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Part

2

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Laws and Regulations

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Summary

Table of Contents
Regulations and other Acts
Draft Regulations
Decisions
Municipal Affairs
Parliamentary Committees
Index

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Table of Contents

Page

Regulations and other Acts

1073-2009 Supplemental pension plans (Amend.)	3515
1074-2009 Parental insurance, An Act respecting... — Regulation (Amend.)	3530

Draft Regulations

Hunting activities	3533
Partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec — Replacement	3534
Professional Code — Midwives — Committee on training	3542
Scale of fees and duties related to the development of wildlife	3544

Decisions

Chief Electoral Officer — Decision pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities, concerning the entry of the names of certain persons on the municipal lists of electors	3545
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

Municipal Affairs

1064-2009 Amalgamation of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville . . .	3547
--------------------------------------------------------------------------------------------------------	------

Parliamentary Committees

Committee on Institutions — General consultation — Draft Bill — An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority	3551
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

Regulations and other Acts

Gouvernement du Québec

O.C. 1073-2009, 7 October 2009

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Supplemental pension plans — Amendments

Regulation to amend the Regulation respecting supplemental pension plans

WHEREAS, under subparagraphs 1, 2.1, 4, 6, 7, 8, 8.0.1, 11 and 14 of the first paragraph of section 244 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) amended by section 40 of chapter 42 of the Statutes of 2006 and by section 35 of chapter 21 of the Statutes of 2008, the Régie des rentes du Québec may, by regulation,

— determine the form and content of any document, certificate or attestation prescribed by the Act and the regulations;

— specify the conditions under which an employer may provide the pension committee with a letter of credit, as well as the form, amount and terms of such a letter;

— determine, for the purposes of section 92 of the Act, under what conditions a pension may be replaced, the terms and conditions of the replacement pension contract and the methods, assumptions, rules or factors applicable in computing the maximum annual amount of pension;

— determine, for the purposes of section 98 of the Act, the plans or annuity contracts not governed by this Act that are included in the expression “pension plan” and the norms applicable to such plans or contracts, or make all or part of this Act and the regulations applicable to them;

— determine, for the purposes of section 108, 109 or 110 of the Act, the rules applicable to the determination of the benefits of the member and their value before and after partition of such benefits, a seizure for non-payment of support or payment of a compensatory allowance, and to the payment of benefits awarded to the spouse, in particular, the rules governing the transfer of the sums of money to which the spouse is entitled, the interest payable thereon and the information to be provided to the spouse within the prescribed time, and the obligations incumbent upon the person responsible for managing the sums thus transferred;

— determine any document which may be examined pursuant to section 114 of the Act;

— for the purposes of section 128 of the Act, determine the items contributing to the establishment of the reserve and the manner in which the provision for adverse deviation is calculated;

— determine the methods, assumptions, rules or factors which are applicable or prohibited for the purpose of calculating any contribution or benefit, refund, interest rate or rate of return and, where applicable, their actuarial value;

— prescribe the fees payable for the financing of expenses incurred by the Régie for the administration of the Act and the regulations and for any formality prescribed by the Act or the regulations, including fees which may be imposed as a penalty for a delay in carrying out such a formality or failure to provide within the time allotted any information or document provided for in the Act or required by the Régie;

WHEREAS, on 12 December 2008, the Régie adopted the Regulation to amend the Regulation respecting supplemental pension plans;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 1 April 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, on 26 August 2009, the Régie made the Regulation, with amendments that take into account the comments made by interested persons;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting supplemental pension plans, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supplemental pension plans*

Supplemental Pension Plans Act

(R.S.Q., c. R-15.1, s. 244, 1st par., subpars. 1, 2.1, 4, 6, 7, 8, 8.0.1, 11 and 14; 2006, c. 42, s. 40; 2008, c. 21, s. 35)

1. The Regulation respecting supplemental pension plans is amended by replacing section 4 by the following:

“**4.** A report on a complete actuarial valuation referred to in section 120 of the Act must contain the information and statements of the actuary provided for in Section 3600 of the standards of practice of the Canadian Institute of Actuaries, according to the revised version approved on 27 December 2007 by the Actuarial Standards Board of the Canadian Institute of Actuaries, the information provided for in sections 4.1 to 4.6 and the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the date of the actuarial valuation;

(3) the number of active members apportioned, where applicable, according to whether their benefits are accumulated under defined benefit provisions or money purchase provisions within the meaning of section 965.0.1 of the Taxation Act (R.S.Q., c. I-3) or both types of provisions, the number of non-active members to whom no pension is being paid and the number of the other non-active members and beneficiaries whose benefits are covered by the actuarial valuation;

(4) a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, including those bearing on contributions, normal retirement age, conditions to be met to be entitled to an early pension, pension indexation formula, assumptions used in accordance with the second paragraph of section 61 of the Act and the refunds and benefits payable under the pension plan;

(5) the name of the signatory, the signatory's professional title, the name and address of the signatory's office and the date of signing.

4.1. With respect to the portion of the actuarial valuation of the plan performed on a solvency basis, the report must contain the following information:

(1) the value of the plan's assets, the value of the plan's liabilities established without reference, if applicable, to any amendment to the plan considered for the first time at the valuation date, and the actuarial assumptions and methods used to determine those values;

(2) the value of the plan's liabilities distributed among the group of active members of the plan, the group of non-active members to whom no pension is paid and the group of the other non-active members and beneficiaries, the actuarial assumptions and methods used to determine the value, and the degree of solvency of the plan;

(3) the estimated amount of the administration costs referred to in the first paragraph of section 123 of the Act;

(4) where the plan provides for obligations to which the last sentence of the first paragraph of section 124 of the Act applies:

(a) a description of the obligations;

(b) the scenario used by the actuary to determine the plan's liabilities and, where that scenario results in liabilities that are less than the value of the obligations arising from the plan assuming that the plan is terminated on the valuation date in such circumstances that the benefits accrued to the members must be estimated at their maximum value, such maximum value;

(5) the description of the approach used to estimate the premium referred to in section 126 of the Act;

(6) where the plan is both solvent and funded, that amortization payments remain to be paid in connection with an improvement unfunded actuarial liability determined in a prior actuarial valuation and that the provision for adverse deviation provided for in section 128 of the Act is not calculated at the valuation date, certification from the actuary certifying that a calculation of the provision at that date would have determined that the plan's assets were lower than the liabilities increased by the provision for adverse deviation.

4.2. Where the provision for adverse deviation is calculated, the report must contain the following information:

* The Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 dated 8 August 1990 (1990, *G.O.* 2, 2318), was last amended by the regulation approved by Order in Council 204-2005 dated 16 March 2005 (2005, *G.O.* 2, 703) and by section 5 of chapter 1 of the Statutes of 2009. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(1) its amount, with an indication of the shares attributable to elements “R” and “S” of section 60.3;

(2) the amount of elements “R” and “S” of section 60.3 and the amount of element “D” determined in accordance with section 60.4;

(3) element d^s of section 60.4 and the actuarial assumptions and methods used to determine the element;

(4) the amount determined in accordance with paragraph 1 of element “V” of section 60.4 and element “d^m” of that section;

(5) the maximum amount of surplus assets that may be appropriated to the payment of employer contributions, determined in accordance with section 146.3.4 of the Act

(6) the maximum amount of the reduction to which the pension committee may agree under section 15.0.0.5;

(7) the maximum amount of the reduction to which the pension committee may agree under the first paragraph of section 15.0.0.6, specifying that the amount is established on the assumption that the surplus assets of the plan will be in no way appropriated to the payment of employer contributions.

4.3. With respect to the portion of the plan’s actuarial valuation performed on a funding basis, the report must contain the following information:

(1) the value of the plan’s assets, the value of the liabilities determined without reference to any amendment to the plan considered for the first time at the valuation date and the actuarial assumptions and methods used to determine those values;

(2) the value of the plan’s liabilities distributed among the group of active members of the plan, the group of non-active members to whom no pension is paid and the group of the other non-active members and beneficiaries, and the actuarial assumptions and methods used to determine the value;

(3) the amount established in accordance with the first paragraph of section 135 of the Act.

4.4. Where the actuarial valuation determines the value of the additional obligations arising from an amendment to the plan considered for the first time, the report must also contain the following information:

(1) a summary of the amendment covered by the valuation and the date and effective date of the amendment;

(2) the value, determined on a solvency basis, of the additional obligations arising from the amendment;

(3) where the provision for adverse deviation is calculated, the amount of surplus assets determined on a solvency basis that may be appropriated to the payment of that value;

(4) the special amortization payment determined under section 132, where applicable;

(5) the value, determined on a funding basis, of the additional obligations arising from the amendment;

(6) the amount of surplus assets determined on a funding basis that may be appropriated to the payment of that value.

4.5. With respect to unfunded actuarial liabilities, the report must contain the following information:

(1) for each solvency deficiency determined under section 130 of the Act:

(a) the type:

(b) the date of its determination and the date of the end of the period provided for its amortization;

(c) the monthly amounts related to the amortization payments to be paid until the end of that period and their present value;

(2) a description of the amendments made under section 131 of the Act to the solvency deficiencies indicated in the last report on an actuarial valuation of the plan;

(3) the amount of the funding deficiency, the date of the end of the period provided for its amortization and the monthly amounts related to the amortization payments to be paid until that date.

4.6. The report must contain the following financial information:

(1) the service contribution projected for the fiscal year or part of a fiscal year immediately following the actuarial valuation and the rule used to determine the service contribution;

(2) the rule used to determine the service contributions for the two subsequent fiscal years;

(3) the amounts to be paid respectively by the employer and by the members, and, for each amount, in the case of a defined benefit plan for which certain provisions are

identical to those of a defined contribution plan, the share that must be paid for those provisions and the share that must be paid for the defined benefit provisions;

(4) the employer contribution provided for in the plan, if it is greater than the contribution provided for in section 39 of the Act;

(5) a description of the adjustments to the contributions arising from the application of the third paragraph of section 41 of the Act;

(6) the amount of the letter of credit, or the total amount of such letters, and the amount taken into account in the assets to determine the plan's solvency.”.

2. Section 5 is replaced by the following:

“**5.** A report on a partial actuarial valuation carried out under the conditions provided for in the second paragraph of section 118 of the Act must contain the information provided for in sections 5.1 to 5.4 and the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the date of the actuarial valuation;

(3) the name of the signatory, the signatory's professional title, the name and address of the signatory's office and the date of signing;

(4) a certification of the actuary certifying that a complete actuarial valuation of the plan carried out at the valuation date would have shown that the plan is both solvent and funded.

The certifications provided for in this section and in sections 5.1 and 5.2 must be established on the basis of a conservative estimate made by the actuary.

5.1. Where the provision for adverse deviation is calculated on the basis of estimates authorized by section 60.5, the report must contain the following information:

(1) the amount;

(2) a certification of the actuary certifying that a complete actuarial valuation of the plan carried out at the valuation date would have established an amount for the provision for adverse deviation equal to or less than the amount indicated in paragraph 1;

(3) the maximum amount of surplus assets that may be appropriated to the payment of employer contributions;

(4) the maximum amount of the reduction to which the pension committee may agree under section 15.0.0.5;

(5) the maximum amount of the reduction to which the pension committee may agree under the first paragraph of section 15.0.0.6, specifying that the amount is established on the assumption that the surplus assets of the plan will be in no way appropriated to the payment of employer contributions;

(6) a certification of the actuary certifying that, should complete actuarial valuation be carried out, the resulting amounts would be at least equal to those indicated in paragraphs 3 to 5.

5.2. Where the actuarial valuation determines the value of the additional obligations arising from an amendment to the plan considered for the first time, the report must also contain the following information:

(1) a summary of the amendment that is the subject of the valuation, the date and effective date of the amendment;

(2) the value of the additional obligations arising from the amendment, determined on a solvency basis and on a funding basis;

(3) where the provision for adverse deviation is calculated on the basis of estimates authorized by section 60.5,

(a) the amount of surplus assets that may be appropriated to the payment of the value of the additional obligations arising from the amendment, determined on a solvency basis, and the amount determined on a funding basis;

(b) a certification of the actuary certifying that a complete actuarial valuation carried out at the valuation date would have established amounts at least equal to the amounts referred to in subparagraph a;

(4) where the provision for adverse deviation is not calculated, a certification of the actuary certifying that a calculation of the provision carried out at the valuation date would have established that the plan's assets are less than the liabilities increased by the provision for adverse deviation.

5.3. With respect to unfunded actuarial liabilities, the report must contain the following information:

(1) for each improvement unfunded actuarial liability determined under section 130 of the Act,

(a) the date on which it was determined and the date of the end of the period provided for its amortization;

(b) the monthly amounts related to the amortization payments to be paid until the end of that period and their present value;

(2) a description of the amendments made under section 131 of the Act to the solvency deficiencies indicated in the last report on an actuarial valuation of the plan.

5.4. The report must contain the following financial information:

(1) any adjustment made to the rule referred to in paragraph 2 of section 4.6 that is related to the fiscal year immediately following the actuarial valuation, to take into account any amendment considered for the first time upon that valuation;

(2) the amounts that must be paid respectively by the employer and by the members, and, for each amount, in the case of a defined benefit plan for which certain provisions are identical to the provisions of a defined contribution plan, the share that must be paid for those provisions and the share that must be paid for the defined benefit provisions;

(3) the employer contribution provided for in the plan, if the contribution is greater than the contribution provided for in section 39 of the Act;

(4) the amount of the letter of credit, or the total amount of such letters, and the amount taken into account in the assets for the purpose of determining the plan's solvency;

(5) a description of the adjustments to the contributions arising from the application of the third paragraph of section 41 of the Act.”.

3. Section 7 is revoked.

4. Section 14 is amended by adding the following after the third paragraph:

“In the event of failure to produce the report referred to in section 120 of the Act or a document that must accompany the report, additional fees equal to 20% of the fees calculated in the manner prescribed by section 13.0.1 taking into account the number of members and beneficiaries indicated in the annual statement of information related to the last fiscal year of the plan ended on the date of the actuarial valuation, must be paid to the Régie for each complete month of delay, up to the amount of the latter fees.”.

5. The following is inserted after section 15:

**“DIVISION II.0.0.1
LETTER OF CREDIT**

15.0.0.1. The letter of credit referred to in section 42.1 of the Act is an irrevocable standby letter of credit. It is established in accordance with form 3.

Despite any stipulation to the contrary, such a letter of credit is subject to the statutes of Québec and is governed by the International Standby Practices, 1998 (ICC, No. 590) insofar as those practices are compatible with the provisions of this Regulation.

15.0.0.2. The letter of credit must be issued by a financial institution that meets the following requirements:

(1) it is authorized to issue letters of credit in Québec or elsewhere in Canada where an agreement referred to in section 249 of the Act applies;

(2) any of the following credit rating organizations gives it the rating indicated on the same line as the organization's name in the following table, or a higher rating:

Credit rating organization	Rating
Dominion Bond Rating Service	A
Fitch Ratings	A
Moody's Investors Service	A2
Standard & Poor's	A

15.0.0.3. The date of expiry of the letter of credit must correspond to the date of the end of a fiscal year of the pension plan.

15.0.0.4. The pension committee must, at the written request of the employer, agree to reduce the amount of the letter of credit in the following cases:

(1) the employer pays to the pension fund an amount at least equal to the amount of the reduction requested;

(2) the report on the last actuarial valuation of the pension plan the date of which is not prior to the date of the end of the last fiscal year of the plan shows that the assets, alone or increased by the amount by which the amount of the letter of credit exceeds the amount taken into account pursuant to the third paragraph of section 123 of the Act, are greater than liabilities increased by the provision for adverse deviation.

15.0.0.5. Where the plan's assets increased by the amount by which the amount of the letter of credit exceeds the amount taken into account pursuant to the third paragraph of section 123 of the Act are greater than the plan's liabilities increased by the provision for adverse

deviation, the reduction provided for in paragraph 2 of section 15.0.0.4 may not be greater than the lesser of the following amounts:

(1) the amount by which the amount of the letter of credit exceeds the amount taken into account pursuant to the third paragraph of section 123 of the Act;

(2) the amount by which the plan's assets increased by that excess amount exceeds the plan's liabilities increased by the provision for adverse deviation.

15.0.0.6. Where the plan's assets alone exceeds the liabilities increased by the provision for adverse deviation, the reduction provided for in paragraph 2 of section 15.0.0.4 may not be greater than that excess amount.

However, if the employer appropriates all or part of the excess assets to the payment of employer contributions, the maximum amount of that reduction is equal to the remaining assets after deduction from the liabilities of the provision for adverse deviation and the total amounts indicated in a written notice that the employer must send to the pension committee with the reduction request and in which the employer specifies

(1) the amount that will be appropriated to the payment of employer contributions for the period comprised between the date of the latest actuarial valuation of the plan and the date on which the first fiscal year of the plan ends following the date of that valuation, taking into account section 41 of the Act;

(2) the amount that will be appropriated to the payment of employer contributions for the first nine months of the fiscal year that follows the fiscal year referred to in subparagraph 1.

If the amount of the letter of credit may be reduced under the provisions of both section 15.0.0.5 and this section, the reduction requested must be carried out in accordance with section 15.0.0.5.

15.0.0.7. Where the reduction in the amount of the letter of credit to which the pension committee agreed pursuant to paragraph 2 of section 15.0.0.4 has an effect on the amount taken into account under the third paragraph of section 123 of the Act and the report on the last actuarial valuation referred to in paragraph 2 of section 15.0.0.4 is subsequently amended or replaced, the value of the plan's assets determined on a solvency basis must be established, for the purposes of the amendment or replacement, taking into account the reduction of the amount of the letter of credit.

15.0.0.8. In the event of non-renewal of the letter of credit, the financial institution that has issued the letter must pay the amount of the letter to the pension fund.

The payment is not required if the pension committee sends, at least 30 days before the date of expiry of the letter, a written notice to that effect to the financial institution. A copy of that notice must immediately be sent to the Régie.

15.0.0.9. Where the pension committee becomes aware that a letter of credit provided to the committee no longer meets the standards of this Regulation, the committee must immediately inform the employer. The employer may, within 30 days of the notice, provide the pension committee with a new letter of credit or an amount equivalent to the amount of the letter. In such cases, the pension committee must agree to the cancellation of the non-complying letter of credit. In any other case, it must require payment thereof from the expiry of the 30-day period.

15.0.0.10. Without prejudice to the provisions of section 15.0.0.4, in the event of termination of a pension plan, the pension committee must, within the time prescribed in the first paragraph of section 207.2 of the Act and after a 10-day notice to the employer, request the payment of the letter of credit up to the amount by which the plan's liabilities exceed the assets at the termination date, increased by the interest calculated at the rate determined pursuant to section 61 of the Act and that applied on that date.

The pension committee must agree to the cancellation of the letter of credit for the amount remaining to be paid.”

6. Section 19 is amended

(1) by replacing “assigns” in subparagraph 4 of the first paragraph by “successors”;

(2) by replacing “annulment of marriage or, in the case of an unmarried spouse” in subparagraph 6 of the first paragraph by “nullity of marriage, nullity or dissolution of a civil union or, in the case of a spouse who is not a married or civil union spouse”;

(3) by replacing “provided” in subparagraph 7.1 of the first paragraph in the English text by “unless”.

7. Section 21 is amended by replacing “by Statistics Canada and published in the Bank of Canada Review under identification number B-14013” in the first paragraph by “monthly by Statistics Canada and published in the Bank of Canada Banking and Financial Statistics, Series V122487”.

8. Section 24.1 is amended by inserting “, during the same year” after “coming” in the paragraph preceding paragraph 1.

9. Section 29 is amended

(1) by replacing “annulment of marriage or, in the case of an unmarried spouse” in subparagraph 7 of the second paragraph by “nullity of marriage, dissolution or nullity of civil union or, in the case of a spouse who is not a married or civil union spouse”;

(2) by replacing “provided” in subparagraph 8 and “provided that” in subparagraph 8.1 of the second paragraph in the English text by “unless”;

(3) by replacing “provided that” in the English version of subparagraph 8.1 of the second paragraph by “unless”.

10. Section 30 is amended

(1) by striking out “life” in paragraph 5;

(2) by replacing “annulment of marriage or, in the case of an unmarried spouse” in subparagraph 6 of the second paragraph by “nullity of marriage, dissolution or nullity of civil union or, in the case of a spouse who is not a married or civil union spouse”.

11. Section 33 is amended

(1) by adding the following at the end of the definition of “pension benefits”: “and includes benefits relative to excess member contributions, with accrued interest, up to the ceiling set in section 60 of the Act, and benefits relative to the additional pension benefit provided for in section 60.1 of the Act”;

(2) by inserting the following definition after “period of membership”:

““valuation date” means

(1) for the purposes of preparing the statement referred to in section 108 of the Act,

(a) the date of the institution of the action, if the application for the statement is made after the institution of an action provided for in the first paragraph of section 108;

(b) the date the member and the member’s spouse ceased to live together, if the application for the statement is made on the occasion of mediation concerning a family matter;

(c) the date set for determining the net value of family patrimony, if the application for the statement is made during a joint procedure before a notary for the dissolution of a civil union;

(d) the date of the cessation of the conjugal relationship, if the application for the statement is made following the cessation of the conjugal relationship of spouses who are not married or civil union spouses;

(2) for any other purposes, the date set for the valuation of the member’s benefits in the pension plan by the judgment, transaction contract or agreement giving rise to the partition or transfer of the benefits or, if there is no provision in the judgment, contract or agreement, the date provided for by the act governing the partition of the spouses’ property. (date de l’évaluation)”;

(3) by inserting “, dissolution or nullity of a civil union,” after “marriage” in the definition of “date of institution of the action”;

(4) by replacing “where the member is active at the date of institution of the action or, in the case of spouses who are not married or civil union spouses, at the date of cessation of the conjugal relationship, the date on which he ceases to be active corresponds to the date of institution of the action or, where applicable, to the date of cessation of the conjugal relationship” in the definition of “period of membership” by “where the member is active on the valuation date, the date on which the member ceased to be an active member corresponds to the valuation date”;

(5) by striking out “, 35.2” after “35” in the second paragraph.

12. The following is inserted after section 33:

“**33.1.** For the purposes of sections 34 to 45 regarding married spouses whose marriage entailed the dissolution of their civil union:

(1) the date of the marriage is replaced by the date of the civil union;

(2) the period of the marriage begins on the date of the civil union.”.

13. Section 34 is amended

(1) by replacing “of cessation of their conjugal relationship” in subparagraph 2 of the first paragraph” by “on which they ceased to live together”;

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

“(2.1) in the case of civil union spouses:

(a) proof of the date of their civil union;

(b) any of the following documents, as the case may be:

i. proof of the date on which the action was instituted;

ii. where the application is made on the occasion of a mediation, a joint declaration of the date on which the spouses ceased to live together;

iii. where the application is made during a joint procedure before a notary for the dissolution of the civil union, a joint declaration of the date set for determining the net value of family patrimony;”;

(3) by replacing “de facto spouses” in subparagraph 3 of the first paragraph by “spouses who are not married or civil union spouses”;

(4) by adding the following at the end of the second paragraph:

“The application made during a joint procedure before a notary for the dissolution of the civil union must also contain a written confirmation of a notary to the effect that he or she received a mandate in connection with the joint procedure.”.

14. Section 35 is amended

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

“(1) the total benefits accumulated by the member from the date on which he or she became a member of the plan until the valuation date, and the value of those benefits;”;

(2) by inserting “or civil union” after “married” in the part of subparagraph 4 of the second paragraph preceding subparagraph *a*;

(3) by inserting “or civil union” after “marriage” in subparagraph *a* of subparagraph 4 of the second paragraph;

(4) by inserting “or civil union” after the word “marriage” everywhere it appears in subparagraph *b* of subparagraph 4 of the second paragraph.

15. Section 35.1 is amended

(1) by replacing paragraph 2 by the following:

“(2) in the case of married or civil union spouses, the date of the marriage or civil union and the valuation date;”;

(2) by replacing “unmarried spouses” in paragraph 3 by “spouses who are not married or civil union spouses”;

(3) by replacing paragraph 10 by the following:

“(10) in the event that, before producing the statement, the member’s pension was determined to take into account entitlement of his or her spouse to the pension referred to in section 87 of the Act, a brief description of the rights and obligations arising from section 89.1 of the Act.”.

16. Section 35.2 is revoked.

17. Section 36 is replaced by the following:

“**36.** The total benefits accumulated by the member must be distributed according to their nature as capital benefits or pension benefits.

36.1. The total benefits accumulated by the member correspond either to the bridging benefit, to the retirement, disability or replacement pension to which the member is entitled at the valuation date, or, if the member is not entitled to one of the pensions at the valuation date, to the deferred pension to which the member would be entitled if he or she terminated active membership on that date.

Where applicable, the following amounts established on the valuation date with accrued interest or the benefit that may be constituted by those amounts and interest and to which the member is entitled on that date or would be entitled if he or she terminated active membership on that date are included in the total benefits accumulated by the member:

(1) voluntary contributions credited to the member;

(2) excess member contributions over the limit set in section 60 of the Act;

(3) the additional pension benefit provided for in section 60.1 of the Act;

(4) the amounts previously transferred even otherwise than under section 98 of the Act.”.

18. Section 37 is amended

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

“**37.** The value of the member’s total benefits corresponds to the value of the capital benefits and of the pension benefits accumulated at the valuation date.”;

(2) by adding “, it being understood that the progression of the member’s remuneration after that date is not taken into account to determine that value” at the end of the second paragraph:

(3) by replacing the part of the third paragraph preceding the formula by the following:

“The value of a deferred pension whose payment has not begun is determined according to the following formula.”;

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

“However, in the case of a member whose benefits correspond to a deferred pension to which the member would be entitled if the member terminated active membership on the valuation date, the value of the benefits related to the additional benefit referred to in section 60.1 of the Act and, unless the member has received payment of the benefit provided for in subdivision 0.1 of Division III of Chapter VI of the Act, the value of the benefits related to member contributions, with accrued interest, in excess of the limit set in section 60 of the Act are established assuming that the value of the deferred pension to which the member is entitled in accordance with the terms of subparagraph 1 of the first paragraph of section 60 of the Act and, for the purpose of calculating elements A and B of section 60.1 of the Act, is, with respect to the member’s service credited for the period during which section 60 of the Act applied with respect to the member, the value established according to the formula provided for in the third paragraph of this section.”.

19. The following is inserted after section 37:

“**37.1.** Where the valuation date corresponds to a date other than the date of the institution of the action and the value of the member’s benefits at the valuation date is not known, the value of the member’s total benefits corresponds to amount E in the following formula:

$$V \times \frac{P}{X} = E$$

“V” represents the value established in accordance with section 37 on the date of the institution of the action or on the date on which the transaction contract has been executed before a notary or, failing that, on the date of application for the statement;

“p” represents the number of months in the period of membership relative to the benefits included between the date on which the member’s membership began and the valuation date;

“X” represent the number of months in the period of membership relative to the benefits included between the date on which the member’s membership began and the date on which value “V” is established.”.

20. The heading of subdivision 4 of Division “V” is amended by adding “or civil union” after “marriage”.

21. Section 38 is replaced by the following:

“**38.** Where the member is entitled to a retirement, disability or replacement pension at the valuation date, the value of the benefits accumulated by the member on the date of his or her marriage or civil union is established assuming that the member is also entitled to such a pension for the service credited until that latter date.”.

22. Section 39 is amended

(1) by inserting “or civil union” after “marriage” in the part of the first paragraph preceding paragraph 1;

(2) by inserting the words “or civil union” after the word “marriage” everywhere it appears in subparagraphs 1 and 2 of the first paragraph;

(3) by replacing “date on which proceedings were instituted”, “date of the institution of proceedings”, “date of institution of proceedings”, “date on which proceedings were instituted” and “date of institution of the action” in subparagraphs 1 and 2 of the first paragraph by “valuation date”;

(4) by replacing “Bank of Canada Review under identification number B-14045” in the third paragraph by “Bank of Canada Banking and Financial Statistics, Series V122515”.

23. Section 40 is amended

(1) by inserting “or civil union” after “marriage”;

(2) by inserting “or civil union” after “marriage”;

(3) by replacing “date of institution of the action” by “valuation date”.

24. Section 41 is amended

(1) by inserting “or civil union” after “marriage” in the part preceding the formula;

(2) by replacing the words “date of institution of the action” everywhere they appear in elements “G”, “T” and a by “valuation date”;

(3) by inserting “or civil union” after “marriage” in element a;

(4) by inserting “or civil union” after “marriage” in element “A”.

25. Section 42 is replaced by the following:

“**42.** Where the member’s benefits have been partitioned or transferred to a spouse on a date prior to the valuation date, the value of the benefits accumulated during the most recent marriage or civil union must be determined as follows:

(1) where the residual value of the capital benefits or the amount of the residual pension arising from the partition or transfer is known, it corresponds to amount “N” in the following formula:

$$[G - R] \times \frac{M}{Q} = N$$

“G” represents the total residual value of the capital benefits or, in the case of pension benefits, the value of the total residual pension, at the valuation date;

“R” represents

(1) in the case of capital benefits, their residual value at the date of the valuation of the previous partition or transfer, increased by interest calculated at the rate provided for in the second paragraph of section 39, for the period between that date and the valuation date;

(2) in the case of pension benefits, the value, at the valuation date, of the residual pension calculated at the date of the valuation of the previous partition or transfer;

“M” represents the number of months of membership in the period of the most recent marriage or civil union;

“Q” represents the number of months of membership between the date of the valuation of the previous partition or transfer and the valuation date;

(2) where the residual value of the capital benefits or the amount of the residual pension arising from that partition or transfer is not known, it corresponds to the total residual value of the member’s benefits, adjusted pro rata to the number of months of the most recent marriage or civil union included in the period of membership over the total number of months elapsed before and during that marriage or civil union and included in that period of membership.”.

26. Section 43 is amended

(1) by inserting “or civil union” after “recent marriage”;

(2) by inserting “or civil union” after “that marriage”.

27. Section 44 is replaced by the following:

“**44.** Where the valuation date corresponds to a date other than the date of institution of the action and the value of the member’s benefits at the valuation date is not known, the value of the benefits accumulated by the member during the marriage or civil union is established by taking into account the following rules:

(1) the value of the capital benefits accumulated during the marriage or civil union is determined in the manner provided for in subparagraph 2 of the first paragraph of section 39 or, where applicable, section 42;

(2) for any purposes other than calculating the number of months in the period of membership included between the date of the marriage or civil union and the valuation date, the date of institution of the action, the date on which the transaction contract is executed before a notary or, failing that, the date of the application for the statement is considered the valuation date for the purposes of sections 36.1 to 43.”.

28. Section 45 is replaced by the following:

“**45.** The total value of the benefits accumulated by the member during the member’s marriage or civil union is equal to the sum of the value of the capital benefits and of the pension benefits accumulated during the marriage or civil union.”.

29. Section 46 is replaced by the following:

“**46.** The application for partition or transfer of the member’s benefits must be submitted with a copy of the following documents:

(1) if it follows a judgment pronouncing separation from bed and board, divorce, nullity of marriage or dissolution or nullity of civil union or ordering payment of a compensatory allowance,

(a) that judgment and any other judgment related to the partition or transfer of the member’s benefits;

(b) the certificate of non-appeal;

(c) where applicable, the agreement entered into by the spouses on the partition or transfer of the member’s benefits;

(2) if it follows the dissolution of a civil union by notarized joint declaration, the declaration and the transaction contract;

(3) if it follows the cessation of the conjugal relationship of spouses who are not married or civil union spouses, the agreement entered into by the spouses on the partition of the member's benefits.”.

30. Section 47 is amended by replacing “value of the benefits claimed” in the first paragraph by “amount claimed”.

31. Section 48 is amended

(1) by replacing “to the amount” in the first paragraph by “to the sum”;

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

“Interest accrues from the valuation date.”.

32. Section 49 is amended

(1) by adding “or civil union” at the end of the first paragraph;

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

“Where the judgment, the agreement entered into by married or civil union spouses, or the notarized transaction contract does not provide for the amount or the portion of the value of the member's benefits allocated to the spouse, the value of the benefits that the member accumulated during the marriage or civil union is divided equally between the spouses.”.

33. Section 50 is amended

(1) by replacing “corresponding to the benefits granted to the spouse” in the part of the first paragraph preceding subparagraph 1 by “allocated to the spouse, increased by the interest”;

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

“(2) provided that the plan so allows,

(a) where the spouse already has benefits under the plan, transfer the sum to the account of the spouse;

(b) where the spouse does not have benefits under the plan, grant to the spouse, who then is deemed to be a member, benefits under the plan”;

(3) by replacing subparagraphs *a* and *b* of subparagraph 3 of the first paragraph by the following:

“(a) the partitioned or transferred benefits correspond to a refund to which the member would have been entitled at the valuation date, it being understood that subject to subparagraph *b*, the amount granted to the spouse may not be paid to the spouse in a proportion greater than the proportion in which the member's benefits could have been refunded to the member;

(b) on the date of the application, that amount in question is less than 20% of the maximum pensionable earnings determined under the Act respecting the Québec Pension Plan for the year in which the transfer of partition is applied for;”;

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

“Where the spouse fails to indicate to the pension committee the payment method selected from those mentioned in the first paragraph,

(1) the interest referred to in section 48 ceases to accrue on the expiry of the period during which the committee must act according to that paragraph and begins to accrue again, if applicable, only at the date on which the spouse indicates his or her selection;

(2) the pension committee may, on its own initiative and as soon as the period expires, transfer on behalf of the spouse the sum to be paid into one of the plans referred to in subparagraph 1, 2 or 3 of the first paragraph, as the case may be.”.

34. Section 52 is replaced by the following:

“**52.** Sections 143 and 145 to 146 of the Act apply, with the necessary modifications, to the sum that may be the subject of a measure provided for in subparagraph 1 or 3 of the first paragraph of section 50.

The sum paid or transferred in accordance with subparagraph 1 or 3 of the first paragraph of section 50 must bear, to the sum granted to the spouse increased by interest, a proportion at least equivalent to the proportion that the contributions, amounts and interest referred to in section 145.1 of the Act bear to the total value of the member's benefits.”.

35. Section 53 is amended by replacing “ordering divorce, separation from bed and board, annulment of marriage or” by “pronouncing divorce, separation from bed and board, nullity of marriage or dissolution or nullity of civil union or ordering”.

36. Section 54 is amended

(1) by replacing “no pension” in the first paragraph by “no retirement, disability or replacement pension”;

(2) by replacing “value of the benefits attributed to the spouse” in the first paragraph by “sum paid to the spouse or transferred to the spouse’s account”;

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

“The amount provided for in the first paragraph is determined, if the plan so provides, by taking into account the periodic increase of the pension amount, before payment begins, in relation to an index of rate provided for in the plan. It is determined in all cases by using the assumptions provided for in the second paragraph of section 37.”

37. Section 55 is amended

(1) by replacing “the amount attributed to the spouse” in subparagraph 1 of the first paragraph by “the sum paid to the spouse or transferred to the spouse’s account”;

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

“— any retirement, disability or replacement pension of which payment has begun is, after having been, where required, re-determined under section 89.1 of the Act, reduced by the proportion represented by the sum paid to the spouse or transferred to the spouse’s account over the value that the pension paid to the member on the day preceding the effective date of the judgment, dissolution of the civil union or cessation of conjugal relationship would have had on the date of execution of the partition or transfer, it being understood that the latter value is determined by using the same assumptions as those used to determine the value of the benefits attributed to the spouse;”

(3) by replacing “any pension” in the second dash of subparagraph 2 of the first paragraph by “any retirement, disability or replacement pension”;

(4) by inserting “a phased retirement benefit and” after “exception of” in the third dash of subparagraph 2 of the first paragraph.

38. Section 56 is amended by replacing “value of all the benefits attributed to the spouse” by “sum paid to the spouse or transferred to the spouse’s account”.

39. Section 56.0.2 is amended

(1) by replacing “and 37” by “to 37.1”;

(2) by replacing “the date of institution of proceedings” by “the valuation date”.

40. Section 56.0.6 is amended

(1) by replacing “any pension” in the first and second dashes of subparagraph 2 of the first paragraph by “any retirement, disability or replacement pension”;

(2) by inserting “a phased retirement benefit and” after “except for” in the third dash of subparagraph 2 of the first paragraph.

41. Section 60 is amended by inserting the following after paragraph 1:

“(1.1) the internal by-laws of the pension committee;”.

42. The following is inserted after section 60:

**“DIVISION VI.1
RESERVE AND PROVISION FOR ADVERSE
DEVIATION**

§1. Elements establishing the reserve

60.1 The following elements are likely to contribute to the establishment of the reserve provided for in section 128 of the Act:

(1) the contributions paid into the pension fund that exceed the contributions required for the pension plan to be solvent, including the contributions the employer is relieved from paying pursuant to section 42.1 of the Act;

(2) the favourable variances arising from the changes made to the actuarial assumptions and methods or the differences between the assumptions used and the results obtained, taking into account the return derived from the variances;

(3) the amendments to the plan that reduced the value of the members’ benefits.

§2. Provision for adverse deviation

60.2. In addition to the cases where it must be determined under the Act, the provision for adverse deviation provided for in section 128 of the Act is calculated during the last actuarial valuation of a pension plan on the basis of which

(1) amortization payments must be paid with respect to an improvement unfunded actuarial liability determined in a prior actuarial valuation while a complete actuarial valuation shows that the plan is both solvent and funded, unless an actuary certifies that the plan's assets are less than the liabilities increased by the provision for adverse deviation;

(2) the amortization payments remaining to be paid in connection with any improvement unfunded actuarial liability determined in a prior actuarial valuation are eliminated pursuant to section 131 of the Act;

(3) the surplus assets are appropriated to the payment of employer contributions under section 146.3.4 of the Act;

(4) the employer applies for the reduction of the amount of the letter of credit under section 15.0.0.4.

The value of the liabilities taken into account for calculating the provision for adverse deviation is established without reference, where applicable, to any amendment to the plan considered for the first time in the valuation.

60.3. The provision for adverse deviation is equal to amount P in the following formula:

$$(T \times R) + (7\% \times S) + X = P$$

“T” represents the rate, expressed in percentage, obtained by multiplying “D” determined in accordance with section 60.4 by 0.0175;

“R” represents the value of the liabilities associated to the pensions being paid, excluding guaranteed pensions, increased, if the policies established by the pension committee so provide, by the value of the benefits of the members in the pension plan who are less than 10 years under normal retirement age and to whom no pension is paid, the latter value excluding here the value of the contributions referred to in paragraphs 1 and 2 of “S” paid by those members and the value of the guaranteed pensions constituted in their respect;

“S” represents the value of the plan's liabilities reduced by an amount representing the sum of the following values:

(1) the value of the additional voluntary contributions and optional ancillary contributions paid into the pension fund, with interest accrued;

(2) the value of the contributions paid under a defined contribution plan to which Chapter X of the Act applies or under provisions that, in a defined benefit plan, are identical to the provisions of a defined contribution plan, with interest accrued;

(3) the value of the liabilities associated to the pensions being paid increased, if the policies established by the pension committee so provide, by the value of the benefits of the members in the plan who are less than 10 years under normal retirement age and to whom no pension is paid, the latter value excluding here the value of the contributions referred to in paragraphs 1 and 2 paid by those members;

(4) the value of the liabilities associated to the guaranteed deferred pensions not referred to in paragraph 3;

“X” represents

(1) in the case where the rate represented by “T” is less than 7%, the result of the formula

$$(R - V) \times (7\% - T)$$

in which “V” is equal to the element “V” in section 60.4;

(2) in the other cases, zero.

60.4. Where the value represented by “R” of section 60.3 is null, D of that section is equal to zero.

In other cases, D corresponds to the result, in absolute value, of the following formula:

$$\frac{R \times d^R - V \times d^M}{R}$$

“R” represents element “R” of section 60.3;

“d^R” represents the duration of the liabilities constituting “R”;

“V” represents the lesser of

(1) the amount that is equivalent to the product of the assets of the pension plan at the date of the actuarial valuation and the average of the percentages represented by the amount of the fixed-income investments taken into account for that calculation over the assets of the plan at the valuation date and the last day of each of the 11 months preceding the day of the valuation or, in the case of a plan effective for less than a year, the last day of each month included between the date of coming into force of the plan and the valuation date;

(2) the amount that is equivalent to the value represented by element “R”;

“d^M” represents the result of the sum of each amount used to calculate the average referred to in paragraph 1 of element “V” multiplied by its term, divided by the total of those amounts.

For the purposes of paragraph 1 of element “V”:

(1) the plan’s assets are reduced by the value of guaranteed pensions and the value of the contributions referred to in paragraphs 1 and 2 of element “S” of section 60.3 which are the subject of a separate investment;

(2) the amount of the fixed-income investments of a pension plan is determined by including the amount of any variable income investment associated with a financial instrument that converts it into a fixed income investment but excluding the amount of any fixed income investment associated with a financial instrument that converts it into a variable income investment.

60.5. Element d^m of section 60.4 is determined by the actuary responsible for the actuarial valuation using the terms calculated by the person who invests any part of the plan’s assets.

For the purposes of a partial actuarial valuation, the actuary may estimate elements “R” and “S” of section 60.3 and the duration of liabilities constituting element “R”.

43. Section 62 is amended by replacing “withdrawal, the assets allocated to the group consisting of the benefits of the members and beneficiaries affected by the withdrawal” in subparagraph 12 of the first paragraph by “the valuation of the benefits of the members and beneficiaries affected by the withdrawal, the assets allocated to the group consisting of the benefits”.

44. Section 64 is amended by replacing subparagraph 8 of the first paragraph by the following:

“(8) in the case of a plan to which Chapter X of the Act applies, the ratio of the value of the assets to the value of liabilities determined in accordance with section 212.1 of the Act, each value being reduced by an amount representing the sum of the following values:

(a) the value of additional voluntary contributions paid into the pension fund, with interest accrued;

(b) the value of contributions paid into the pension fund under provisions that, in a defined benefit plan, are identical to the provisions of a defined contribution plan, with interest accrued;

(c) the value of the sums received by the plan following a transfer even not covered by Chapter VII of the Act, with interest accrued;

(8.1) if applicable, the amount which must be paid under section 15.0.0.10;”.

45. The following is inserted after section 69:

“**69.1.** Until it is determined under an actuarial valuation the date of which is after 14 December 2009, the portion of the employer contribution of which an employer may be relieved under section 42.1 of the Act may not exceed an amount corresponding to the amount obtained by multiplying by 20% the difference, established at the date of the last actuarial valuation of the pension plan, between the assets and liabilities of the plan, determined on a solvency basis.”.

46. Section 70.0.1 is amended by inserting “pension” before “being” in the definition of element “A” in the English text.

47. Section 75 is replaced by the following:

“**75.** Where a member ceased to be an active member before 1 January 2001 and where the valuation date is prior to that date, the first paragraph of section 36.1 must be applied with respect to the service credited to the member before 1 January 1990 separately from the service credited after that date, taking into account the transitional provisions of the Act and assuming that, for the purposes of section 293 of the Act as it read before 1 January 2001, the period of continuous employment of the member ended on the valuation date.

Moreover, where the member is not entitled to a pension on the date on which the member ceased to be an active member or on the valuation date, as the case may be, the member’s total benefits correspond to a refund.”.

48. The following is inserted after section 75:

“**75.1.** Subparagraph 1 of the second paragraph of section 50 does not apply where the application for partition is made to the pension committee before 1 January 2010.”.

49. Forms 1 and 2 are struck out.

50. Sections 1.1, 13 and 13.0.3 are amended by replacing the words “plans exempted from the application of certain” everywhere they appear by the words “the exemption of certain categories of pension plans from the application of”.

51. This Regulation comes into force on 1 January 2010.

Form 3

(s. 15.0.0.1)

Irrevocable standby letter of credit**Financial institution issuing the letter of credit**

Name: _____

Address: _____

Originator (employer)

Name: _____

Address: _____

Beneficiary (pension fund)

Name: _____

Beneficiary (administrator of the pension fund)

Address: _____

Letter of credit No. _____**Date of issue** year month day**Date of expiry** year month dayAt the request of _____,
(Name of the originator)the undersigned, _____,
(Name of the financial institution
issuing the letter of credit)hereby issues an irrevocable standby letter of credit in
favour of _____
(Name of the beneficiary pension fund)for the sum of _____
(Amount in letters)**Canadian dollars.** (CA\$ _____)
(Amount in figures)That amount is payable upon presentation of a written
demand to_____
(Address in Québec of the place where the demand must
be made)

The demand must mention the number and date of issue of the present letter of credit and be signed by a person authorized by the administrator of the pension fund to present the demand. Payment will be made to the order of the beneficiary pension fund.

This present letter of credit will be automatically renewed for a period of one year as of its date of expiry, and it will be renewed subsequently from year to year on each anniversary of its expiry, unless the undersigned notifies the originator, the administrator and the Régie des rentes du Québec, by certified or registered mail, not less than 90 days before the letter's expiry that the letter will not be renewed.

Indicate the option that applies to the contract:

In the event of non-renewal, a payment demand in accordance with the terms and conditions of the present letter of credit will be deemed to have been presented to the undersigned prior to the expiry on the date of expiry, unless the administrator sends the undersigned, no less than 30 days before the date of expiry, a written notice certifying that no payment is required. That notice takes effect on the date of expiry of the letter.

In the event of non-renewal, the undersigned pays the amount of the present letter of credit to the beneficiary at the time the beneficiary notifies the originator, the administrator and the Régie des rentes du Québec at the address indicated below that the beneficiary is not renewing the letter of credit.

year month day

Made on _____ at _____
(Date of signing) (Municipality)_____
(Signature of the representative of the financial
institution issuing the letter of credit)Régie des rentes du Québec
Direction des régimes de retraite
C.P. 5200 Québec (Québec) G1K 7S92600, boulevard Laurier, bureau 548
Québec (Québec)

9490

Gouvernement du Québec

O.C. 1074-2009, 7 October 2009

An Act respecting parental insurance
(R.S.Q., c. A-29.011)

Regulation
— Amendments

Regulation to amend the Regulation under the Act respecting parental insurance

WHEREAS section 20 and subparagraph 1 of the first paragraph of section 88 of the Act respecting parental insurance (R.S.Q., c. A-29.011) provide that the Conseil de gestion de l'assurance parentale may make regulations on the matters mentioned therein;

WHEREAS the second paragraph of section 88 of the Act provides that the regulations of the Conseil de gestion require the approval of the Government; the Government may approve them with or without amendment;

WHEREAS, by resolution on 16 April 2009, the Conseil de gestion made the Regulation to amend the Regulation under the Act respecting parental insurance;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation made by the Conseil de gestion was published in the *Gazette officielle du Québec* of 30 June 2009 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Regulation to amend the Regulation under the Act respecting parental insurance, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation under the Act respecting parental insurance*

An Act respecting parental insurance
(R.S.Q., c. A-29.011, s. 20 and s. 88, 1st par., subpar. 1)

1. The Regulation under the Act respecting parental insurance is amended in section 14 by striking out paragraph 5.

2. Section 25 is revoked.

3. The following is inserted after section 31.1:

“**31.1.1.** Upon request, in the case of a birth or adoption occurring while at least one parent is entitled to maternity, paternity, parental or adoption benefits for a previous event, the qualifying period of a person is the same as the period that gave the person entitlement to such benefits for the previous event.”

4. Section 31.2 is amended

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

“**31.2.** The qualifying period of a person who, during the 52 weeks preceding the benefit period, had insurable earnings while being unable to have other insurable earnings for one of the following reasons, is the 52-week period preceding the first week before the benefit period in which the latest inability occurs:

(1) the person was unable to work, provided that the inability

(a) results from illness, injury, quarantine or pregnancy and, if applicable, the person has only received income replacement indemnities that are not insurable earnings, paid under a statute or a wage-loss indemnity plan;

(b) results from detention in a prison, a penitentiary or another similar institution;

(c) has given the person entitlement to assistance in the form of employment benefits under a plan established by the Employment Insurance Act (S.C. 1996, c. 23) or under an employment assistance measure implemented by Emploi-Québec; or

* The Regulation under the Act respecting parental insurance, approved by Order in Council 986-2005 dated 19 October 2005 (2005, *G.O.* 2, 4742), was last amended by the regulation approved by Order in Council 841-2007 dated 26 September 2007 (2007, *G.O.* 2, 2632). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(d) results from a strike or lock out;

(2) the person was receiving benefits under this plan or the employment insurance plan in respect of the arrival of a child, or would have received such benefits had there been no waiting period;

(3) the person was receiving indemnities under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) because continuation of the person's work entailed physical dangers for the person or physical dangers for the person's unborn child or the child the person was breast-feeding;

(4) the person was receiving regular employment insurance benefits or special benefits under the Employment Insurance Act; or

(5) the person was receiving income replacement indemnities that are not insurable earnings, paid under a statute or a wage-loss indemnity plan.”;

(2) by replacing “the situation” in the second paragraph by “one of the situations”;

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

“This section does not apply where, in the last 26 weeks of the person's qualifying period with insurable earnings, the person was not unable to have other insurable earnings for one of the reasons referred to in the first paragraph.”.

5. Section 31.3 is amended by replacing “the reason” in the part preceding subparagraph 1 of the first paragraph by “one of the reasons”.

6. Section 40 is amended by inserting “payment of” in the second paragraph after “claim for”.

7. Sections 54 and 54.1 are revoked.

8. Sections 4 and 5 apply in respect of a claim for benefits received as of the date of coming into force of this Regulation.

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

Draft Regulations

Draft Regulation

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

Hunting activities — Amendments

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 to amend the Regulation respecting hunting activities, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Among other things, the draft Regulation prohibits shooting from a public road in the portion of Area 1 situated within the municipalities of the regional county municipalities of Avignon and Bonaventure. It also specifies that the family measure applies to the initiation licence and to hunting licences for antlerless white-tailed deer and female moose.

Study of the matter reveals no negative impact on enterprises, in particular small and medium-sized businesses. The proposed amendments will be favourable for the next generation and for young persons. However, hunters will have to get used to the prohibition from shooting from a public road while hunting big game.

Further information on the draft Regulation may be obtained by contacting Serge Bergeron, Service de la réglementation, de la tarification et des permis, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2^e étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7393; fax: 418 646-5179; e-mail: serge.bergeron2@mrrnf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

NATHALIE NORMANDEAU, SERGE SIMARD,
Minister of Natural Resources and Wildlife *Minister for Natural Resources and Wildlife*

Regulation to amend the Regulation respecting hunting activities*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, ss. 55 and 162, par. 9)

1. The Regulation respecting hunting activities is amended in section 7 by inserting “, including a resident’s hunting licence of one of the classes referred to in section 4.1,” after ““Northern leopard frog, Green frog, Bull frog” hunting licence” in the first paragraph.

2. Section 7.1 is amended by replacing “listed in Column I of Schedule I to the Regulation respecting hunting (R.S.Q., c. C-61.1, r.12) hunting licence” in the first paragraph by “hunting licence listed in Column I of Schedule I to the Regulation respecting hunting (R.S.Q., c. C-61.1, r.12), including a resident’s hunting licence referred to in section 4.1.”

3. Section 7.2.0.1 is amended by adding the following paragraph:

“A person between 12 and 24 years of age referred to in the first paragraph who holds a licence issued by a draw of lots mentioned therein, may also use a valid regular hunting licence for white-tailed deer or moose issued to a holder referred to in that paragraph, on the conditions set out therein.”

4. Section 11.1 is amended by adding “Subject to the second paragraph of section 7.2.0.1.,” at the beginning of the first paragraph.

5. Section 15 is amended by adding the following at the end of the fourth paragraph:

“They also apply to hunters hunting in the municipalities of the regional county municipalities of Avignon and Bonaventure.”

6. Section 17 is amended by adding the following paragraph:

* The Regulation respecting hunting activities, made by Order in Council 858-99 dated 28 July 1999 (1999, *G.O.* 2, 2427), was last amended by the regulation made by Order in Council 332-2008 dated 9 April 2008 (2008, *G.O.* 2, 1144). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

“The holder of a “Caribou, valid for the part of Area 22 shown on the plan in Schedule XII” hunting licence who obtained the licence from a holder of that class of licence selected by a draw of lots, referred to in section 2 of Schedule II to the Regulation respecting hunting, may hunt in accordance with the licence provided that the holder selected by a draw of lots is present in that part of the area when hunting.”.

7. The Regulation is amended by replacing the words “Moose, in a new area” wherever they appear by “Moose, correction of area”.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 6, which comes into force on 1 March 2010.

9484

Draft Regulation

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5)

Régime de retraite des membres de la Sûreté du Québec — Partition and assignment of benefits accrued

Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec – Replacement

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 the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, 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 replace the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, made by Order in Council 1489-2002 dated 18 December 2002. Several amendments to the Regulation have become necessary following the approval of the new Régime de retraite des membres de la Sûreté du Québec by Order in Council 151-2008 dated 27 February 2008, particularly as regards the introduction of ancillary benefits.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Lili Lemieux, Direction des affaires juridiques, Commission administrative des régimes de retraite et d’assurances, 475, rue Saint-Amable, Québec (Québec) G1R 5X3; telephone: 418 644-2900, or Raymond David, Direction générale des régimes collectifs et de l’actuariat, Secrétariat du Conseil du trésor, Secteur 100, RC, 875, Grande Allée Est, Québec (Québec) G1R 5R8; telephone: 418 528-6517.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jocelyne Dagenais, President and Chief Executive Officer of the Commission administrative des régimes de retraite et d’assurances, 475, rue Saint-Amable, Québec (Québec) G1R 5X3; fax: 418 646-8721.

MONIQUE GAGNON-TREMBLAY,
*Minister responsible for Government
Administration and Chair
of the Conseil du trésor*

Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec

An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan (1990, c. 5, s. 52)

DIVISION I STATEMENT OF THE MEMBER’S OR FORMER MEMBER’S BENEFITS

1. Any application to the Commission administrative des régimes de retraite et d’assurances to obtain a statement of the member’s or former member’s benefits, referred to in section 122.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), must contain the following information and be accompanied by the following documents:

(1) the name, address, social insurance number and date of birth of the member or former member and of his or her spouse;

(2) a marriage certificate and, where applicable, the date on which the spouses resumed living together or a civil union certificate;

(3) a written confirmation from a certified mediator to the effect that he or she has obtained a mandate of family mediation or written confirmation from a notary that the civil union spouses have initiated a joint procedure for the dissolution of their union or, as the

case may be, a joint declaration dissolving the civil union and the notarized transaction contract, or a copy of the application for separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance or, where applicable, a copy of the judgment ruling on such an application; and

(4) the information that must be provided by the employer in its annual report, in accordance with the provisions of the Régime de retraite des membres de la Sûreté du Québec, for the year during which the assessment is determined up to the date set for that assessment, as well as for the previous year; that information must be certified by an authorized representative of the employer.

Any application made under this section is also valid for the ancillary benefits provided for in Chapter V of the Régime de retraite des membres de la Sûreté du Québec that are administered by the Association des policières et policiers provinciaux du Québec and for the other pension plans administered by the Commission or for which the Commission is responsible for paying benefits.

2. Within 90 days of the date of receipt of a duly completed application, the Commission must provide the member or former member and his or her spouse with a statement containing the following information:

(1) the date on which the member or former member became a member of the Régime de retraite des membres de la Sûreté du Québec and, where applicable, the date on which he or she ceased to be a member thereof;

(2) the benefits accrued to the member or former member, from the time he or she became a member of the plan to the date of assessment provided for in the second paragraph of section 122.2 of the Act respecting the Government and Public Employees Retirement Plan, as well as the value of those benefits without taking into account any reduction referred to in Division IV resulting from a prior partition or assignment of benefits;

(3) the benefits accrued for the period of the marriage or civil union, as well as their value;

(4) where applicable, the value of the reduction of accrued benefits referred to in Division IV as a result of any prior partition or assignment of benefits and that would be applicable at the date of the assessment; and

(5) the terms and conditions for payment of the sums awarded to the spouse in accordance with Division III.

The statement of benefits and values must be established at the date of assessment on the basis of information known to the Commission on the date the statement is issued by the Commission.

DIVISION II ESTABLISHMENT AND ASSESSMENT OF ACCRUED BENEFITS

SUBDIVISION I ESTABLISHMENT OF BENEFITS

3. The benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, including benefits accrued in the form of pension credit by members who took part in the Régime de retraite des employés de la Ville de Gatineau and who were integrated into the Sûreté du Québec on 1 January 1999, must be established in accordance with the provisions of the Régime de retraite des membres de la Sûreté du Québec, taking into account the following provisions:

(1) where the plan provides for the option between a refund of contributions and a deferred retirement pension and where that option has not been exercised at the date of assessment, the benefits accrued are those whose value is the higher between such a refund and a deferred retirement pension payable from age 60;

(2) where the plan provides that the member would be entitled to a deferred retirement pension if he or she ceased to hold employment while having at least 10 years of service for eligibility purposes and having reached age 45 but without having 20 years of service for eligibility purposes or having reached age 60, his or her benefits are deemed to correspond to a deferred retirement pension payable from age 60; and

(3) where the plan provides that the member would be entitled to a retirement pension if he or she ceased to hold employment while having at least 20 years of service for eligibility purposes but without having reached age 60, his or her benefits are deemed to correspond to a deferred retirement pension payable from age 60.

The benefits accrued for the period of the marriage or civil union must be established in accordance with the first paragraph on the basis of the years or parts of a year of service credited during that period, on the assumption that the member or former member acquired for that period benefits of the same type as those accrued to him or her from the beginning of membership to the date of assessment.

For the purposes of establishing and assessing the accrued benefits, those benefits must correspond to the benefits acquired under the plan at the date of assessment on the basis of the years or parts of a year of service credited at that date. For those purposes, the member is deemed to have ceased to be covered by the plan at the date of assessment.

4. The years or parts of a year of service redeemed, other than those redeemed, if any, on the occasion of a transfer of service mentioned in sections 6, 7 and 8, are credited proportionately to the amounts paid in capital for their payment out of the total capital amount. Those years or parts of a year are deemed to be credited for the period of the marriage or civil union to the extent that they were paid during that period.

5. In the case of autoroute police officers, where the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec is less than the number of years or parts of a year of service recognized under the Civil Service Superannuation Plan or the Government and Public Employees Retirement Plan and where a fraction of the number of those years is comprised in the period of the marriage or civil union, the number of years or parts of a year of service credited and comprised in the period of the marriage or civil union is equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec with respect to years served as an autoroute police officer;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union; and

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

6. In the case of a former municipal police officer who participates in the Régime de retraite des membres de la Sûreté du Québec following the abolition of the municipal police force that was employing the officer immediately before the date of his or her integration into the Sûreté du Québec, where the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec is less than the number of years of service or parts thereof recognized for eligibility purposes in the abolished police force and

where a fraction of the number of years is included in the period of the marriage or civil union, the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec and that are included in the period of the marriage or civil union is equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{E}{F} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited to the Régime de retraite des membres de la Sûreté du Québec with respect to years recognized for eligibility purposes in the abolished police force;

“E” represents the number of days elapsed for eligibility purposes in the abolished police force for the period of the marriage or civil union; and

“F” represents the total number of days elapsed for eligibility purposes in the abolished police force.

For the purposes of this section, the initial pension plan is a supplemental pension plan with fixed contributions within the meaning of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), in which the former municipal police officer was participating immediately before the date of his or her integration into the Sûreté du Québec and from which the moneys are directly transferred into the Régime de retraite des membres de la Sûreté du Québec.

7. Where the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec, in accordance with a transfer agreement approved by the Government in accordance with section 92 of that pension plan, is less than the number of years of service or parts thereof recognized under the initial pension plan and where a fraction of the number of those years is comprised in the period of the marriage or civil union, the number of years or parts of a year of service credited in accordance with the transfer agreement and comprised in the period of the marriage or civil union is equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer agreement;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union; and

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

However, if the number of years of service or parts thereof recognized under the initial pension plan for the period of the marriage or civil union is unknown by the Commission, the number of years or parts of a year of service credited in accordance with the transfer agreement and included in the period of the marriage or civil union must be equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{E}{F} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer agreement;

“E” represents the number of calendar days elapsed under the initial pension plan for the period of the marriage or civil union; and

“F” represents the number of calendar days elapsed while participating in the initial pension plan.

8. If the number of years of service or parts thereof credited under the Régime de retraite des membres de la Sûreté du Québec, in accordance with the transfer of service acquired under another pension plan administered by the Commission, is less than the number of years of service or parts thereof recognized under the initial pension plan and where a fraction of the number of those years is comprised in the period of the marriage or civil union, the number of years of service or parts thereof credited in accordance with the transfer provisions and included in the period of the marriage or civil union must be equal to the number represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the number of years or parts of a year of service credited under the Régime de retraite des membres de la Sûreté du Québec in accordance with the transfer provisions;

“C” represents the number of years or parts of a year of service recognized under the initial pension plan for the period of the marriage or civil union; and

“D” represents the number of years or parts of a year of service recognized under the initial pension plan.

SUBDIVISION II ASSESSMENT OF BENEFITS

9. Where the accrued benefits consist in a refund of contributions, the value of those benefits corresponds to the contributions paid with interest calculated in accordance with the Act respecting the Government and Public Employees Retirement Plan and at the rates in Schedule VI to that Act until 31 May 2009 and at the rates in Schedule II to the Régime de retraite des membres de la Sûreté du Québec as of 1 June 2009. The interest is accrued to the date of assessment, as though the refund was made at that date. The same applies in respect of the value of the benefits accrued for the period of the marriage or civil union.

10. The actuarial value of the benefits must be established according to the following actuarial method and assumptions:

(1) actuarial method:

the actuarial method is the “distribution of benefits” method;

(2) actuarial assumptions:

those provided for in Schedule I to the Régime de retraite des membres de la Sûreté du Québec, which are in force on the date of receipt of the application for a statement of benefits, in respect of the mortality rate, the spouse’s age, the rate of interest, the rate of increase in the Pension Plan Index within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the proportion of members having a spouse.

11. Where the accrued benefits correspond to a retirement pension, a deferred retirement pension or a pension credit, the value of those benefits is equal to amount “D” in the following formula:

$$d_1 + d_2 + d_3 + d_4 = D, \text{ in which}$$

“d₁” represents the actuarial value of the portion of any retirement pension that, from the date on which it is paid, is indexed in accordance with the rate of increase in the Pension Index within the meaning of the Act respecting the Québec Pension Plan;

“d₂” represents the actuarial value of the portion of any retirement pension that, from the date on which it is paid, is indexed by the amount by which that rate exceeds 3%;

“d₃” represents the actuarial value of the part of any retirement pension which, from the date on which it is paid, is indexed at the highest rate between

(a) 50% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan; or

(b) the amount by which the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan exceeds 3%; and

“d₄” represents the actuarial value of each pension credit that, from the date on which it is paid, is indexed at 75% of the rate of increase in the Pension Index determined under the Act respecting the Québec Pension Plan.

The value of the benefits accrued for the period of the marriage or civil union must be established in accordance with the first paragraph.

12. Where the accrued benefits consist in a benefit that is being paid at the date of assessment or that would be if the former member had made an application to that effect, the value of those benefits must be obtained by calculating the actuarial value of such a benefit.

The value of the benefits accrued for the period of the marriage or civil union must be established in accordance with the first paragraph.

DIVISION III

PAYMENT OF THE SUMS AWARDED TO THE SPOUSE AS A RESULT OF THE PARTITION OR ASSIGNMENT OF BENEFITS

13. In this Division, the expressions “life income fund”, “locked-in retirement account” and “annuity contract” have the meaning given to them by the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90 dated 8 August 1990, as amended.

14. An application for payment of the sums awarded to the spouse must be preceded by an application for assessment made in accordance with Division I and must contain the name and address of the member or former member and of his or her spouse, their social insurance number and their date of birth.

The application is also valid for all pension plans for which the Commission has provided a statement.

15. An application for payment of the sums awarded to the spouse must be accompanied by the following documents:

(1) the judgment ruling on separation from bed and board, divorce, annulment of marriage or civil union, dissolution of civil union or payment of a compensatory allowance;

(2) where applicable, any other judgment relating to the partition or assignment of the member’s or former member’s benefits or the joint declaration of dissolution of the civil union and the notarized transaction contract;

(3) where applicable, the agreement entered into between the spouses regarding the terms for payment out of the benefits accrued under the Régime de retraite des membres de la Sûreté du Québec; and

(4) the certificate of non-appeal or, as the case may be, the divorce certificate.

16. Upon receipt of a duly completed application for payment, the Commission must send the member or former member a statement showing the sums awarded to the spouse as well as the amount of the reduction calculated pursuant to Divisions IV and V. The Commission must also send the spouse a statement showing the sums awarded to him or her.

The spouse must, within 60 days of the date on which the statement addressed to him or her was mailed, provide the Commission with the name and address of the financial institution, as well as an identification of the annuity contract, locked-in retirement account or life income fund or, where applicable, the registered retirement savings plan or registered retirement income fund into which the sums awarded to him or her must be transferred.

Unless the spouse was paid otherwise, the Commission must, within 120 days following the expiry of the period provided for in the second paragraph, transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund or, where applicable, into a registered retirement savings plan or registered retirement income fund with a financial institution chosen by the spouse, provided that the steps necessary for the transfer of those sums were taken beforehand.

Should the spouse fail to indicate his or her choice and to take the necessary steps within the prescribed period, the Commission must transfer those sums into a locked-in retirement account or, where applicable, into a registered retirement savings plan in the spouse's name with the financial institution with which the Commission reached an agreement to that effect.

Where the spouse proceeds by way of compulsory execution, the judgment authorizing a seizure by garnishment must serve as an application for payment and this section applies.

17. The Commission must transfer the sums awarded to the spouse into an annuity contract, locked-in retirement account or life income fund where those sums come from an entitlement to a retirement pension, a deferred retirement pension or a pension credit.

However, the Commission must transfer those sums into a registered retirement savings plan or registered retirement income fund where those sums come from an entitlement to a refund of contributions or, upon application by the spouse, must transfer those sums into an annuity contract, locked-in retirement account or life income fund.

Despite the foregoing, those sums must be paid to the spouse's successors in case of the spouse's death.

18. The sums awarded to the spouse must be apportioned among each of the values calculated pursuant to the first paragraph of section 11, proportionately to the value of those sums divided by the total value of the benefits accrued under the plan at the date of assessment.

19. Interest compounded annually and accrued from the date of assessment to the date of payment must be added to the sums awarded to the spouse at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan, in force on the date of receipt of the application for a statement of benefits.

DIVISION IV **REDUCTION OF ACCRUED BENEFITS**

20. If the amount paid to the spouse comes from an entitlement to a refund of contributions, to a deferred retirement pension or a pension credit, the member's or former member's benefits must be established in accordance with the plan and must be recalculated as follows:

(1) where the member or former member is entitled to a refund of contributions, to a payment of actuarial value or is entitled to transfer an amount under a transfer agreement approved by the Government, the amount, established in accordance with the plan, of the refund, payment or transfer must be reduced by the sums awarded to the spouse at the date of assessment with interest compounded annually. The applicable rate of interest is determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until 31 May 2009 and in accordance with Schedule II to the Régime de retraite des membres de la Sûreté du Québec as of 1 June 2009. Those sums are accrued from the date of assessment to the date of receipt of the application for refund, payment or transfer, with interest compounded annually at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the date of receipt of the application and calculated from the day following that date until the date of the refund;

(2) where the member or former member is entitled to a deferred retirement pension, to a retirement pension or to a pension credit, his or her pension or credit must be reduced from the date on which it becomes payable or from the date of payment, as the case may be, by the amount of pension or credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

21. If the amount paid to the spouse comes from an entitlement to a retirement pension, to a pension credit or to any benefit that would otherwise be paid at the date of assessment, that pension or credit must be reduced, from the date on which it becomes payable or from the date of payment, by the amount of pension or credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

22. Each part of any retirement pension corresponding to each of the indexing formulas applicable to it and each pension credit must be respectively reduced by the amount of any pension corresponding to each of the indexing formulas applicable to it and by the amount of each pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment.

23. For the purposes of sections 20 and 22, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment must be established at that date according to the actuarial method and assumptions provided for in section 10. That amount is presumed applicable on the date of the member's or former member's 60th birthday.

If the date on which the annual retirement pension becomes payable occurs before the date on which the amount of pension obtained pursuant to the first paragraph is presumed applicable or if the retirement pension is being paid on the date of payment and the latter date occurs before the date on which that amount of pension is presumed applicable, that amount of pension must be reduced by 0.50% per month, calculated for each month between the date on which it begins to apply and the date on which it is presumed applicable, without exceeding 65%. The foregoing also applies to the amount of pension credit.

If the retired member retired before the date of payment and if that date occurs after the date on which the amount of pension obtained pursuant to the first paragraph is presumed applicable, that amount of pension must be increased by 0.50% per month, calculated for each month between the date on which it is presumed applicable and the date on which it begins to apply if the retired member retired before the date on which that amount of pension is presumed to apply, or for each month between the date on which the retired member retired and the date on which that amount of pension begins to apply, if the retired member retired on the date on which that amount of pension is presumed applicable or thereafter.

24. For the purposes of sections 21 and 22, the amount of pension or pension credit that would be obtained on the basis of the sums awarded to the spouse at the date of assessment must be established at that date in accordance with the actuarial method and assumptions provided for in section 10. That amount of pension is presumed applicable on the date of assessment.

The amount of pension obtained pursuant to the first paragraph must be indexed in the same manner as the annual retirement pension or in the same manner as though it were being paid at the date of assessment, from 1 January following that date to 1 January of the year during which that amount begins to apply. The foregoing also applies to the amount of pension credit.

The amount of pension obtained pursuant to the first and second paragraphs must be increased by 0.50% per month, calculated for each month between the date of assessment and the date on which that amount of pension begins to apply, if the annual retirement pension was being paid on the date of assessment or would have been if the former member had made an application to that effect, or for each month between the date of retirement and the date on which that amount of pension begins to apply, if the retired member retired between the date of assessment and the date of payment. The foregoing also applies to the amount of pension credit.

25. Where a retirement pension reduced in accordance with this Division is not paid pursuant to the provisions of the Regulation respecting transitional measures necessary for the application of the Act concerning the organization of police services (Order in Council 495-2003 dated 31 March 2003) and the retired member is entitled to receive a retirement pension recalculated pursuant to those provisions, that recalculated retirement pension is reduced, from the date on which it becomes payable, by the amount of pension that was used to reduce the retirement pension. That amount of pension is indexed in the same manner as the retirement pension would have been indexed if its payment had not stopped from 1 January following the date on which that amount began to apply to 1 January of the year in which the recalculated retirement pension becomes payable.

26. Any refund of contributions to be made following a death must be reduced by the sums awarded to the spouse with interest compounded annually at the rate determined for each period under Schedule VI to the Act respecting the Government and Public Employees Retirement Plan until 31 May 2009 and in accordance with Schedule II to the Régime de retraite des membres de la Sûreté du Québec as of 1 June 2009. Those sums are accrued from the date of assessment to the date of death, except for the period during which a retirement pension is paid, and increased by interest compounded annually at the rate in Schedule VII to the Act respecting the Government and Public Employees Retirement Plan in force on the member's date of death and calculated from the date following that date until the date on which the refund is made.

DIVISION V **SPECIAL PROVISIONS CONCERNING** **ANCILLARY BENEFITS**

27. For the purposes of section 2, the Association des policières et policiers provinciaux du Québec provides the Commission with the following information within 30 days of the date of receipt of a request from the Commission:

(1) the value of the benefits accrued by the member or former member in respect of ancillary benefits from the time when he or she became a member of the plan to the date of assessment provided for in the second paragraph of section 122.2 of the Act respecting the Government and Public Employees Retirement Plan; and

(2) the value of the benefits accrued for the period of the marriage or civil union.

28. The value of the benefits accrued as ancillary benefits correspond,

(1) where the retirement pension is not being paid at the date of assessment, to the sum of the optional contributions paid into funds offered to members by the Association des policières et policiers provinciaux du Québec and accrued with interest until the date of assessment, less the related administrative expenses and the sums awarded to the spouse as a result of any partition or assignments of prior benefits;

(2) where the retirement pension is being paid at the date of assessment, to the actuarial value of those benefits established on the basis of assumptions that will produce commuted values comprised between those that would have been obtained if the assumptions based on the financing of the plan of the last available assessment produced in accordance with section 101 of the Régime de retraite des membres de la Sûreté du Québec had been used and those that would have been obtained on the basis of equivalence of actuarial values of benefits, in accordance with section 3800 of the Practice-Specific Standards for Pension Plans, Canadian Institute of Actuaries, Document 206036, April 2006, revised May 1, 2006, as amended.

The value of the benefits accrued for the period of the marriage or civil union is equal to the amount represented by the letter “A” in the following formula:

$$B \times \frac{C}{D} = A, \text{ in which}$$

“B” represents the value of the benefits accrued as ancillary benefits established in accordance with the first paragraph;

“C” represents the optional contributions paid with interest for the period of the marriage or civil union; and

“D” represents the optional contributions paid with interest for the period of the member’s membership in the plan until the date of assessment.

For the purpose of paying the sums awarded to the spouse as a result of the partition or assignment of the benefits accrued as ancillary benefits referred to in Chapter V of the plan, sections 16, 18 and 19 of this Regulation apply, with the necessary modifications. The Association des policières et policiers provinciaux du Québec, its service provider or, as the case may be, the insurer transfers the sums awarded to the spouse and derived from ancillary benefits into the same annuity

contract, locked-in retirement account or life income fund or, where applicable, the registered retirement savings plan or registered retirement income fund where the sums awarded to the spouse and derived from the other benefits of the plan must be transferred pursuant to section 17.

29. If the amount paid to the spouse is derived from the value of accrued benefits established pursuant to subparagraph 1 of the first paragraph of section 28, the benefits of the member or former member are reduced as follows:

(1) where the retirement pension is not being paid at the time of payment, the sums accrued in the funds offered to members by the Association des policières et policiers provinciaux du Québec are reduced, at the date of payment, by the sums awarded to the spouse at the date of assessment in relation to those optional contributions;

(2) where the retirement pension is being paid at the time of payment, the ancillary benefits paid to the retired member are reduced, as of the date of payment, by the pension amount that would be obtained from the sums awarded to the spouse at that date in relation to those optional contributions.

30. If the amount paid to the spouse is derived from the value of accrued benefits established pursuant to subparagraph 2 of the first paragraph of section 28, those benefits are reduced, as of the date of payment, from the pension amount that would be obtained from the sums awarded to the spouse at the date of assessment in relation to those ancillary benefits.

31. The pension amount that would be obtained from the sums awarded to the spouse is established by the Association des policières et policiers provinciaux du Québec according to actuarial assumptions that comply with the provisions of subparagraph 2 of the first paragraph of section 28.

For the purposes of paragraph 2 of section 29, that amount is established at the date of payment.

For the purposes of section 30, that amount is presumed to be application at the date of assessment and it is adjusted in accordance with the second and third paragraphs of section 24, with the necessary modifications.

32. Where the ancillary benefit is paid by an insurer, the insurer determines, at the date of payment, the pension amount that would be obtained from the sums awarded to the spouse.

DIVISION VI MISCELLANEOUS

33. This Regulation replaces the Regulation respecting the partition and assignment of benefits accrued under the Régime de retraite des membres de la Sûreté du Québec, made by Order in Council 1489-2002 dated 18 December 2002. However, the first paragraph of the operative part of Order in Council 756-91 dated 5 June 1991 respecting the partition and assignment of benefits accrued under the Régime de retraite pour les membres de la Sûreté du Québec, whose effect was to render the provisions of Chapter VII.1 of Title I of the Act respecting the Government and Public Employees Retirement Plan, with the necessary modifications, applicable to the Régime de retraite pour les membres de la Sûreté du Québec and which was not replaced by the latter Regulation, remains in force. Order in Council 756-91 dated 5 June 1991 remains applicable to applications for a statement of benefits received by the Commission before 23 January 2003, following the introduction of an application for separation from bed and board, divorce, annulment of marriage or payment of a compensatory allowance, provided that there has been no discontinuance of suit.

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

9485

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Midwives — Committee on training

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 the committee on training of midwives, 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 fix, pursuant to the second paragraph of section 184 of the Professional Code (R.S.Q., c. C-26), the terms and conditions of cooperation between the Ordre des sages-femmes du Québec and the authorities of the educational institution that issues diplomas giving access to the permit of the Order. It provides for the establishment of an advisory committee and its composition. It also defines the committee's mandate which, to ensure the adequacy of

the training for the professional skills to be acquired, includes examining and reviewing the objectives of the training programs offered by educational institutions, as well as those of the courses, training periods or professional examinations imposed by the Order.

The draft Regulation is not likely to have any impact on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted to the Office des professions du Québec for consultation. The Office will send the results of consultations with educational institutions and the other bodies mentioned in the Professional Code to the Minister responsible for the administration of legislation respecting the professions.

Further information may be obtained by contacting Jean-Luc Hunlédé, Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973; e-mail: Jean-LucAyikoe.Hunlede@opq.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order concerned and to interested persons, departments and bodies.

KATHLEEN WEIL,
Minister of Justice

Regulation respecting the committee on training of midwives

Professional Code
(R.S.Q., c. C-26, s. 184, 2nd par.)

1. A committee on training is hereby established within the Ordre des sages-femmes du Québec.

2. The committee is an advisory committee whose mandate is to examine matters relating to the quality of the training of midwives, in keeping with the respective and complementary jurisdictions of the Order, the educational institutions at the university level and the Minister of Education, Recreation and Sports.

Quality of training means the adequacy of training in relation to the professional skills to be acquired to practise as a midwife.

The committee is to consider, in respect of training,

(1) the objectives of the training programs offered by educational institutions at the university level that lead to a diploma giving access to a permit or a specialist's certificate;

(2) the objectives of the other terms and conditions for the issue of permits or specialist's certificates that may be imposed by a regulation of the board of directors, such as a professional training period, course or examination; and

(3) the diploma or training equivalence standards prescribed by regulation of the board of directors, giving access to a permit or a specialist's certificate.

3. The committee is composed of 5 members chosen for their knowledge and the responsibilities they have exercised in the matters of training referred to in section 2.

The Conference of Rectors and Principals of Québec Universities appoints 2 members.

The Minister of Education, Recreation and Sports or the Minister's representative appoints 1 member and, if necessary, 1 alternate.

The board of directors appoints 2 members of the Order, and the committee chooses 1 of those 2 members as its chair.

The committee may also authorize persons or representatives of interested bodies to take part in its meetings.

4. The members of the committee are appointed for a term of 3 years.

The members remain in office until they are reappointed or replaced.

5. The functions of the committee are

(1) to review each year, in the light of developments in knowledge and practice, particularly as regards protection of the public, the quality of training and, where appropriate, to report to the board of directors; and

(2) to give an opinion to the board of directors, with respect to the quality of training,

(a) on projects involving the review or development of the objectives or standards referred to in the third paragraph of section 2; and

(b) on the means that could promote the quality of training, in particular by proposing solutions to the problems observed.

The committee is to include in its report, where applicable, and in its opinion the point of view of each of its members.

6. The members of the committee must endeavour to collect information relevant to the committee's functions from the bodies that appointed them or from any other interested body or person.

7. The chair sets the date, time and place of the committee's meetings.

Despite the foregoing, the chair is to call a meeting if at least 3 of its members so request.

8. The committee is to hold at least 2 meetings per year.

9. The quorum of the committee is 3 members, including 1 member appointed by the board of directors, 1 by the Conference and 1 by the Minister of Education, Recreation and Sports.

10. The secretarial services required by the committee are provided by the Order.

The person designated by the Order to act as secretary sees to the drawing up and conservation of the committee's minutes, reports and opinions.

11. The board of directors must send a copy of the committee's report, where applicable, and the committee's opinion to the Conference, the Minister of Education, Recreation and Sports and the Office des professions du Québec.

12. The annual report of the Order must contain the conclusions of the committee's report, where applicable, and of its opinions.

13. Despite the first paragraph of section 4, for the first committee established after (*insert the date of coming into force of this Regulation*), 1 of the members appointed by the board of directors and 1 of the members appointed by the Conference are appointed for a term of 2 years.

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

Draft Regulation

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

Scale of fees and duties related to the development of wildlife — Amendments

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 to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 4X4.

NATHALIE NORMANDEAU, <i>Minister of Natural Resources and Wildlife</i>	SERGE SIMARD, <i>Minister for Natural Resources and Wildlife</i>
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Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife is amended in paragraph *b* of section 5 of Schedule I by replacing “Moose, in a new area” by “Moose, correction of area”.

2. Schedule II is amended in the “Species” column and regarding the “La Vérendrye” wildlife sanctuary by replacing the group of species

“White-tailed deer,
ruffed grouse,
spruce grouse (i. 3)*,
snowshoe hare”

by

“White-tailed deer,
ruffed grouse,
spruce grouse,
snowshoe hare (i. 3)***”.

3. Schedule V is amended

(1) in Column II of section 6 by replacing “Rivière Humqui sector” by

“Rivière Humqui sector

The territory shown on the plan under the heading “Rivière Humqui sector” in Schedule VII.0.1 to the Regulation respecting wildlife sanctuaries.”;

(2) in Column II of section 8 by replacing “Schedule VII” by “Schedule VII.1”.

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

9487

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the regulation made by Order in Council 60-2009 dated 28 January 2009 (2009, *G.O.* 2, 135). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

Decisions

Decision

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

Chief electoral officer — Entry of the names of certain persons on the municipal lists of electors

Decision of the Chief Electoral Officer pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities, concerning the entry of the names of certain persons on the municipal lists of electors

WHEREAS general municipal elections are scheduled to take place on November 1, 2009;

WHEREAS the Chief Electoral Officer sent in the beginning of September to each returning officer, in accordance with section 100 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) a list of the electors whose names were entered on the permanent list of electors and who are entitled to have their names entered on the municipal list of electors to be used in the election;

WHEREAS, due to a computer error, the names of persons who were newly registered with the Régie de l'assurance maladie du Québec were included in the lists sent to returning officers even though the persons concerned were not qualified electors on September 1, 2009;

WHEREAS, pursuant to section 54 of the Act respecting elections and referendums in municipalities, only persons who were qualified electors on September 1, 2009, are entitled to be on the list of electors;

WHEREAS, following this error, 846 persons were entered on the list of electors of 128 municipalities even though they were not qualified electors;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) allows the Chief Electoral Officer to adapt a provision of the Act where he observes that, subsequent to an error, it does not meet the demands of the resultant situation;

WHEREAS the Chief Electoral Officer has first informed the Minister of Municipal Affairs, Regions and Land Occupancy of the decision he intends to make;

The Chief Electoral Officer, pursuant to the powers conferred upon him by section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt sections 100.1, 101, 105, 121 and 134 of the said Act as follows:

1. The preamble is an integral part of this decision;
2. Upon receipt of the list of persons to whom this decision applies, the returning officer shall take following steps, depending on the specific situation in the municipality in question:
 - (a) If the list of electors of the municipality has not been deposited on the date of this decision, in accordance with sections 101 and 105 of the Act respecting elections and referendums in municipalities, the returning officer shall remove the names of the persons concerned;
 - (b) If the list of electors of the municipality has been deposited on the date of this decision and if the revision of the list has not yet begun, the returning officer shall remove the names of the persons concerned, shall deposit a new list of electors no later than October 2, 2009 and shall inform every party or recognized ticket, as the case may be, and every independent candidate;
 - (c) If the returning officer cannot deposit a new list of electors by October 2, 2009, if the notices of registration contemplated in section 126 have been sent or if the revision of the municipality's list of electors has begun, the returning officer shall forward the list of persons concerned to the board of revisors.

The provisions of sections 100.1, 121(2°) and 134 shall apply, adapted as required, to the list contemplated in the first paragraph.

The returning officer shall inform every party or recognized ticket, as the case may be, and every independent candidate.

This decision shall come into effect on September 29, 2009.

Québec, September 29, 2009

*Chief Electoral Officer and Chairman of the
Commission de la représentation électorale,*
MARCEL BLANCHET

Municipal Affairs

Gouvernement du Québec

O.C. 1064-2009, 7 October 2009

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville

WHEREAS each of the municipal councils of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS there is no opposition to the application for amalgamation;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application for amalgamation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT a local municipality be constituted through the amalgamation of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville in accordance with the following provisions:

1. The name of the new municipality is "Municipalité de Saint-Norbert-d'Arthabaska".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources and Wildlife on 28 April 2009; that description appears as a schedule to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The territory of Municipalité régionale de comté d'Arthabaska comprises the territory of the new municipality.

5. Until the term of the majority of candidates elected in the first general election begins, the new municipality shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council. The quorum is half the members in office plus one. The mayors of the former municipalities alternate each month as mayor and deputy mayor of the provisional council. The mayor of the former Municipalité de Saint-Norbert-d'Arthabaska acts as mayor of the new municipality for the first month following the coming into force of this Order in Council. For the term of the provisional council, the municipal elected members shall receive the remuneration that was paid to them before the coming into force of this Order in Council.

6. Until the term of a majority of the candidates elected in the first general election begins, the mayors of the former municipalities continue to sit on the council of Municipalité régionale de comté d'Arthabaska and have the same number of votes as they had before the coming into force of this Order in Council.

7. The first sitting of the provisional council is to be held at the municipal hall located at 20, rue des Loisirs, in the territory of the former Village de Norbertville.

8. The polling for the first general election is to be held on the first Sunday of the third month following the month in which this Order in Council comes into force. The second general election is to be held in 2013.

9. The council of the new municipality shall be made up of seven members, that is, a mayor and six councillors. The councillors' seats shall be numbered from 1 to 6 as of the first general election.

10. For the purposes of the first general election, and for any by-election held before the second general election, only those persons who would be eligible under the Act respecting elections and referendums in municipalities for seats 1, 2, 3 and 4 if such election were an election of the council members of the former Municipalité de Saint-Norbert-d'Arthabaska are eligible for those seats, and only those persons who would be eligible under that Act for seats 5 and 6 if such election were an election of the council members of the former Village de Norbertville are eligible for those seats.

11. René Savoie, director general of the former municipalities, acts as director general of the new municipality and Edith Collins, assistant director general of the former municipalities, acts as assistant director general of the new municipality.

12. If a budget has been adopted by a former municipality for the fiscal year during which this Order in Council comes into force,

(1) that budget remains applicable;

(2) the expenditures and revenues of the new municipality for the remainder of the fiscal year during which this Order in Council comes into force continue to be accounted for separately for each of the former municipalities as if the amalgamation had not taken place; and

(3) an expenditure recognized by the council of the new municipality as resulting from the amalgamation is to be charged to each former municipality in the proportion that, for each former municipality, its standardized property value is of the total standardized property values of the former municipalities as they appear in the financial statements of the former municipalities for the fiscal year preceding the fiscal year during which this Order in Council comes into force.

13. All amounts paid under the Programme d'aide financière au regroupement municipal (PAFREM) are to be allocated to the reimbursement of expenses incurred to convert the parsonage of Paroisse de Saint-Norbert-d'Arthabaska into a municipal office.

14. As of the first fiscal year for which a budget is adopted by the new municipality in respect of the whole of its territory, all the taxable immovables in the territory of the new municipality are subject to the tax imposed under the following by-laws:

— by-laws 039-10-03, 045-04-2007 and 0049-10-2008 of the former Municipalité de Saint-Norbert d'Arthabaska;

— by-law 092-03-2007 of the former Village de Norbertville.

15. As of the first fiscal year for which a budget is adopted by the new municipality in respect of the whole of its territory,

— the annual repayment of the instalments in principal and interest for the loan contracted by the former Village de Norbertville under by-law 093-03-2007 shall be charged to the benefiting taxpayers;

— the annual repayment of the instalments in principal and interest for the loan contracted by the former Municipalité de Saint-Norbert-d'Arthabaska under by-law 048-06-2008 shall be charged to the sector made up of the territory of the former municipality.

16. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

17. The accumulated deficit, if any, of a former municipality at the end of the last fiscal year for which separate budgets were adopted is charged to all the taxable immovables in the sector made up of the territory of that former municipality.

18. The terms and conditions for apportioning the cost of shared services set out in intermunicipal agreements in force before the coming into force of this Order in Council apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

19. The working fund of each of the former municipalities is abolished. The uncommitted amounts in the fund on the date of the coming into force of this Order in Council are paid into the accumulated surplus of each of the former municipalities.

As of the first fiscal year for which a budget is adopted by the new municipality in respect of the whole of its territory, a new working fund is created.

To that end, an amount of \$40,000 in proportion to the population of the former municipalities is to be paid into that working fund out of the accumulated surpluses of the former municipalities.

20. Any remaining surplus accumulated on behalf of a former municipality, at the end of the last fiscal year for which separate budgets were adopted by the former municipalities, is to be allocated to maintenance, repair and improvement work on infrastructures in the sector made up of the territory of that former municipality.

21. Any debt or gain that may result from legal proceedings for any act performed by a former municipality is charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

22. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to

137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within 4 years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

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

GÉRARD BIBEAU,
Clerk of Conseil exécutif

OFFICIAL DESCRIPTION OF THE BOUNDARIES
OF THE TERRITORY OF THE NEW MUNICIPALITÉ
DE SAINT-NORBERT-D'ARTHABASKA, IN
MUNICIPALITÉ RÉGIONALE DE COMTÉ
D'ARTHABASKA

The territory of the new Municipalité de Saint-Norbert-d'Arthabaska, in Municipalité régionale de comté d'Arthabaska, following the amalgamation of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville, comprises all the lots or parts of lots, their present and future subdivisions, of the cadastres of the parishes of Saint-Norbert and Sainte-Hélène, as well as the roads, highways, railway right-of-ways, islands, lakes, watercourses or parts thereof, within the perimeter that commences at the meeting point of the dividing line between the cadastres of Paroisse de Saint-Norbert and Canton d'Halifax with the dividing line between the cadastres of the Paroisse de Saint-Norbert and Canton de Stanfold; thence, successively, the following lines and demarcations: southeasterly, the broken line between the cadastres of Paroisse de Saint-Norbert and Canton d'Halifax along the northeastern side of the public road (12^e Rang Est) located on the said dividing line between the cadastres to the apex of the eastern angle of lot 172 of the cadastre of Paroisse de Saint-Norbert; successively southeasterly and southwesterly, part of the broken line between the cadastres of Paroisse de Sainte-Hélène and Canton d'Halifax to the apex of the southern angle of lot 399 of the cadastre of Paroisse de Sainte-Hélène; northwesterly, in reference to the cadastre, the southwestern line of lots 399, 400, 403, 402, 404 and 405 to the dividing line between lots 65 and 66; southwesterly, the said dividing line between lots, that line extended across the public road (Route 263) and the watercourse

(Rivière Bulstrode) that it meets; northwesterly, the south-western line of lots 66 to 76 and 78 to 88 to the apex of the northern angle of lot 171; southwesterly, part of the broken line between the cadastres of the parishes of Saint-Norbert and Sainte-Hélène to the apex of the southern angle of lot 72 of the cadastre of Paroisse de Saint-Norbert; northwesterly, part of the southwestern line of lot 72 to the extension of the southeastern line of lot 104 of the cadastre of Paroisse de Saint-Norbert; southwesterly, the said extension then the southeastern line of lot 104 to the northeastern side of the right-of-way of Chemin du 5^e Rang in Saint-Norbert; northwesterly, the northeastern side of the said right-of-way to the extension of the southeastern line of lot 132 of the cadastre of Paroisse de Saint-Norbert; southwesterly, the said extension then the southeastern line of lot 132; successively northwesterly, southwesterly and again northwesterly, the broken line between the cadastre of Paroisse de Saint-Norbert and the cadastres of the parishes of Saint-Paul, Saint-Christophe and the cadastre of Village d'Arthabaskaville to the apex of the western angle of lot 228 of the cadastre of Paroisse de Saint-Norbert, along the northeastern side of the public road (6^e Rang) located on the said line dividing the cadastres; northeasterly, the northwestern line of lot 228 and part of the northwestern line of lot 278 to the apex of the southern angle of lot 323 of the cadastre of Paroisse de Saint-Norbert; northwesterly, the southwestern line of lots 323 to 325; lastly, northeasterly, the dividing line between the cadastres of Paroisse de Saint-Norbert and Canton de Stanfold, to the starting point.

Ministère des Ressources naturelles et de la Faune
Office of the Surveyor-General of Québec
Service des levés officiels et des limites administratives

Québec, 28 April 2009

Prepared by: _____
GENEVIÈVE TÉTREAU, T.
Land Surveyor

9488

Parliamentary Committees

Committee on Institutions

General consultation

Draft Bill entitled An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority

The Committee on Institutions will be holding public hearings beginning January 13, 2010, as part of its general consultation on the draft bill entitled An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority. The draft bill is available on the Committee's web page at www.assnat.qc.ca; it may also be obtained by contacting the committee clerk.

Individuals and organizations wishing to express their views on this subject must submit a brief to the Committee Secretariat no later than November 20, 2009. Briefs must be on letter-size paper and include a summary of their contents. They may be sent by email (Word or unlocked PDF) or regular mail, or dropped off at the reception desk of the Committee Secretariat.

Individuals wishing to be heard during public hearings without submitting a brief must file a request to that effect with the committee clerk no later than November 20, 2009. The request must include a short statement summarizing the nature of the presentation to be made.

On the basis of these briefs and requests, the Committee decides which individuals and organizations it will hear.

Unless the Committee decides otherwise, briefs will be made public and posted on the Committee's web page, along with any personal information they contain.

Deadlines for submitting briefs and requests are subject to change, as is the start-date for public hearings. If changes are made, the information will be made public via the National Assembly's website without additional notice being published in the newspapers.

Briefs, requests, correspondence and inquiries should be addressed to Mr. Yannick Vachon, Clerk of the Committee on Institutions, Édifice Pamphile-Le May, 1035, rue des parlementaires, 3^e étage, Québec (Québec) G1A 1A3.

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Toll-free number: 1 866 337-8837

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Index

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

	Page	Comments
Amalgamation of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville (An Act respecting municipal territorial organization, R.S.Q., c. O-9)	3547	
Committee on Institutions — General consultation — Draft Bill — An Act to amend the Civil Code and other legislative provisions as regards adoption and parental authority	3551	Committee Parliamentary
Conservation and development of wildlife, An Act respecting the... — Hunting activities (R.S.Q. c. C-61.1)	3533	Draft
Conservation and development of wildlife, An Act respecting the... — Scale of fees and duties related to the development of wildlife (R.S.Q., c. C-61.1)	3544	Draft
Elections and referendums in municipalities, An Act respecting... — Entry of the names of certain persons on the municipal lists of electors (R.S.Q., c. E-2.2)	3545	Decision
Entry of the names of certain persons on the municipal lists of electors (An Act respecting elections and referendums in municipalities, R.S.Q., c. E-2.2)	3545	Decision
Hunting activities (An Act respecting the conservation and development of wildlife, R.S.Q. c. C-61.1)	3533	Draft
Midwives — Committee on training (Professional Code, R.S.Q., c. C-26)	3542	Draft
Municipal territorial organization, An Act respecting... — Amalgamation of Municipalité de Saint-Norbert-d'Arthabaska and Village de Norbertville (R.S.Q., c. O-9)	3547	
Parental insurance, An Act respecting... — Regulation (R.S.Q., c. A-29.011)	3530	M
Professional Code — Midwives — Committee on training (R.S.Q., c. C-26)	3542	Draft
Régime de retraite des membres de la Sûreté du Québec — Partition and assignment of benefits accrued — Replacement (An Act to amend various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, 1990, c. 5)	3534	Draft
Scale of fees and duties related to the development of wildlife (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	3544	Draft
Supplemental Pension Plans Act — Supplemental pension plans (R.S.Q., c. R-15.1)	3515	M
Supplemental pension plans (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	3515	M

Various legislation for the purposes of partition and assignment between spouses of benefits accrued under a pension plan, An Act to amend... — Régime de retraite des membres de la Sûreté du Québec — Partition and assignment of benefits accrued — Replacement	3534	Draft
(1990, c. 5)		