determined under section 1 not later than 90 days after the coming into force of that Regulation;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, on 9 February 2009, Hydro-Québec filed with the Régie de l'énergie an application for approval of the weighting grid for non-price criteria for calls for tenders to purchase wind energy from community and Aboriginal projects;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects:

— it is advisable to extend the time granted to electric power distributors to issue a call for tenders so that stakeholders have more time to take into account the potential impact of the current economic and financial crisis on the various parameters used to develop wind energy projects, in particular the availability of financing, interest rates and wind turbine costs;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting a 250 MW block of wind energy from community projects\***

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 2.2)

1. The Regulation respecting a 250 MW block of wind energy from community projects is amended in section 2 by replacing “not later than 90 days after the coming into force of this Regulation” by “before 1 May 2009”.

\* The Regulation respecting a 250 MW block of wind energy from community projects, made by Order in Council 1045-2008 dated 29 October 2008 (2008, *G.O.* 2, 5100), has not been amended since it was made.

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

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Gouvernement du Québec

## **O.C. 180-2009, 4 March 2009**

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01)

### **Wind energy**

#### **— 250 MW block from Aboriginal projects**

#### **— Amendment**

Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects

WHEREAS, under subparagraph 2.2 of the first paragraph of section 112 of the Act respecting the Régie de l'énergie (R.S.Q., c. R-6.01), the Government may make regulations determining the timeframe applicable to a public tender solicitation by the electric power distributor under section 74.1 of the Act;

WHEREAS the Government made the Regulation respecting a 250 MW block of wind energy from Aboriginal projects by Order in Council 1043-2008 dated 29 October 2008;

WHEREAS, under section 2 of that Regulation, the electric power distributor must solicit public tenders for each portion determined under section 1 not later than 90 days after the coming into force of that Regulation;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS, on 9 February 2009, Hydro-Québec filed with the Régie de l'énergie an application for approval of the weighting grid for non-price criteria for calls for tenders to purchase wind energy from community and Aboriginal projects;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies the absence of prior publication and such coming into force of the Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects:

— it is advisable to extend the time granted to electric power distributors to issue a call for tenders so that stakeholders have more time to take into account the potential impact of the current economic and financial crisis on the various parameters used to develop wind energy projects, in particular the availability of financing, interest rates and wind turbine costs;

WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Natural Resources and Wildlife:

THAT the Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting a 250 MW block of wind energy from Aboriginal projects\***

An Act respecting the Régie de l'énergie  
(R.S.Q., c. R-6.01, s. 112, 1st par., subpar. 2.2)

**1.** The Regulation respecting a 250 MW block of wind energy from Aboriginal projects is amended in section 2 by replacing “not later than 90 days after the coming into force of this Regulation” by “before 1 May 2009”.

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

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\* The Regulation respecting a 250 MW block of wind energy from Aboriginal projects, made by Order in Council 1043-2008 dated 29 October 2008 (2008, *G.O.* 2, 5099), has not been amended since it was made.

## Draft Regulations

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### Draft Regulation

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2)

#### Voting by mail

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting voting by mail, appearing below, may be made by the Minister of Municipal Affairs, Regions and Land Occupancy on the expiry of 45 days following this publication.

In accordance with the second paragraph of section 582.1 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), the chief electoral officer has been consulted on the draft Regulation.

The draft Regulation determines the terms and conditions on which a person entered or entitled to be entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person may exercise the right to vote by mail for the purposes of a poll carried out under the Act respecting elections and referendums in municipalities.

Further information may be obtained by contacting Élène Delisle, 10, rue Pierre-Olivier-Chauveau, 3<sup>e</sup> étage, Québec (Québec) G1R 4J3; telephone: 418 691-2022; fax: 418 644-5772.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Municipal Affairs, Regions and Land Occupancy, 10, rue Pierre-Olivier-Chauveau, Québec (Québec) G1R 4J3.

NATHALIE NORMANDEAU,  
*Minister of Municipal Affairs,  
Regions and Land Occupancy*

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### Regulation respecting voting by mail

An Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2, s. 582.1)

#### DIVISION I

##### APPLICATION AND INTERPRETATION

**1.** This Regulation determines the terms and conditions on which an elector or a qualified voter may exercise the right to vote by mail for the purposes of a poll carried out under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).

The terms and conditions are added to those provided for in the Act, which continues to apply, adapted as required, except in the case of inconsistency.

Only a person entered or entitled to be entered as an elector or a qualified voter on the list of electors or referendum list in a capacity other than that of a domiciled person is an elector or qualified voter under this Regulation.

For the purpose of applying a provision of this Regulation to the exercise of the right to vote in a referendum poll, if such a provision is applicable, “elector” means a qualified voter, “returning officer” means the clerk or secretary-treasurer and “list of electors” means the referendum list.

#### DIVISION II

##### WRITTEN APPLICATION FROM ELECTOR

**2.** In order for an elector to be allowed to vote by mail, the returning officer must have received a written application to that effect signed by the elector.

An application for the right to vote by mail takes effect upon receipt by the returning officer and remains valid as long as it is not withdrawn or replaced.

The application must be received at the office of the returning officer not later than the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors.

### **DIVISION III** INFORMATION TO ELECTORS

**3.** Before the publication of the notice of election provided for in section 99 of the Act, the returning officer must take the measures necessary to properly inform electors that electors have the right to vote by mail if they apply therefor in writing to the returning officer not later than the deadline set by the returning officer.

For the purpose of applying the first paragraph to the exercise of the right to vote in a referendum poll, the information measures provided for in the first paragraph must be taken as soon as the resolution fixing the date of the referendum poll is passed and must include

(1) the date on which the ballot papers will be sent by the clerk or secretary-treasurer;

(2) the deadline for receiving ballot papers at the office of the clerk or secretary-treasurer; and

(3) the fact that a qualified voter who has made an application and has not received his or her ballot papers on the sixth day before polling day may contact the clerk or secretary-treasurer to obtain them.

**4.** The public notice given under section 56 of the Act contains, in addition to the particulars provided for therein, the information provided for in the first paragraph of section 3.

### **DIVISION IV** NOTICE OF ELECTION

**5.** The notice of election given under section 99 of the Act contains, in addition to the particulars provided for therein and the information provided for in the first paragraph of section 3,

(1) the date on which the ballot papers will be sent by the returning officer;

(2) the deadline for receiving ballot papers at the office of the returning officer; and

(3) the fact that an elector who has made an application and has not received his or her ballot papers on the sixth day before polling day may contact the returning officer to obtain them.

### **DIVISION V** NOTICE OF POLL

**6.** The notice of poll given under section 171 or section 572 of the Act contains, in addition to the particulars provided for in those sections,

(1) the deadline for receiving ballot papers at the office of the returning officer;

(2) the contact information of the returning officer and, where applicable, of the returning officer's assistants; and

(3) the days and hours during which an elector who has not received his or her ballot papers may obtain them by contacting the office of the returning officer.

### **DIVISION VI** LIST OF ELECTORS REGISTERED TO VOTE BY MAIL

**7.** Not later than the tenth day before polling day, the returning officer is to draw up a list of the electors registered to vote by mail and send a copy thereof to each authorized party or recognized ticket and to each independent candidate or, in the case of a referendum poll, to each representative designated under section 564 of the Act.

### **DIVISION VII** POSTAL POLLING STATION

**8.** The returning officer may establish as many postal polling stations as he or she considers necessary.

If the returning officer establishes several postal polling stations, the returning officer determines which polling subdivision is attached to each station.

The returning officer gives notice of his or her decision to each authorized party or recognized ticket and each independent candidate or, in the case of a referendum poll, each representative designated under section 564 of the Act.

### **DIVISION VIII** MATERIALS FOR VOTING BY MAIL

**9.** After the last day fixed for making applications to the board of revisors for entry on, striking off or correction to the list of electors and not later than the tenth day before polling day, the returning officer sends to every elector who has made a valid application to vote by mail and is entered on the list of electors an envelope containing

(1) the required ballot papers;

(2) an opaque envelope identified as "ENV-1" large enough to contain the ballot papers, not identifying in any way the elector and bearing the words "insert the ballot papers into this envelope" on the obverse;

(3) an envelope identified as “ENV-2” bearing the name and address of the returning officer and used to insert envelope “ENV-1”, a photocopy of one of the identification documents provided for in the second paragraph of section 18 and the declaration of the elector and of the person giving assistance;

(4) the form entitled “Déclaration de l’électeur ou de la personne habile à voter et de la personne qui porte assistance”, hereinafter called the “elector’s declaration”; and

(5) the voting instructions.

The returning officer must affix his or her initials to each ballot paper in the space reserved for the deputy returning officer’s initials and must, before sending the ballot papers, detach the stub and destroy it.

The voting instructions indicate

(1) the deadline for receiving ballot papers at the office of the returning officer;

(2) that a photocopy of one of the identification documents provided for in the second paragraph of section 18 must be sent with the ballot papers;

(3) that, if an elector omits to send a photocopy of one of the required identification documents or to sign the elector’s declaration, the elector’s ballot papers will be cancelled;

(4) the days and hours during which an elector who has not received a ballot paper to which the elector is entitled may obtain it by contacting the office of the returning officer; and

(5) that an elector who would have inadvertently marked or spoiled a ballot paper may ask the returning officer for a new one in exchange for the spoiled ballot paper.

**10.** As of the sixth day before polling day, an elector who has applied to vote by mail and not received his or her ballot papers may contact the returning officer to obtain them. If the elector’s name appears on the list of the electors registered to vote by mail and the elector has not already voted, the returning officer then sends the elector an envelope containing all the voting materials. The returning officer so informs the poll clerk of the postal polling station, who enters an indication to that effect in the poll book.

**11.** If a candidate withdraws after the ballot papers have been sent, the returning officer so informs any elector who has not yet voted by mail. The foregoing also applies if, after the ballot papers have been sent, a party’s authorization or ticket’s recognition is withdrawn or if a co-candidate ceases to be a co-candidate.

**12.** On the tenth day before polling day and in accordance with section 204 of the Act, the returning officer delivers to the deputy returning officer of the postal polling station all the materials needed by the latter to perform duties, including a copy of the revised list of electors and a copy of the list of the electors registered to vote by mail.

The opening in the ballot box must be such that the envelopes containing the ballot papers may be inserted but cannot be withdrawn before the ballot box is opened.

**13.** The deputy returning officer and the poll clerk of the postal polling station must be present on the days and during the hours set by the returning officer for the opening of the polling station.

The representatives assigned to the polling station may be present on the same days and during the same hours.

#### **DIVISION IX** **CONDUCT OF THE VOTE BY MAIL**

**14.** The postal voting period begins on the day the ballot papers are sent by the returning officer and ends at 8:00 p.m. on the second day before polling day.

**15.** Electors mark the ballot paper in one of the circles, using a fountain pen, a ball-point pen or a pencil.

**16.** Electors who are unable to mark their ballot paper themselves may be assisted

(1) by a person who is the elector’s spouse or relative within the meaning of section 131 of the Act; or

(2) by another person who declares on the elector’s declaration that he or she has not already assisted another elector during the poll.

**17.** Electors who have inadvertently marked or spoiled their ballot paper may ask the returning officer for a new one in exchange for the spoiled ballot paper. The returning officer so informs the poll clerk of the postal polling station, who enters an indication to that effect in the poll book.

**18.** Electors insert their ballot papers into the envelope identified as “ENV-1”, seal it and insert it into the envelope identified as “ENV-2”.

Electors also insert into envelope “ENV-2” a photocopy of one of the documents referred to in section 215 of the Act and bearing the elector’s signature. If the elector’s signature does not appear on the document, the elector must attach to that document a photocopy of another proof of identity bearing the elector’s signature.

Electors must also insert into that envelope the elector’s declaration, duly signed by the elector and, where applicable, by the person assisting the elector.

**19.** Electors send envelope “ENV-2” by mail. They may also leave the envelope at the office of the returning officer.

**20.** Any envelope received after 8:00 p.m. on the second day before polling day is cancelled.

**21.** The deputy returning officer of the postal polling station places envelope “ENV-1” in the ballot box without opening it after ascertaining that

(1) the elector is entered on the list of electors and the elector’s name appears on the list of the electors registered to vote by mail;

(2) a photocopy of the elector’s identification document is included and the elector’s signature appears on it; and

(3) the elector’s declaration is signed and the signature corresponds to the signature appearing on the photocopy of the identification document.

The deputy returning officer is to cancel envelope “ENV-1” if the photocopy of an identification document is not included, if the elector’s declaration is not signed or if the signature does not correspond to the signature appearing on the identification document.

**22.** As soon as an elector has voted, the poll clerk of the postal polling station indicates it on the list of electors in the space reserved for that purpose.

**23.** After having processed all the envelopes received, the poll clerk of the postal polling station places in separate envelopes

(1) the envelopes “ENV-1” that have been cancelled and the related electors’ declarations;

(2) the electors’ declarations for the envelopes “ENV-1” that were placed in the ballot box; and

(3) the photocopies of the identification documents.

**24.** The deputy returning officer seals the envelopes and place them in the ballot box.

The deputy returning officer, the poll clerk of the postal polling station and the representatives assigned to the polling station who wish to do so affix their initials to the seals.

**25.** The deputy returning officer then seals the ballot box.

The deputy returning officer, the poll clerk of the postal polling station and the representatives assigned to the polling station who wish to do so affix their initials to the seals.

**26.** The poll clerk of the postal polling station enters the following particulars in the poll book:

(1) the polling date and the name of the municipality;

(2) the number of the postal polling station;

(3) the number of electors who sent envelope “ENV-1”;

(4) the number of cancelled envelopes “ENV-1”;

(5) the names of the persons who have performed duties as election officers or representatives.

The poll clerk also draws up a list of the electors who have voted by mail.

**27.** The deputy returning officer of the postal polling station gives the returning officer the ballot box, the list of electors, the list of the electors who have voted by mail and all the voting materials.

**28.** As soon as possible, the returning officer sends a copy of the list of the electors who have voted by mail to each authorized party or recognized ticket and to each independent candidate or, in the case of a referendum poll, to each representative designated under section 564 of the Act.

#### **DIVISION X** **COUNTING AND ADDITION** **OF VOTES**

**29.** From 8:00 p.m. on the polling day, the deputy returning officer of the postal polling station, assisted by the poll clerk of the postal polling station, proceeds to the counting of the votes.

Where a postal polling station is situated in the same polling place as a polling station, the counting of votes may begin only after the poll is closed at that polling station.

**30.** In addition to the reasons for rejection in section 233 of the Act, every ballot paper that has not been furnished by the returning officer, that does not bear the returning officer's initials or that is spoiled must be rejected.

#### **DIVISION XI** KEEPING OF DOCUMENTS

**31.** The photocopy of the identification document accompanying the ballot papers must be destroyed at the end of the period provided for in the Act for the presentation of a motion in contestation of an election or where a judgment on such a motion becomes a *res judicata*.

#### **DIVISION XII** ASSESSMENT REPORT

**32.** The chief electoral officer or the Minister of Municipal Affairs, Regions and Land Occupancy may require the returning officer to send a report assessing the vote by mail, on the terms and conditions and containing the information determined by the chief electoral officer or the Minister.

#### **DIVISION XIII** FINAL

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

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### **Draft Regulation**

Notaries Act  
(R.S.Q. c. N-3)

#### **Notaries**

##### **— Title insurance standards of practice**

Notice is hereby given in accordance with sections 10 and 11 of the Regulations Act (R.S.Q. c. R-18.1) that the Regulation respecting title insurance standards of practice for notaries, adopted by the Board of Directors of the Chambre des notaires du Québec, may be submitted to the government, which may approve it with or without amendment upon the expiry of 45 days following this publication.

The purpose of this regulation is to establish mandatory standards of professional practice for title insurance pursuant to section 6, par. 3, of the Notaries Act.

According to the Order, this regulation will have no impact on enterprises, in particular small and medium-sized businesses.

Further information may be obtained by contacting M<sup>c</sup> Michel Vermette, notary, Directeur général adjoint, Direction des Services juridiques, Chambre des notaires du Québec, 600-1801, avenue McGill College, Montréal (Québec) H3A 0A7. Telephone no. 514 879-1793, ext. 5201, or 1 800 263-1793, ext. 5201. Fax no. 514 879-1923. E-mail: michel.vermette@cdnq.org

Any person having comments to make is requested to send them, before the expiry of the 45-day period, to the President of the Office des professions du Québec, 800, Place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. They will be forwarded by the Office to the Minister of Justice. They may also be forwarded to the professional order that has adopted the regulation, as well as to the persons and government departments or agencies concerned.

JEAN PAUL DUTRISAC,  
*Chair of the Office des  
professions du Québec*

### **Regulation respecting title insurance standards of practice for notaries**

Notaries Act  
(R.S.Q. c. N-3, s. 6, 1<sup>st</sup> par., par. 3)

**1.** A notary may recommend the use of title insurance and interact with an insurer for the subscription for such insurance under the following conditions:

- (1) he acts in the performance of his duties;
- (2) the transaction concerns an immovable;

(3) he detects a problem or irregularity likely to compromise the signature of the contract or affect either the quality of title or the conformity of the immovable to applicable legislation;

(4) he is of the opinion that corrective action cannot be taken within a reasonable time or that it would require taking steps that appear to him inappropriate under the circumstances.

The notary may also interact with an insurer for the subscription for title insurance, if a party requires it and the notary acts in the performance of his duties in an immovable transaction.

**2.** If a party requests title insurance, the notary must enter the written request in the file.

**3.** A notary who recommends the use of title insurance or interacts with an insurer for the subscription for such insurance is not exempt from informing the parties where he detects a problem or irregularity and from advising them as to the required corrective action.

Subscription for title insurance does not exempt the notary from taking steps to correct the problem or irregularity, unless the parties exempt him therefrom in writing.

The notary shall record in the file the action taken pursuant to this section, including reasons for exemption from corrective action, and the identity of the party that opted for insurance or refused it.

**4.** The notary shall inform the party that intends to obtain title insurance that an application for insurance will be sent to the insurer and if the insurer accepts it must provide written confirmation. Upon receipt of confirmation, the notary is required to verify only that the binder and endorsement are in conformity with the application for insurance.

The notary shall remit the insurance contract to the party upon receipt and shall keep in the file a copy of the contract and a record of remittance.

**5.** No notary may receive remuneration or other benefit from a title insurer or insurance representative.

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

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## Draft Regulation

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

### Selection of foreign nationals

#### — Amendments

Notice is hereby given that the Regulation to amend the Regulation respecting the selection of foreign nationals, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to prioritize the selection of candidates for permanent immigration who meet the priority needs of the labour market in Québec. The draft Regulation amends certain criteria and factors

in the selection grid for skilled workers, extends the period of validity of the certificate of acceptance issued to students, facilitates the selection without interview of foreign nationals in a particularly distressful situation and exempts from the payment of fees a foreign national who has already obtained a selection certificate from Québec where a spouse or a child is added. Finally, the draft Regulation makes corrections or technical adjustments.

The draft Regulation carries no administrative or financial weight for enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Lucy Wells, Assistant Deputy Minister for Immigration, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec) H2Y 2E9; telephone: 514 873-0696; fax: 514 873-0453.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Immigration and Cultural Communities, 360, rue McGill, 4<sup>e</sup> étage, Montréal (Québec) H2Y 2E9.

YOLANDE JAMES,  
*Minister of Immigration and  
Cultural Communities*

## Regulation to amend the Regulation respecting the selection of foreign nationals\*

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *b*, *b.4*, *c*, *c.2*, *c.3*, *f*, *f.1.0.1*, *f.2* and *g*)

**1.** The Regulation respecting the selection of foreign nationals is amended in section 1

(1) by inserting the following after subparagraph *b.1* of paragraph 1:

“(b.2) “Québec diploma” means one of the following diplomas, attesting to at least 1 year of full-time studies:

i. a diploma issued by the Minister of Education, Recreation and Sports or by a Québec university;

ii. a diploma issued by a college-level educational institution for training acquired in Québec.

\* The Regulation respecting the selection of foreign nationals (R.R.Q., 1981, c. M-23.1, r.2) was last amended by the regulation made by Order in Council 1117-2008 dated 5 November 2008 (2008, *G.O.* 2, 5143). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

The following is deemed to be a Québec diploma:

i. a diploma issued by the minister responsible for education or by a university of a province or Canadian territory;

ii. a diploma or training acquired outside Québec and recognized as equivalent by a Québec professional or trade regulatory body;

iii. a diploma or training acquired outside Québec and related to a profession or trade regulated in Québec, where the holder also holds an authorization to practise the profession or trade issued by a Québec regulatory body, including an authorization obtained under an agreement on mutual recognition of professional qualifications entered into with another government;

iv. a diploma or training acquired outside Québec and related to a trade regulated in Québec, where the Québec regulatory body certifies that the holder meets the conditions regarding training and, where applicable, professional experience or the passing of an aptitude test or the completion of an adaptation training period that are required to practise that trade under an agreement on mutual recognition of professional qualifications entered into with another government;”;

(2) by inserting the following after subparagraph *g.1* of paragraph 1:

“(g.1.1) “List of preferred areas of training” means the publication bearing that title and authorized by the Minister, as it reads at the time it applies, listing the most promising areas of training in respect of the needs of the labour market;”.

**2.** Section 8 is amended by replacing the second paragraph by the following:

“A foreign national in the class of persons in a particularly distressful situation referred to in paragraph *b* or *c* of section 18 whose record does not contain all the information necessary for a decision is to be called for a selection interview.”.

**3.** Section 18 is amended by inserting “or section 65.1 of the Immigration and Refugee Protection Regulations” in subparagraph *iv* of paragraph *c* after “Act”.

**4.** Section 22 is amended

(1) by replacing paragraph *c* by the following:

“(c) the application of a foreign national who is a skilled worker, where the foreign national or his spouse or de facto spouse accompanying him submits a validated employment offer, then the application of a skilled worker whose training or his accompanying spouse’s or de facto spouse’s training belongs to a promising area in respect of the needs of the labour market according to the List of preferred areas of training, and finally, the application of other skilled workers;”;

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

“The training referred to in subparagraph *c* must have been attested to by a diploma obtained in the 5 years preceding the date of filing of the application or, failing that, must have led to the full-time practice of a profession related to the diploma for at least 1 year in the 5 years preceding that date.”.

**5.** Section 40.1 is amended

(1) by inserting “for 5 years” after “given” in paragraph 2;

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

“(a) by a Québec resident who satisfies the conditions in subparagraphs *b* to *b.5* of the first paragraph of section 23, the second paragraph of section 23, if applicable, paragraphs *e* and *f* of section 28.1, and sections 42 and 44 to 46.3; or”.

**6.** Section 47 is amended in subsection 5 by replacing “37 months” by “49 months”.

**7.** Section 56 is amended by adding the following paragraph at the end:

“Where the purpose of an application for a selection certificate, in relation to the preceding application, is to add a family member of the foreign national, the foreign national and his family members are exempt from the payment of the fees if they already hold a valid selection certificate.”.

**8.** Schedule A is amended

(1) by inserting the following after paragraph *f* of criterion 1.1:

“(f.1) undergraduate diploma attesting to 1 year of full-time studies

“(f.2) undergraduate diploma attesting to 2 years of full-time studies”;

(2) by replacing criteria 1.2 to 1.4 by the following:

“1.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I  
Section B of Part I  
Section C of Part I  
Section D of Part I  
Section E of Part I  
Section F of Part I  
Section G of Part I

Section A of Part II  
Section B of Part II  
Section C of Part II  
Section D of Part II  
Section E of Part II  
Section F of Part II  
Section G of Part II.

A diploma attesting to training must have been obtained in the 5 years preceding the date of filing of the application for a selection certificate; failing that, the foreign national must have practised full-time a profession related to the diploma for at least 1 year in the 5 years preceding that date.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.”;

(3) by inserting the following after paragraph *d* of criterion 5.1:

“(d.1) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada applies, if work is the main activity for at least 3 months

(d.2) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada applies, if work is the main activity for at least 6 months”;

(4) by replacing paragraphs *d*, *e* and *f* of criterion 6.1 by the following:

“(d) postsecondary technical diploma attesting to 1 year of full-time studies

(e) postsecondary technical diploma attesting to 2 years of full-time studies

(f) postsecondary technical diploma attesting to 3 years of full-time studies

(g) undergraduate university degree attesting to 1 year of full-time studies

(h) undergraduate university degree attesting to 2 years of full-time studies

(i) undergraduate university degree attesting to 3 years of full-time studies”;

(5) by replacing criteria 6.2 to 6.4 by the following:

“6.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I  
Section B of Part I  
Section C of Part I  
Section D of Part I  
Section E of Part I  
Section F of Part I  
Section G of Part I

Section A of Part II  
Section B of Part II  
Section C of Part II  
Section D of Part II  
Section E of Part II  
Section F of Part II  
Section G of Part II.

A diploma attesting to training must have been obtained in the 5 years preceding the date of filing of the application for a selection certificate; failing that, the foreign national must have practised full-time a profession related to the diploma for at least 1 year in the 5 years preceding that date.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.”;

(6) by replacing the numbering of criteria 6.5 to 6.7 by 6.3 to 6.5;

(7) by inserting “, as well as the particular requirements for access to the profession in Québec” at the end of the first dash of the first paragraph after criterion 7.2.

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

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

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